

3398

STATUS OF APPLICATION

Change in point of diversion
Date filed 4-21-76
Date of hearing _____
Place of hearing _____
Date of order 5-12-76 Vol. 27, page 184
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued DEC 21 1978 Vol. 40, page 47

DESCRIPTION OF WATER RIGHT

Name of stream South Fork Wallowa River
Trib. of _____ County of Wallowa
Use irrigation and stock
Quantity of water _____ No. of acres 180
Name of ditch Brown
Date of priority 1881
In name of J. D. Wood
Wallowa River Adjudication, Vol. 5, page 206
App. No. _____ Per. No. _____ Cert. No. 3196
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
4-21-76	35.00	54652
TOTAL . . .		
11-6-78	\$2 Cert. Fee	7218

FEES REFUNDED

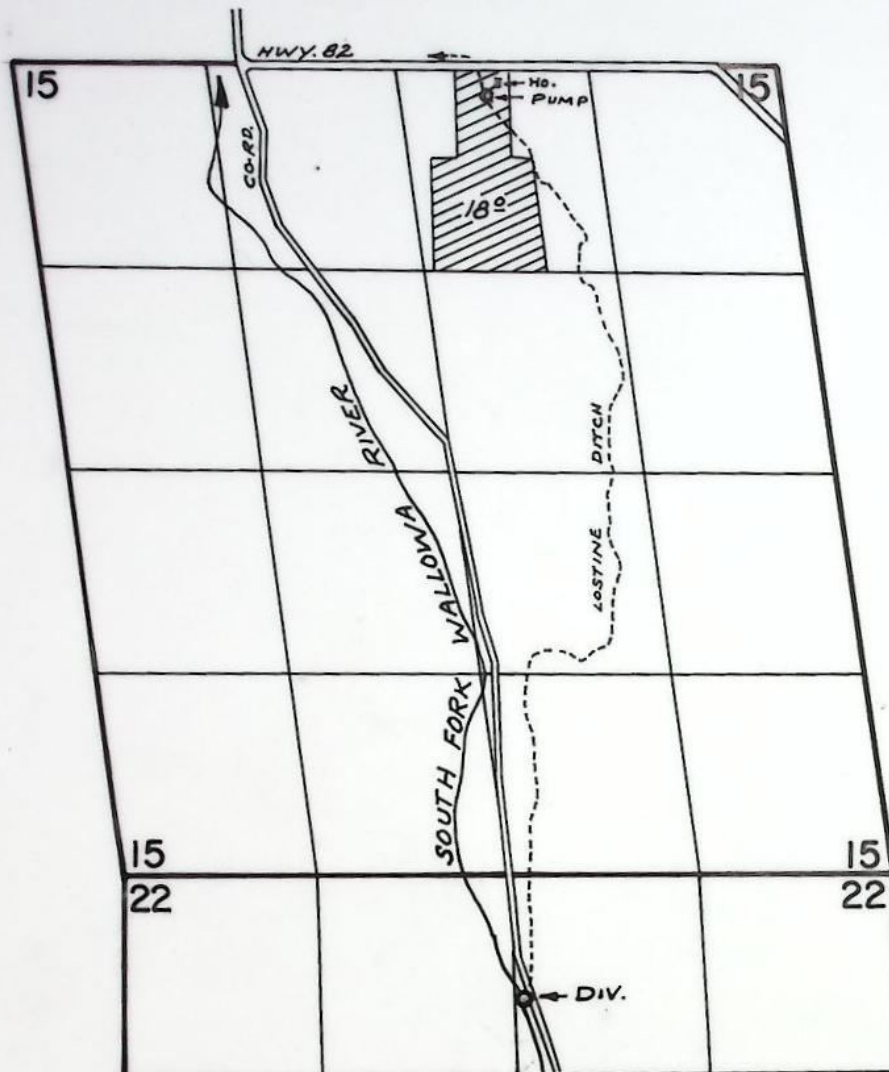
[illegible]

REMARKS

INDEX CARDS: Entered Checked

W.H.	Name	✓	_____
W.H.	Stream	✓	_____
W.H.	Pt. of Div.	✓	_____
W.H.	Calendar	✓	_____
CHECKED TO RECORDS:			
✓	Twp. & Rge.	W.H.	_____
✓	Decree-vault	W.H.	_____
✓	Decree-safe	W.H.	_____
✓	Cert. of W/R	CC	_____
_____	Per. Folder	_____	_____
_____	Chaindex	_____	_____
_____	Cross Ref.	_____	_____
_____	Power Claim	_____	_____
_____	Abstracts	_____	_____

T.1S.R.43E.W.M.



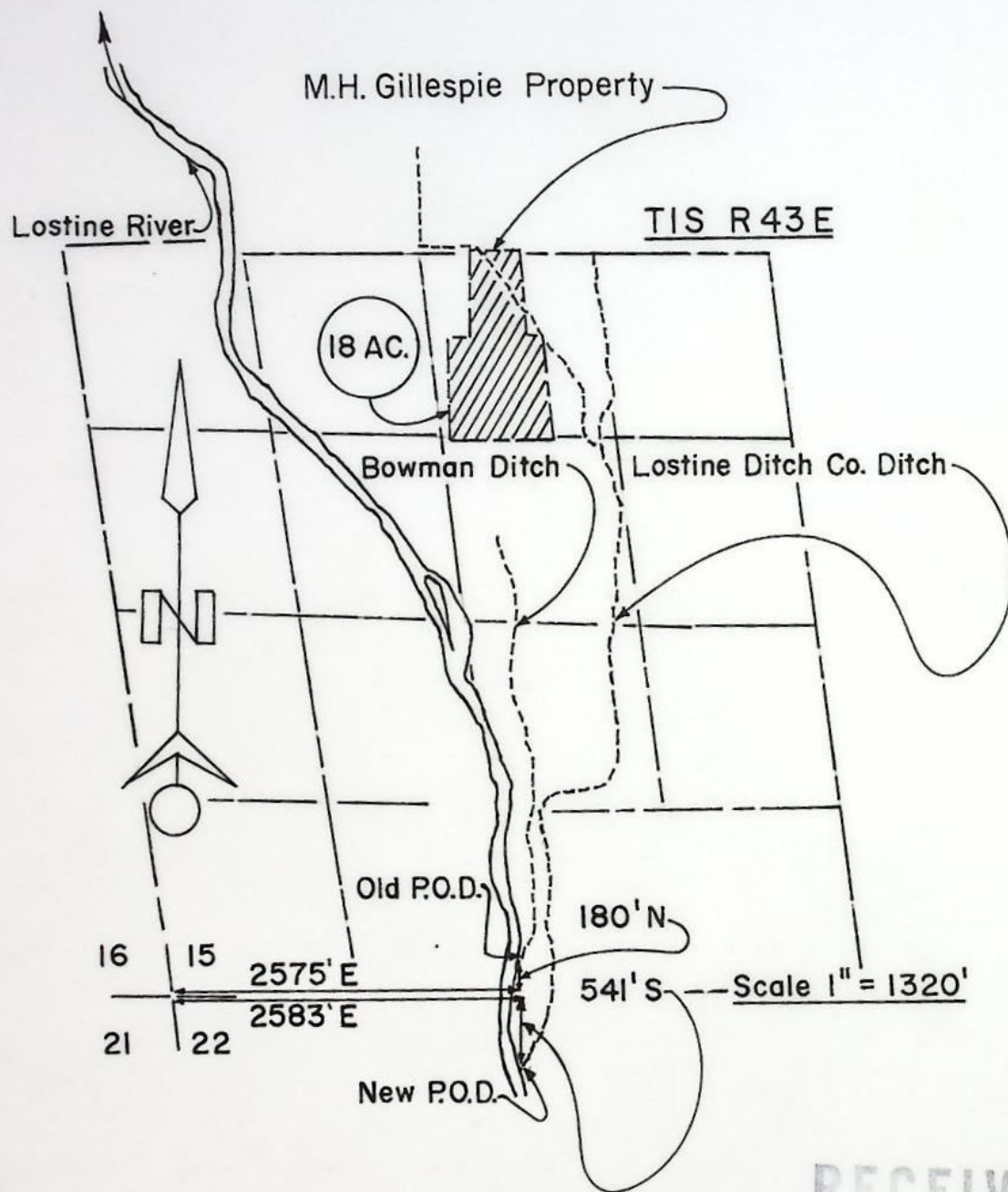
DIV. LOC: 830' S. & 2700' E. FROM N.W. COR. SEC. 22

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3398
Application No. _____ Permit No. _____
IN NAME OF

..... M. H. GILLESPIE

Surveyed SEPT. 29, 1976, by R. M. LUCKEN...



WATER RIGHTS MAP
M.H. Gillespie

RECEIVED
APR 21 1976
WATER RESOURCES DEPT
SALEM, OREGON

T-3398

Transfer No. 3398

NOTICE OF COMPLETION OF CONSTRUCTION

I, M. H. Gillespie 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 May 17-1976, approving an application
for a change in point of diversion of water from Bowman Ditch
to Festine ditch.

June 28-76
Date

M. H. Gillespie
Name

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JUN 29 1976

WATER RESOURCES DEPT
SALEM, OREGON



STATE OF OREGON

INTEROFFICE MEMO

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TO: Trevor Jones

APR 30 1976

DATE: 29 April 1976

WATER RESOURCES DEPT
SALEM, OREGON

FROM: Bob DeBow

SUBJECT: T-3398

Both ditch companies were in agreement over the transfer of Mr. Gillespie.

The change in point of diversion is less than $\frac{1}{4}$ mile and there are no diversions in between. As of this date I do not feel any measuring devices will be necessary.

I am sorry that I over looked this on the application.

Robert W. DeBow

A handwritten signature in cursive script that reads "Robert W. DeBow".

Watermaster Dist. #7

Enterprise, Oregon

T-3398

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APR 2 1976

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, M. H. Gillespie Box 136
(Name of applicant)

of Lostine, Oregon 97859, County of Wallowa
(Postoffice)

State of Oregon, do hereby make application for change Point of Diversion

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

1. The source of present water right is South Fk. Wallowa River (Lostine River)
(Name of stream)

2. The use to which the water is applied is Irrigation & Stock
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Bowman

4. The point of diversion is located 180 ft. N. and 2575 ft. E. from the SW
(N. or S.) (E. or W.)

corner of section 15 being within the SE 1/4 SW 1/4
(Section or subdivision)

of Section 15 Tp. 1 S. R. 43 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.	43 E.	15		34.0	18.0													

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? 1881

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

of permit

10. Do you hold a water right certificate? Yes..... If so, give number of certificate 3196
(Yes or No)

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

Vol. 5, Page 206

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

12. Is the water right recorded in your name? No - J. D. Wood
(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 $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(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 541 ft. S. and 2583 ft. E. from the SW
(N. or S.) (E. or W.)
corner of section 15 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22 Tp. 1 S. R. 43 E. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Wallowa. The name of the ditch to be used is Lostine

15. Are you the owner of the land on which the proposed point of diversion is to be located? No

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.

City of Lostine - Old existing ditch with no recorded easement

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.? Yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Lostine Ditch more accessable for sprinkler
system.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Wallowa

} ss.

I, M. H. Gillespie, 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 20th day of April, 19 76.

M. H. Gillespie

(Name of applicant)

Subscribed and sworn to before me this 20th day of April, 19 76.

[Notarial Seal]

My commission expires
County clerk

NOTARY PUBLIC FOR OREGON

My commission expires

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.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION
OF M. H. GILLESPIE FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM SOUTH FORK WALLOWA
RIVER

ORDER APPROVING
TRANSFER NO. 3398

On April 21, 1976, M. H. Gillespie filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from South Fork Wallowa River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to J. D. Wood and recorded at Page 3196, Volume 4, State Record of Water Right Certificates, confirms a right to the use of water from South Fork Wallowa River for stock and irrigation of 18.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 1 South, Range 43 East, W.M., with a date of priority of 1881. These lands are irrigated by means of the Bowman ditch from a point of diversion located 180 feet North and 2575 feet East from the Southwest corner of Section 15, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 1 South, Range 43 East, W.M.

The applicant herein, owner of the lands above described, proposes to provide water for stock use and irrigate these lands from a point of diversion to be located 541 feet South and 2583 feet East from the Southwest corner of Section 15, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 1 South, Range 43 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

Mr. Robert W. DeBow, Watermaster of District No. 7, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from South Fork Wallowa River, to wit:

From a point located 180 feet North and 2575 feet East from the Southwest corner of Section 15, being within the $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Section 15, Township 1 South, Range 43 East, W.M.

To a point to be located 541 feet South and 2583 feet East from the Southwest corner of Section 15, being within the $NE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 22, Township 1 South, Range 43 East, W.M.

for stock use and irrigation of 18.0 acres in $NW\frac{1}{4}$ $NE\frac{1}{4}$, Section 15, Township 1 South, Range 43 East, W.M., with a date of priority of 1881, is approved.

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 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 $1\frac{1}{2}$ acre feet per acre during any period of 30 days prior to July 31st of each year, and thereafter not to exceed 1 acre foot per acre during the remainder of 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 certificate of water right heretofore issued to J. D. Wood and recorded at Page 3196, Volume 4, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to M. H. Gillespie confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of May, 1976.

/s/ JAMES E. SEXSON
Director

WATER RESOURCES DEPT.

~~Civil Engineer~~

~~State Engineer~~

1178 Chemeketa St. NE

Salem, Oregon 97310

Applicant - M. H. Gillespie

I, M. R. Moffit, President of the Bowman Ditch

do hereby approve the release of the land involved in this application for
transfer of diversion point appertenant to the waters of the Lostine River.

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APR 21 1976

WATER RESOURCES DEPT.
SALEM, OREGON

SIGNED

M. H. Gillespie { Land
owner
M. R. Moffit { under
Bowman
Ditch

T-3398

WATER RESOURCES DEPT.

RECEIVED

~~Chris L. Wheeler~~

~~State Engineer~~

1178 Chemeketa St. NE
Salem, Oregon 97310

APR 2 11 1976

WATER RESOURCES DEPT
SALEM, OREGON

Applicant: M. H. Gillespie

I, president of the Lostine Ditch, after consulting with the Board of Directors, hereby authorize the above mentioned applicant the right to transport the waters of the Lostine River through the aforementioned ditch to his place of use.

PROPOSED ACREAGE: 18

SIGNED

George E. Wood
PRESIDENT

CHANGE IN POINT OF DIVERSION

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FORTransfer No. 3398County Wallowa

1. Name M. H. Gillespie Address Lostine, Oregon 97857 (Box 136)
2. Source of Supply South Fork Wallowa River, Trib. of 1 1/2 acre feet prior to July 31
3. Amount of Water 1 a.f. during remainder of irrigation season. Priority Date 1881
4. Use stock use and irrigation
5. Proposed Point of Diversion 541 ft. S. and 2583 ft. E. from the SW corner of Sec. 15, being within the NE 1/4 NW 1/4 of Sec. 22, T. 1 S., R. 43 E., W.M.

6. Place of Use DATE FOR APPLICATION OF WATER:
- 10/1/77

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
1S	43E	15	NW 1/4 NE 1/4		18.0 acres

BBA-2MM-110
9-29-76
R.G.M.

✓ 2mm-110

A-4936-90
27202

INFO: MR. GILLESPIE

LAND IS IRR. BY PUMPING FROM DITCH & SPRINKLING & DIV. AT.
MOVED TO HEAD OF LOSTINE DITCH AS FILED.

DIV. - CONCRETE DAM & HEADGATE ON RIVER

RE-DIV - INFILTRATION BARREL SET IN DITCH BANK

PUMP - BERKELEY 2 $\frac{1}{2}$ " X 2" DD. CENTR. RATED 175 G.P.M. @
130' HD.

MOTOR - U.S. 7 $\frac{1}{2}$ H.P. @ 3450 R.P.M.

PIPE - 1160' - 4" ALUM. MAIN
920' - 3" " LATERAL

HEADS - 23 RB. 30'S

CROP - PASTURE, YARD & GARDEN

LIFT - +3'

TIE - BBA-2MM-110

9-29-76

R.G. Mucken