

2399 Pine Tree Line
Enterprise, Ore 97828

2399

STATUS OF APPLICATION

Change in Point of Diversion
Date filed June 9, 1970
Date of hearing August 27, 1970
Place of hearing Enterprise, Oregon
Date of order 9-30-70 Vol. 20, page 138
Date for application of water 10-1-71
Proof mailed _____
Proof received _____
Certificate issued FEB 26 1971 Vol. 29, page 37397
FEB 26 1974 31 39857

DESCRIPTION OF WATER RIGHT

Name of stream Hurricane Creek
Trib. of - County of Walla Walla
Use Irrigation-Domestic-Stock
Quantity of water see order No. of acres 50
Name of ditch Pine Tree
Date of priority 1898
In name of R.A. Shinn
Walla Walla River Adjudication, Vol. 5, page 194
App. No. _____ Per. No. _____ Cert. No. 3155
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>6/9/70</u>	<u>20.00</u>	<u>19138</u>
<u>8/10/70</u>	<u>5.00</u>	<u>20370</u>
TOTAL <u>9-19-73</u> <u>8/10/70</u>	<u>150.00</u> <u>2 Cert. Fee</u>	<u>36696</u> <u>20371</u>

FEES REFUNDED

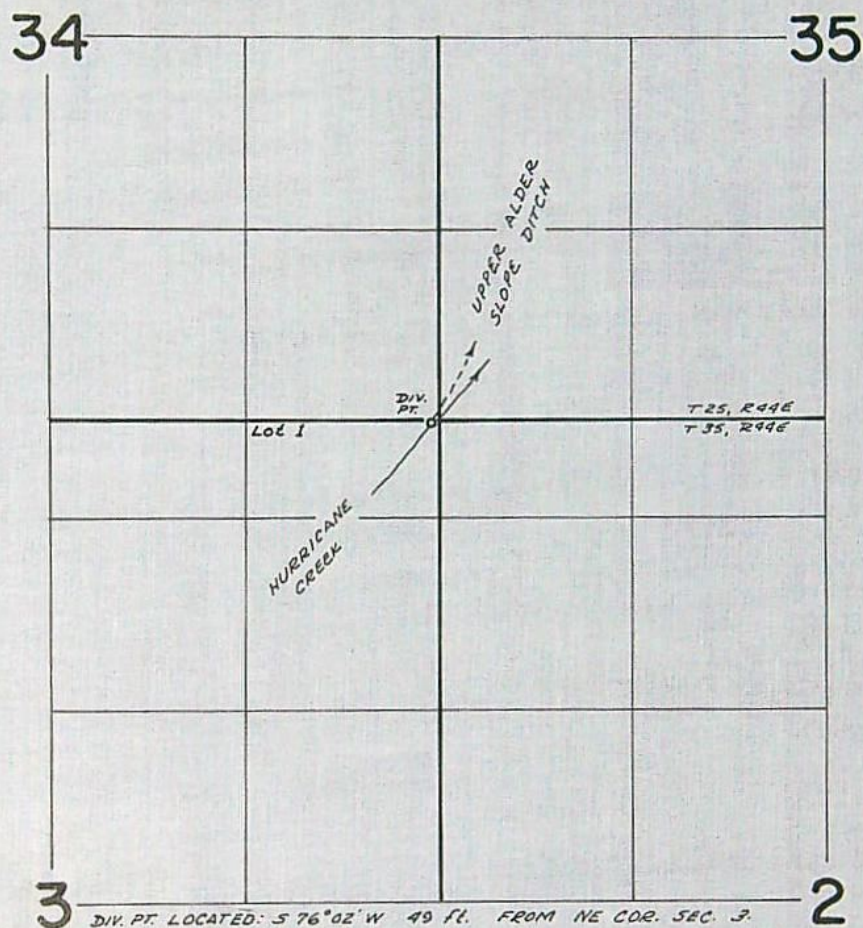
Date	Amount	Check No.

REMARKS

See transfers 2350, 2350 & 2381
For the Confining Cont. there is no domestic in this right

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>slu</u>	
<input checked="" type="checkbox"/>	Stream		<u>slu</u>	
<input checked="" type="checkbox"/>	Pt. of Div.		<u>slu</u>	
<input checked="" type="checkbox"/>	Calendar		<u>slu</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>slu</u>	
<input checked="" type="checkbox"/>	Decree-vault		<u>slu</u>	
<input checked="" type="checkbox"/>	Decree-safe		<u>slu</u>	
<input checked="" type="checkbox"/>	Cert. of W/R		<u>slu</u>	
<input type="checkbox"/>	Per. Folder			
<input type="checkbox"/>	Chainindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input type="checkbox"/>	Abstracts			

T. 3 S., R. 44 E., W.M.



FINAL PROOF SURVEY
UNDER

Transfer Nos. 2350, 2380, 2381, 2399
Application No. Permit No.
IN NAME OF

PINE TREE PIPELINE ASSOC.

Surveyed June 27, 1972, by L. E. Gould

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That PINE TREE PIPELINE ASSOCIATION

of Enterprise , State of Oregon 97828 , has a right
to the use of the waters of
Hurricane Creek
a tributary of Wallowa River for the purpose of
irrigation of 5.0 acres, and stock
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 STATE ENGINEER, in Volume 5 , at page 194 ; that the priority of the right thereby
confirmed dates from 1898

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 1.5 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 entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

The point of diversion is located in the Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 3, T. 3 S., R. 44 E., W. M., South 76 degrees 02 minutes West 49 feet from NE Corner, Section 3.
A description of the place of use under the right, and to which such right is appurtenant, is as follows:

5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 25
T. 2 S., R. 44 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered September 30, 1970, and together with the certificate recorded at page 37397, Volume 29, supersedes certificate of water right heretofore issued to R. A. Shinn and recorded at page 3155, Volume 4, State Record of Water Right Certificates.

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 State Engineer, affixed

this date February 26 , 19 74 .

.....Chris L. Wheeler.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume 31 , page 39857

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. A. SHINN

of Joseph , State of Oregon , has a right
to the use of the waters of Hurricane Creek

a tributary of Wallowa River for the purpose of
irrigation of 5.0 acres and stock use
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 STATE ENGINEER, in Volume 5 , at page 194 ; that the priority of the right thereby
confirmed dates from 1898

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 1½ 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 entire remainder of the irrigation
season;

The point of diversion is located in the

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

5.0 acres NE¼ SW¼
Section 25
T. 2 S., R. 44 E., W. M.

Certificate of water right issued to R. A. Shinn and recorded at page 3155,
Volume 4, State Record of Water Right Certificates, confirms the right to the
use of water for irrigation of 10.0 acres and stock use. A change in the right
to the use of water appurtenant to 5.0 acres was approved by order of the State
Engineer entered September 30, 1970. This certificate is issued to confirm the
remaining right to the use of water for irrigation and stock use and supersedes
the certificate heretofore issued to R. A. Shinn.

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 State Engineer, affixed

this date February 26 , 19 71 .

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29 , page 37397

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF PINE TREE PIPELINE ASSOCIATION)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
HURRICANE CREEK)

ORDER APPROVING
TRANSFER NO. 2399

On June 9, 1970, Pine Tree Pipeline Association filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Hurricane Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wallowa County, Oregon, entered January 20, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Wallowa River and its Tributaries, a water right was established in the name of R. A. Shinn for the use of the waters of Hurricane Creek for domestic and stock use and the irrigation of, among other lands, 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Township 2 South, Range 44 East, W.M., with a date of priority of 1898. This right is evidenced by certificate recorded at page 3155, Volume 4, State Record of Water Right Certificates. Water is conveyed to these lands by means of the Pine Tree Ditch from a point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 2 South, Range 44 East, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of the Hurricane Ditch from a point of diversion to be located S 76° 02' W 49 feet from the NE corner of Section 3 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 3 South, Range 44 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections

to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Enterprise, Oregon, on August 27, 1970, at 9:30 a.m. The notice was published in the Wallowa County Chieftain, a newspaper printed and having general circulation in Wallowa County, Oregon, for a period of three weeks in the issues of July 2, 9, and 16, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter L. Astwood, 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 objections having been filed and it appearing that the proposed change in point of diversion of water 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 Hurricane Creek, to-wit:

From a point located in the NE¼ SE¼, Section 35, Township 2 South, Range 44 East, W.M.

To a point to be located S 76° 02' W 49 feet from the NE corner of Section 3 being within the NE¼ NE¼ of Section 3, Township 3 South, Range 44 East, W.M.

for domestic and stock use and the irrigation of 5.0 acres in SW¼ NE¼, Section 25, Township 2 South, Range 44 East, W.M., with a date of priority of 1898, is approved.

It is FURTHER ORDERED that construction work shall be completed and the change in point of diversion of water made on or before October 1, 1971.

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 1½ acre feet per acre during any period of 30 days prior to July 31st of each year, and thereafter not to exceed 1.0 acre foot per acre during the

entire 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 headgates and measuring devices.

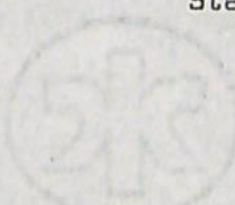
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

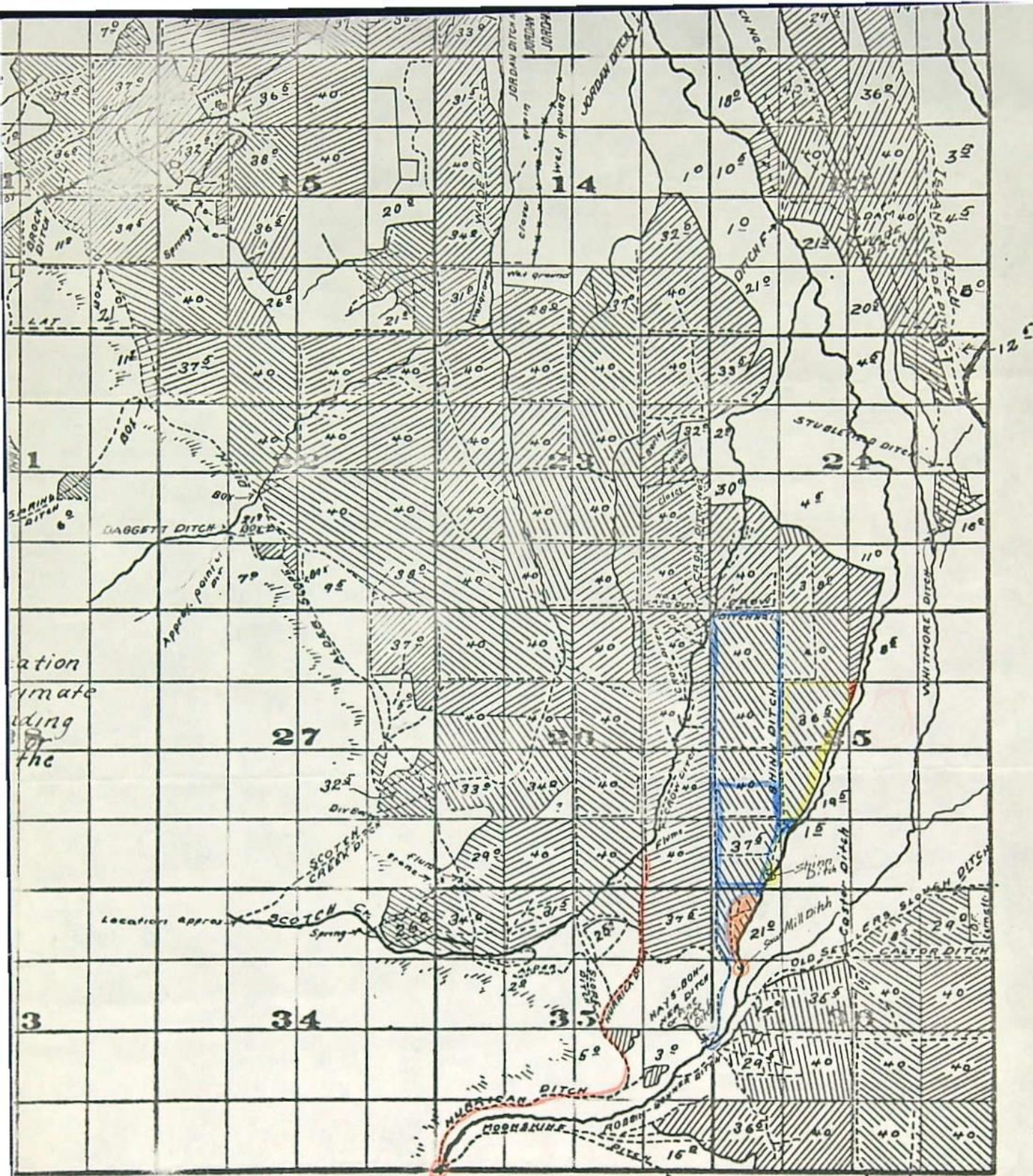
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to R. A. Shinn and recorded at page 3155, Volume 4, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Pine Tree Pipeline Association confirming said change in point of diversion.

Dated at Salem, Oregon, this 30th day of September, 1970.

/s/ CHRIS L. WHEELER
State Engineer





urvey Sept. 1914.

RECEIVED
MAY 14 1970
STATE ENGINEER
SALEM OREGON.

Adjudication Survey
Wallowa River
and
Tributaries.

RECEIVED
JUN 9 1970
STATE ENGINEER
SALEM OREGON

RECEIVED
MAY 14 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
JUN 9 1970
STATE ENGINEER
SALEM, OREGON

Not Filed
See T-2350
T-2399

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, The Pine Tree Pipe Line Association

(Name of applicant)

of Enterprise County of Wallowa

(Postoffice)

State of Oregon

, do hereby make application for change

In Point of Diversion

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

1. The source of present water right is Hurricane Creek

(Name of stream)

2. The use to which the water is applied is Irrigation, domestic, and stock

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

3. The name of the ditch, canal or pipe line is Pine Tree Ditch

Near the NE corner of the Se 1/4

4. The point of diversion is located ft. and ft. from the

(N. or S.)

(E. or W.)

corner of Sec. 35 T 2S, R44 EWM

(Section or subdivision)

being within the NE 1/4 SE 1/4

of Section 35 Tp. 2S R. 44 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
2S	44 E	25			5													

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?

(If not owner, explain your interest)

Pine Tree Pipe Line Association

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? 1898

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

(Yes or No)

of permit

V.4
3155

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

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

12. Is the water right recorded in your name? R. A. Shinn
(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.)

[illegible]

(Attach separate sheet if necessary)

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

Bears S. 76°02' W. 49 feet

14. The proposed point of diversion is located ft. and ft. from the NE
(N. or S.) (E. or W.)

corner of Sec. 3 being within the NE 1/4 NE 1/4 of Section 3 Tp. 3S R. 44 E W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

in the county of The name of the ditch to be used is Hurricane Creek Ditch &
Alder Slope Ditch

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

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.

See Agreement

17. Are there any diversions between your present point of diversion and the proposed point of diversion? Yes

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.? _____
(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 To keep as much water in one ditch
as possible to prevent loss, also to gain elevation for a gravity
feed sprinkler system

Medical Medical

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Wallowa } ss.

Assn

I, Fred Talbott, President of Pine Tree Pipe Line, 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 12 day of May, 1970.

Fred Talbott
(Name of applicant)

Subscribed and sworn to before me this 12th day of May, 1970.

[Notarial Seal]

Alfred Meyer
NOTARY PUBLIC FOR OREGON

My commission expires Jan. 17, 1971

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.

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

Transfer No. 2399

County Wallowa

1. Name Pine Tree Pipeline Assoc. Address Enterprise, Oregon
2. Source of Supply Hurricane Creek, Trib. of ---
3. Amount of Water see order Priority Date 1898
4. Use irrigation - domestic-stock
5. Proposed Point of Diversion S 76° 02' W 49 ft. from the NE corner of Sec. 3
being within the NE¼ NE¼ of Sec. 3, T. 3 S., R.
44 E., W.M.
6. Place of Use ---

[illegible]

Info: Mr. James Heilman (Owner W. $\frac{1}{2}$, N.W. $\frac{1}{4}$ Sec. 25)

System: See Description on back of Abstract
for Tr. #2350

Crop: Hay & Pasture

Use: Irrigation, & Stock (100 sheep, 10 cows, 2 horses)
max. irrigation - domestic-stock

No domestic use
Owner has well

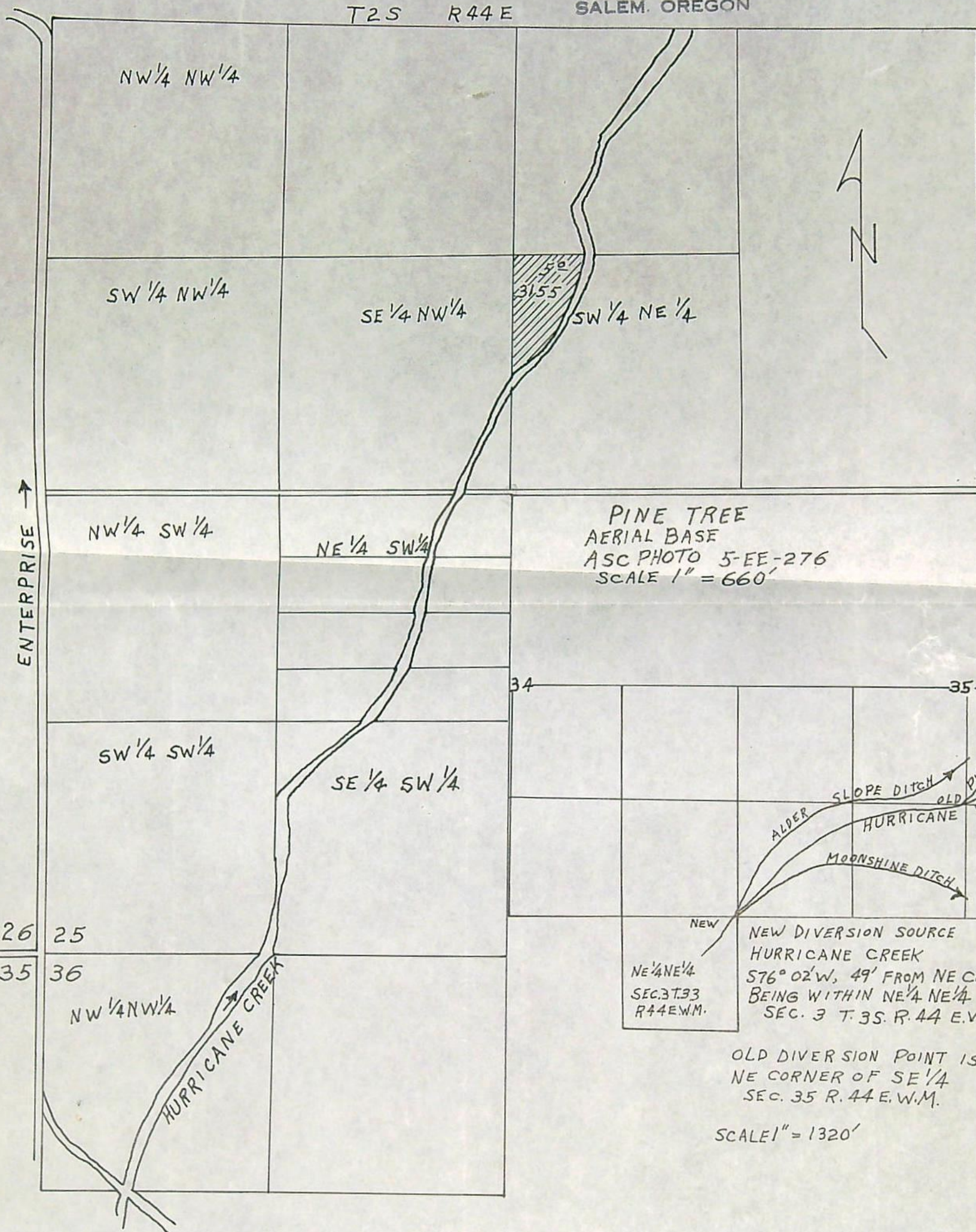
Tie: Div. Pt. Tied to N.E. Cor. Sec. 3 (1/4 B.T.)

June 27, 1972, L. E. Gould
Field Engineer

RECEIVED
MAY 14 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
JUN 9 1970
STATE ENGINEER
SALEM, OREGON

T2S R44E



RECEIVED
OCT 6 1970
STATE ENGINEER
SALEM OREGON

Transfer No. 2399

NOTICE OF COMPLETION OF CONSTRUCTION

I, Carol Neilman Sec. En., 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 State Engineer dated September 30, 1970, approving an appli-
cation for a change in point of diversion of water from _____
Hurricane Creek.

10/11/70
Date

Carol Neilman
Name