

Oregon
Rt 1, Box 98, Joseph, Or

3476

STATUS OF APPLICATION

Change in point of diversion
Date filed 9-24-76
Date of hearing _____
Place of hearing _____
Date of order 10-14-76 Vol. 28, page 49
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued APR 15 1977 Vol. 36, page 44331

to survey 9/77

DESCRIPTION OF WATER RIGHT

Name of stream Spring Creek
Trib. of _____ County of Walla Walla
Use irrigation
Quantity of water _____ No. of acres 2 6
Name of ditch Schleuer's Lower
Date of priority _____
In name of _____
Imnaha River Adjudication, Vol. 10, page 325
App. No. _____ Per. No. _____ Cert. No. 40407
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-24-76</u>	<u>35.00</u>	<u>5-4163</u>
TOTAL . . .		
<u>11-29-76</u>	<u>2.00</u> Cert. Fee	<u>57023</u>

FEES REFUNDED

Date	Amount	Check No.
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REMARKS

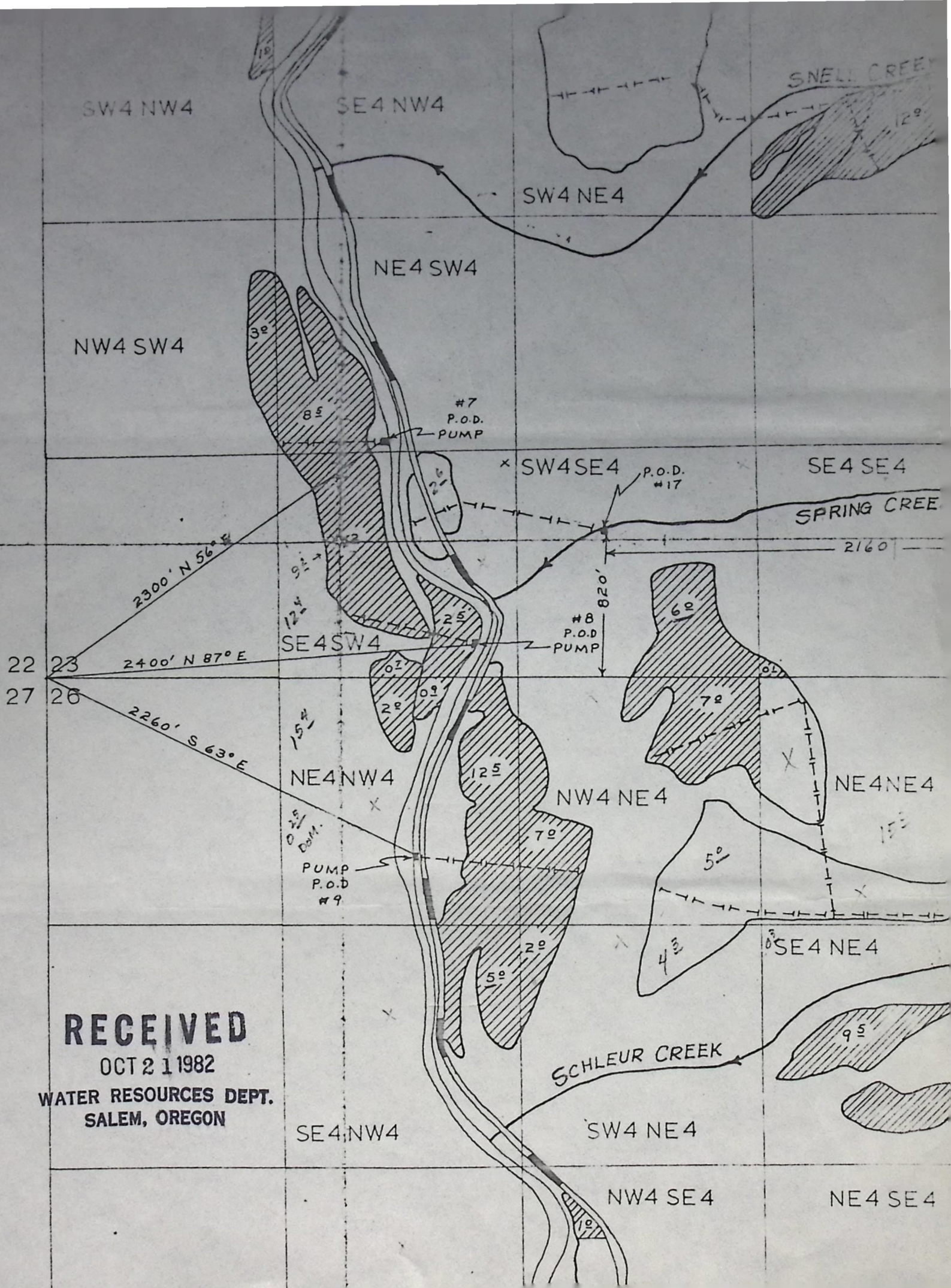
Canceled Sp.Or.Rec.Vol. 36 P. 564

INDEX CARDS: Entered ✓, Checked ✓

<u>WH</u>	Name	<u>✓</u>	<u>✓</u>
<u>WH</u>	Stream	<u>✓</u>	<u>✓</u>
<u>WH</u>	Pt. of Div.	<u>✓</u>	<u>✓</u>
<u>WH</u>	Calendar	<u>✓</u>	<u>✓</u>

CHECKED TO RECORDS:

<u>✓</u>	Twp. & Rge.	<u>✓</u>	<u>✓</u>
<u>✓</u>	Decree-vault	<u>✓</u>	<u>✓</u>
<u>✓</u>	Decree-safe	<u>✓</u>	<u>✓</u>
<u>✓</u>	Cert. of W/R	<u>✓</u>	<u>✓</u>
<u>✓</u>	Per. Folder	<u>✓</u>	<u>✓</u>
<u>✓</u>	Chainindex	<u>✓</u>	<u>✓</u>
<u>✓</u>	Cross Ref.	<u>✓</u>	<u>✓</u>
<u>✓</u>	Power Claim	<u>✓</u>	<u>✓</u>
<u>✓</u>	Abstracts	<u>✓</u>	<u>✓</u>



RECEIVED

OCT 21 1982

WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF W. G. MILLER)

O R D E R

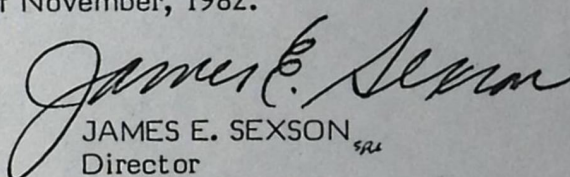
On October 21, 1982, Leslie Masterson and Delwin L. Helmhout submitted an affidavit that they are the owner and contract holder, respectively, of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question was established by Decree of Circuit Court for Wallowa County, entered November 30, 1930, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Imnaha River, tabulated in the name of W. G. Miller, at page 325, Volume 10, Order Record of the Water Resources Director, and is a portion of the right in the name of W. G. Miller, and is for the use of not to exceed 3/80 cubic foot per second of water per acre from Spring Creek, with a date of priority of November, 1887 for irrigation of 2.6 acres in SE 1/4 SW 1/4, Section 23, Township 1 South, Range 48 East, WM. Said water right is currently described by the order of the Water Resources Director entered October 14, 1976, at page 49, Volume 28, Order Record of the Water Resources Department, approving Transfer 3476.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the said water right for the use of the waters of Imnaha River, with a date of priority of November, 1887, is canceled.

Dated at Salem, Oregon, this 9th day of November, 1982.


JAMES E. SEXSON^{SR}
Director

3470B

A F F I D A V I T

RECEIVED

OCT 21 1982

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON)
County of Wallowa) ss.

(I), (~~we~~), Leslie Masterson, being first duly sworn, depose and say that (I am), (~~we are~~) the owner(~~s~~) of the following described land:

T. 1 S. R. 48 E. W.M. Section 23 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)

and a portion of the water right appurtenant thereto, which is for the appropriation of 0.975 cubic foot of water per second from Spring Creek for the irrigation of 2.6 acres

under a priority date of Nov. 1887, as evidenced by former certificate recorded at page 40407, volume 32, in the name of W. G. Miller, State Record of Water Right Certificates.

This certificate being superceded by T-3476 in the name of James Stubblefield, recorded at page 49, volume 28, by Special Order of the Water Resources Director.

That (I), (~~we~~) have abandoned any and all interest in and to said right and request the same be canceled.

IN WITNESS WHEREOF, (I), (~~we~~) have hereunto set (my), (~~our~~) hand (~~vs~~) this _____ day of _____, 19__.

Leslie Masterson
Owner of record

Richard L. Holmquist
Contract holder

Subscribed and sworn to before me this 19th day of October,

1982.

May Ann Mathis
Notary Public for Oregon
My commission expires Perpetual

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

2 LAZY H RANCH INC.

W. G. MILLER

of Imnaha , State of Oregon, 97842 , has
a right to the use of the waters of a spring

a tributary of Imnaha River for the purpose of
irrigation and domestic

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Wallowa County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 11 , at page 6 ; that the priority of the
right thereby confirmed dates from 1909

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed three-eightieths of
one cubic foot per second per acre of land irrigated, and not to exceed one and
one-half acre feet per acre during any period of 30 days during the irrigation
season.

The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T. 1 S., R. 48 E., W. M.

A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

Domestic and 0.25 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 26
T. 1 S., R. 48 E., W. M.

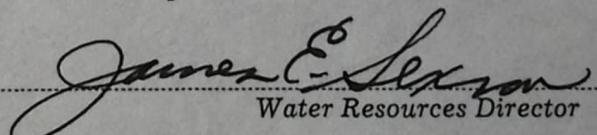
This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 40407, Volume 32, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on October 14, 1976, approving transfer application No. 3476.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date April 15 , 1977 .


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36 , page 44331

✓ INDEXED

92904

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of Wallowa } ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume 3

of Record of Water Right Certificates, at
May 27th, 1977 at 9:35 a. m.

Page 103, on the 27th day

of May, 19 77

May 27 1977

County Clerk.

SP*32934-690

M E M O R A N D U M

TO: Bob DeBow

Date: August 3, 1982

FROM: Sam Allison *Sam*

Subject: Transfer 3476, Stubblefield (Les Masterson)

On October 14, 1976, the Water Resources Director approved this transfer, to change the point of diversion from Spring Creek for irrigation of 2.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T1S, R48E, WM.

The property appears to be inside the boundary of the Imnaha Sprinkler Association, and was to divert water from POD #17 (I.S.A. App 49222, Permit 44683).

Les Masterson, who apparently bought the property from James Stubblefield, told both you and Bob Barwin in 1978 that he hadn't used Spring Creek, and didn't intend to, from either point of diversion.

There is no apparent overlap with I.S.A. rights, nor are there any supplemental rights to the 2.6 acres.

If Mr. Masterson isn't irrigating the land at all, do you think he could be persuaded to sign a cancel authorization for T-3476? If he is irrigating from Imnaha River, he should file for a right from the river.



STATE OF OREGON

INTEROFFICE MEMO

TO: James Carver

RECEIVED

DATE: 12 Sept. 1978

SEP 13 1978

FROM: Bob DeBow

**WATER RESOURCES DEPT.
SALEM, OREGON**

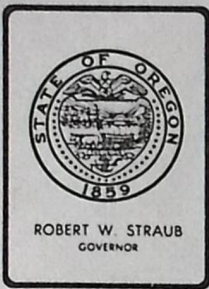
SUBJECT: Trans. 3476

The new owners of this property now inform me that they are not interested in Spring Crk. They haven't used it and don't intend to. They will apply for a new right from Imnaha River for this land. I don't know what the former owner had in mind but these folks say that the stream is dry most of the time.

The new owners go by (2 Lazy H Ranch Inc.) and there seems to be three partners involved. Correspondence can be addressed to the aforementioned ranch C/o Les Masterson

Rural Route
Imnaha, Oregon 97842

A handwritten signature in cursive script, appearing to read "Bob DeBow".



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

September 14, 1978

2 Lazy H Ranch
c/o Les Masterson
Rural Route
Imnaha, Oregon 97842

RE: File No. T-3476

Dear Mr. Masterson:

We have been advised by the watermaster that as the current owner of the lands involved in a change in point of diversion for irrigation purposes under transfer application No. 3476, you are no longer interested in irrigating these lands from Spring Creek. A copy of the map received in support of the transfer application No. 3476 is enclosed.

An affidavit form is enclosed for your convenience in clearing the unwanted Spring Creek right from the records, which would clear the way for a new filing for a right to irrigate the lands from the Imnaha River.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj

cc: Robert W. DeBow, Watermaster

A F F I D A V I T

I, Les Masterson, authorized agent for 2 Lazy H Ranch, Inc., being first duly sworn, depose and say that said corporation is the owner of certain real property in Wallowa County, Oregon, and the water right appurtenant thereto, being for the use of not to exceed 0.10 cubic foot per second of water from Spring Creek with a priority date of November, 1887, from an authorized point of diversion within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 1 South, Range 48 East, W.M., for irrigation of a certain 2.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 23, as described in the administrative order of the Water Resources Director, dated October 14, 1976, approving water right transfer application No. 3476, in the name of James A. Stubblefield; that said corporation has abandoned any and all interest in and to said water right described above and hereby authorizes the Water Resources Director to cancel said water right from the records of his office.

Dated and signed this _____ day of _____, 1978.

Les Masterson

Subscribed and sworn to before me this _____ day of

_____, 1978.

Notary Public for Oregon

My Commission expires:

9:30 THUS

432 4581
426 4160

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN POINT OF DIVERSION FROM SPRING CREEK

LES MASTERSON 577-3148

Transfer No. 3476 County WALLOWA

1. Name James A. Stubblefield Address Imnaha 97842

2. Source of Supply Spring Creek, Trib. of _____

3. Amount of Water 3/80th cfs/acre Priority Date November, 1887

4. Use irrigation

5. Proposed Point of Diversion 820 ft N & 2160 ft W from SE cor of Sec 23, being within
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 23, T 1 S, R 48 E, W.M.

6. Place of Use

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
15	48E	23			

ADVERSE REPORT
8/31/78 RFB

50 MAX
8" to 4" P.V.C.
MAIN

RECEIVED

SEP 7 1978

WATER RESOURCES DEPT.
SALEM, OREGON

INFO: LES MASTERSON. MR. MASTERSON
STATES NO WATER HAS EVER BEEN
DIVERTED FROM SPKING CREEK FOR
IRRIGATION. THE TWO FIELDS SHOWN
ON APPLICATION MAP ARE IRRIGATED
FROM THE IMNALIA R. NO DITCHES ARE
LOCATED NR. OLD P.O.D. SHOWN ON MAP
AND NO PIPELINE HAS BEEN PLACED TO
OPERATE A GRAVITY SPRINKLER SYSTEM.

AUGUST 31 1978

Robert J. Brown
FIELD ENGINEER

RECEIVED

SEPT 1978

WATER RESOURCES DEPT.
SALEM OREGON

A F F I D A V I T

STATE OF OREGON)
) ss
County of)

(I) (We), legal owners & contract purchasers, of
mailing address, being first duly
sworn, depose and say that (I am) (we are) the legal owner(s) of the following
described property:

Legal Description

and the water right that is appurtenant thereto, it being (a portion of)
Certificate No. , in the name of , under date
of priority of , for the use of c.f.s. (per acre)
of water from for the irrigation of acre(s) in
forty, and acre(s) in forty, Section , Township ,
Range , W.M.; that (I) (we) have abandoned any and all interest in
this water right and request the said right be canceled that is appurtenant
to (my) (our) land.

IN WITNESS WHEREOF, (I) (we) hereunto set (my) (our) hand(s)
this day of , 19 .

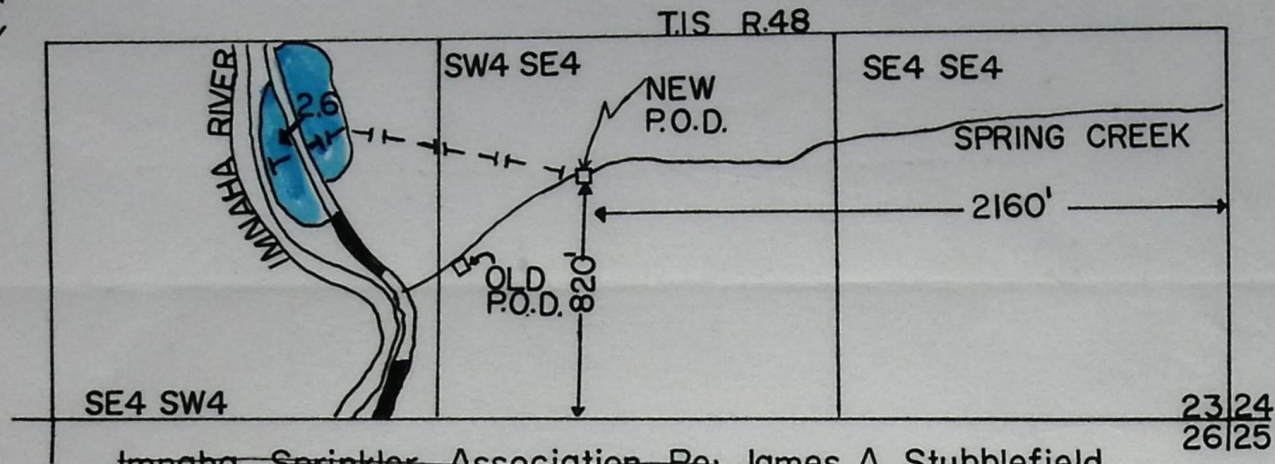
Subscribed and sworn to before me this day of ,
19 .

Notary Public of Oregon
My Commission expires

RECEIVED

MAY 18 1976

WATER RESOURCES DEPT
SALEM, OREGON



~~Imnacha Sprinkler Association~~ Re: James A. Stubblefield
Certificate- 9374

LEGEND



Existing Water Right

T # 3476

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF JAMES A. STUBBLEFIELD FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM SPRING)
CREEK)

ORDER APPROVING
TRANSFER NO. 3476

On September 24, 1976, James A. Stubblefield filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record from Spring Creek.

Certificate of water right issued to W. G. Miller and recorded at Page 40407, Volume 32, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed three-eightieths of one cubic foot per second per acre of land irrigated, and not to exceed one-half acre foot per acre during any period of 30 days during the irrigation season, for irrigation of 2.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 1 South, Range 48 East, W.M., with a date of priority of November, 1887.

These lands are irrigated by means of the Schleuer's Lower ditch from a point of diversion located 500 feet North and 2400 feet West from the Southeast corner of Section 23, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 1 South, Range 48 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 820 feet North and 2160 feet West from the Southeast corner of Section 23, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 1 South, Range 48 East, W.M.

Mr. Robert DeBow, Watermaster of District No, 7, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed three-eightieths of one cubic foot per second per acre of land irrigated, and not exceed one-half acre foot per acre during any period of 30 days during the irrigation season.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to W. G. Miller and recorded at Page 40407, Volume 32, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to

James A. Stubblefield.

Dated at Salem, Oregon, this 14th day of October, 1976.

/s/ JAMES E. SEXSON
Director

RECEIVED
DEC 20 1976
WATER RESOURCES DEPT
SALEM, OREGON

Transfer No. 3476

NOTICE OF COMPLETION OF CONSTRUCTION

I, James A. Stubblefield hereby certify

that the construction work has been completed and the change in point
of diversion of water made as set forth in the order of the Water
Resources Director dated Oct 14, 1976, approving an application
for a change in point of diversion of water from Spring Creek

_____.

12-16-76

Dated

James A. Stubblefield
Name

OK JAC

RECEIVED

MAY 13 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

SEP 24 1976

WATER RESOURCES DEPT
SALEM, OREGON

T#3476
2002
1500

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

JAMES A. Stubblefield

I, (Re: James A. Stubblefield)

James Sprinkler Association

(Name of applicant)

Ph 577-3148

of Imnaha

(Postoffice)

County of Wallowa

State of Oregon

Point of Diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Spring Creek

(Name of stream)

2. The use to which the water is applied is Irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Schleuer's Lower or (Spring Creek)

4. The point of diversion is located 500 ft. N and 2400 ft. W from the SE

(N. or S.)

(E. or W.)

corner of Section 23

(Section or subdivision)

being within the SW-SE

of Section 23

Tp. 1 S

R. 48 E

W. M., in the County of

Wallowa

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
1 S	48 E	23											2.6					

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? November, 1887

9. Was your water right acquired by State Engineer's Permit? No If so, give number

(Yes or No)

of permit

Fees: Ex 20
Rec POD 15 } 35-
No FON

10. Do you hold a water right certificate? Yes If so, give number of certificate 40407
(Yes or No) 9271

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes If so, give title of proceedings Imnaha River Decree
(Yes or No)

12. Is the water right recorded in your name? No -- W. G. Miller
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 820 ft. N and 2160 ft. W from the SE corner of Section 23 being within the SW 1/4 of Section 23 Tp. 1 S R. 48 E W. M., in the county of Wallowa The name of the ditch to be used is Schleuer's Lower or Spring Creek
(N. or S.) (E. or W.)
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No lands being transferred
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
NA		

20. Reasons for the proposed changes are Conversion to sprinkler irrigation.

RECEIVED
MAY 18 1938
MAY 18 1938
MAY 18 1938

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MAY 18 1938
MAY 18 1938
MAY 18 1938

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MAY 18 1938
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AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of WALLOWA

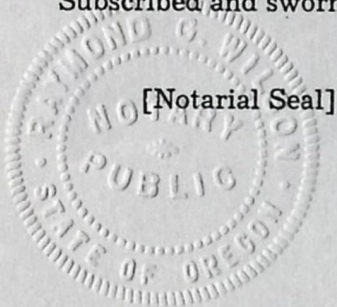
} ss.

I, James A. Stubblefield, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 12th day of May, 19 76.

James A. Stubblefield
(Name of applicant)

Subscribed and sworn to before me this 12th day of May, 19 76.



[Notarial Seal]

Raymond C. Wilson
NOTARY PUBLIC FOR OREGON

My commission expires 12/31/77

Remarks _____

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



STATE OF OREGON

INTEROFFICE MEMO

TO: Jim Carver

FROM: Bob DeBow

SUBJECT: Trans. 3476 (James A. Stubblefield)

DATE: 5 Oct 1976

RECEIVED
OCT 06 1976
WATER RESOURCES DEPT/
SALEM, OREGON

This was strictly a move to gain better fall for the pipeline.
No measuring devices will be necessary at this time. There are no
other users on this small stream.

R.W. DeBow

Please relay these precip records to Ben Scales.

RECEIVED
OCT 06 1976
WATER RESOURCES DEPT
SALEM, OREGON