

2365 Clyde H. Hayes
Rt. 1, Box 11
Joseph, Ore. 97846

2365

STATUS OF APPLICATION

Change in Point of Diversion
Date filed April 24, 1970
Date of hearing July 1, 1970
Place of hearing Enterprise, Oregon
Date of order 11-30-70 Vol. 20, page 255
Date for application of water 10-1-71
Proof mailed _____
Proof received _____
Certificate issued MAR 9 1977 Vol. 36, page 44228

Survey 7/74

OK Cert

REMARKS

Location of leads wrong in order - use acreage from certificate when
confirming cert issued.
proof mailed 11-19-76
Form 130 sent JAN 24 1977

DESCRIPTION OF WATER RIGHT

Name of stream Hurricane Creek
Trib. of _____ County of Wallowa
Use Irrigation - Domestic - Stock
Quantity of water see order No. of acres 129.5
Name of ditch Robin Boner
Date of priority 1885
In name of W.H. Boyer Robins
Wallowa River Adjudication, Vol. 5, page 191
App. No. _____ Per. No. _____ Cert. No. 3145
Certificate cancelled _____
Notation made on record by slu

FEES PAID

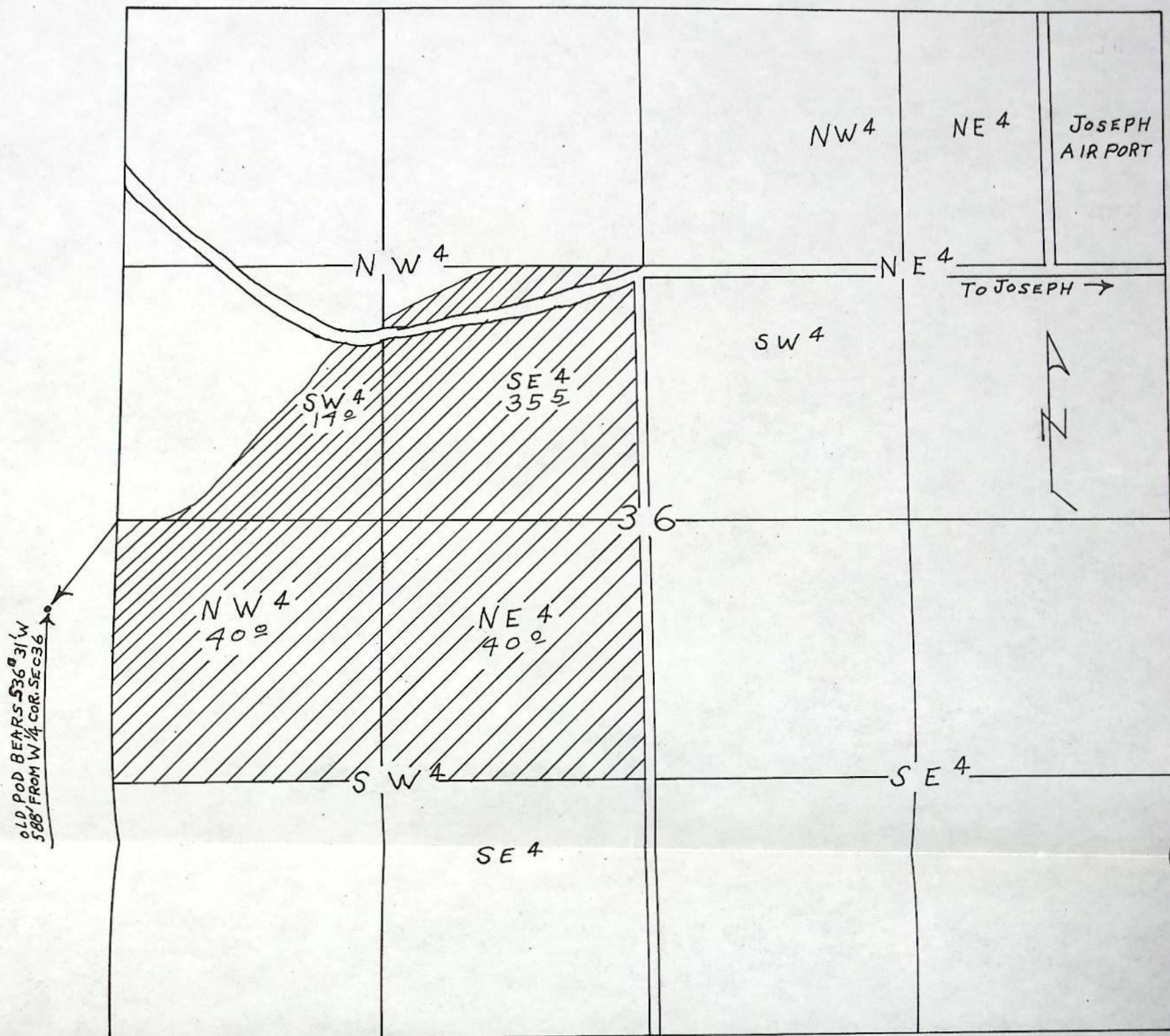
Date	Amount	Receipt No.
<u>4-24-70</u>	<u>\$ 25.00</u>	<u>18385</u>
<u>4-24-70</u>	<u>\$ 30.00 PON</u>	<u>18386</u>
TOTAL . . .		
<u>5-27-70</u>	<u>\$1 Cert. Fee</u>	<u>Perm Pub. 7 Net.</u>

FEES REFUNDED

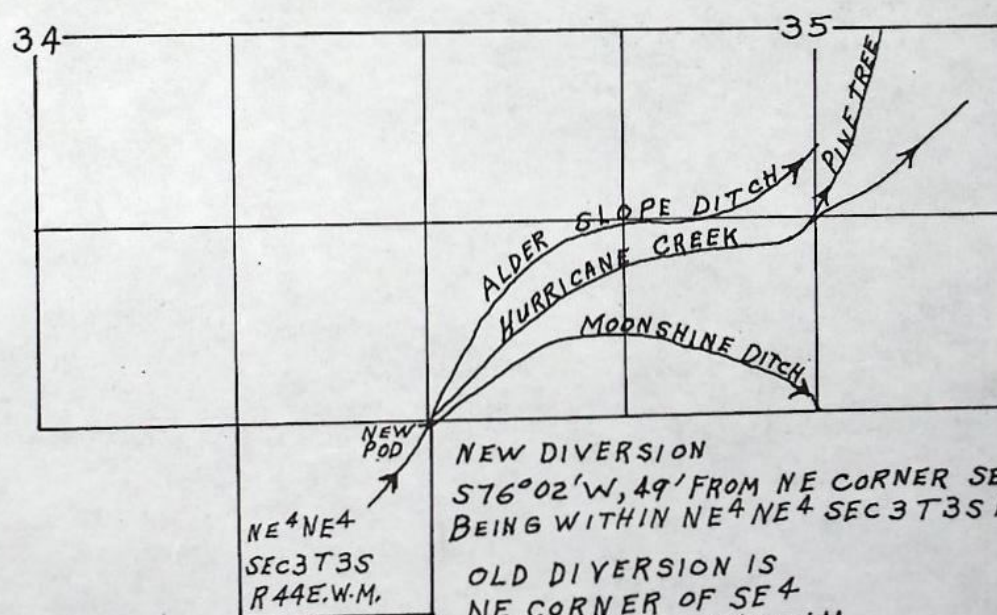
Date	Amount	Check No.
<u>5-27-70</u>	<u>\$6.85 Pub. 7 Net.</u>	<u>3655</u>

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

T.2 S. R.44 E.



SCALE 1" = 660'
AERIAL BASE
ASC PHOTO 5EE273
ROBIN BONER DITCH



SCALE 1" = 1320'

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF CLYDE A. HAYES FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM HURRICANE CREEK)

ORDER APPROVING
TRANSFER NO. 2365

On April 24, 1970, Clyde A. Hayes 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 W. H. Robins for the use of the waters of Hurricane Creek for domestic and stock use and the irrigation of 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 35.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of 1885, as evidenced by certificate recorded at page 3145, Volume 4, State Record of Water Right Certificates. Water is conveyed to these lands by means of the Robin Boner Ditch from a point of diversion located S 36° 31' W 588 feet from the W $\frac{1}{4}$ corner of Section 36, Township 2 South, Range 44 East, W.M. being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of 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 Moonshine 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 July 1, 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 May 7, 14, and 21, 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 S 36° 31' W 588 feet from the NW $\frac{1}{4}$ corner of Section 36, Township 2 South, Range 44 East, W.M. being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 3 South, Range 44 East, W.M.

for domestic and stock use and the irrigation of 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 35.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of 1885, 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, 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, thereafter not to exceed 1 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 W. H. Robins and recorded at page 3145, Volume 4, State Record of Water Right Certificates, is canceled 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 Clyde A. Hayes confirming said change in point of diversion.

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

/s/ CHRIS L. WHEELER
State Engineer

Permit No. _____

Transfer No. T-2365

County WALLOWA

PROOF OF APPROPRIATION OF WATER

1. Name - ^{Mrs.} Clyde A. Hayes 2. Address - Rt. 1 Box # 29
Joseph, OR 97846
3. Source of Supply - Hurricane Creek
Tributary of Wallowa River
4. Amount of Water - 1½ acre feet per acre during * 5. Priority date 1885
6. Use - irrigation of 129.5 acres and stock use
7. Location of point of diversion - NE¼ NE¼, Section 3, T. 3 S., R. 44 E., W. M.,
576° 02' W. 49 feet from the NE Corner of Section 3.

8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

14.0 acres SW¼ NW¼
35.5 acres SE¼ NW¼
80.0 acres N½ SW¼
Section 36
T. 2 S., R. 44 E., W. M.

* 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.

RECEIVED

FEB-7 1977

WATER RESOURCES DEPT
SALEM, OREGON

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of point of diversion approved by the order of the State Engineer entered November 30, 1970; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of February, 1977.

Ann Hayes
Legal owner of the above described lands
ANN HAYES, unmarried widow of
Clyde A. Hayes

CHANGE IN POINT OF DIVERSION

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FORTransfer No. 2365County Wallowa

1. Name Clyde A. Hayes Address Rt. 1, Box 11, Joseph, Or. 97846
2. Source of Supply Hurricane Creek, Trib. of Wallowa River
3. Amount of Water _____ Priority Date 1885
4. Use domestic, stock and irrigation of 129.5 acres
5. Proposed Point of Diversion S 76° 02' W 49 ft., from the NE corner of Sec 3, 7
being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec, 3, T. 3 S., R. 44 E, W.M.

6. Place of Use
- DATE FOR APPLICATION OF WATER: 10/1/71

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
2 S	44 E	36	NE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 acres
2 S	44 E	36	NW $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 acres
2 S	44 E	36	SW $\frac{1}{4}$ NW $\frac{1}{4}$		14.0 acres
2 S	44 E	36	SE $\frac{1}{4}$ NW $\frac{1}{4}$		35.5 acres

Complete application of water notice not submitted.

Div. Pt. prev. surveyed - Inspection
SAME DIV. AS ALDER SLOPE DITCH

11-3-75 LHN
 11-3-75 LHN
 11-3-75 LHN

Gone Fishing
 10-31-75 LHN

incorrectly described in order

Info: Mr. Hayes

Source: Hurricane Cr. (via Moonshine Ditch)

Div: Previously described

Re-Div: Two wood boxes w/a float control (6x6 into 4x5)

Pipe: Buried main from ditch ~~to~~ thru land; 1940' - 4" alum;
1380' - 3" alum

Heads: 45 RB 30 $\frac{7}{32} \times \frac{1}{8}$; 45 RB 30 $\frac{7}{32} \times 0$ (80 max)

Fall: 360' from ditch to low end says Mr. Hayes.

Crop: Hay & Pasture

Uses: Irrigation of land under old right

stock via irrigation system

Dom - No longer used says Mr. Hayes.

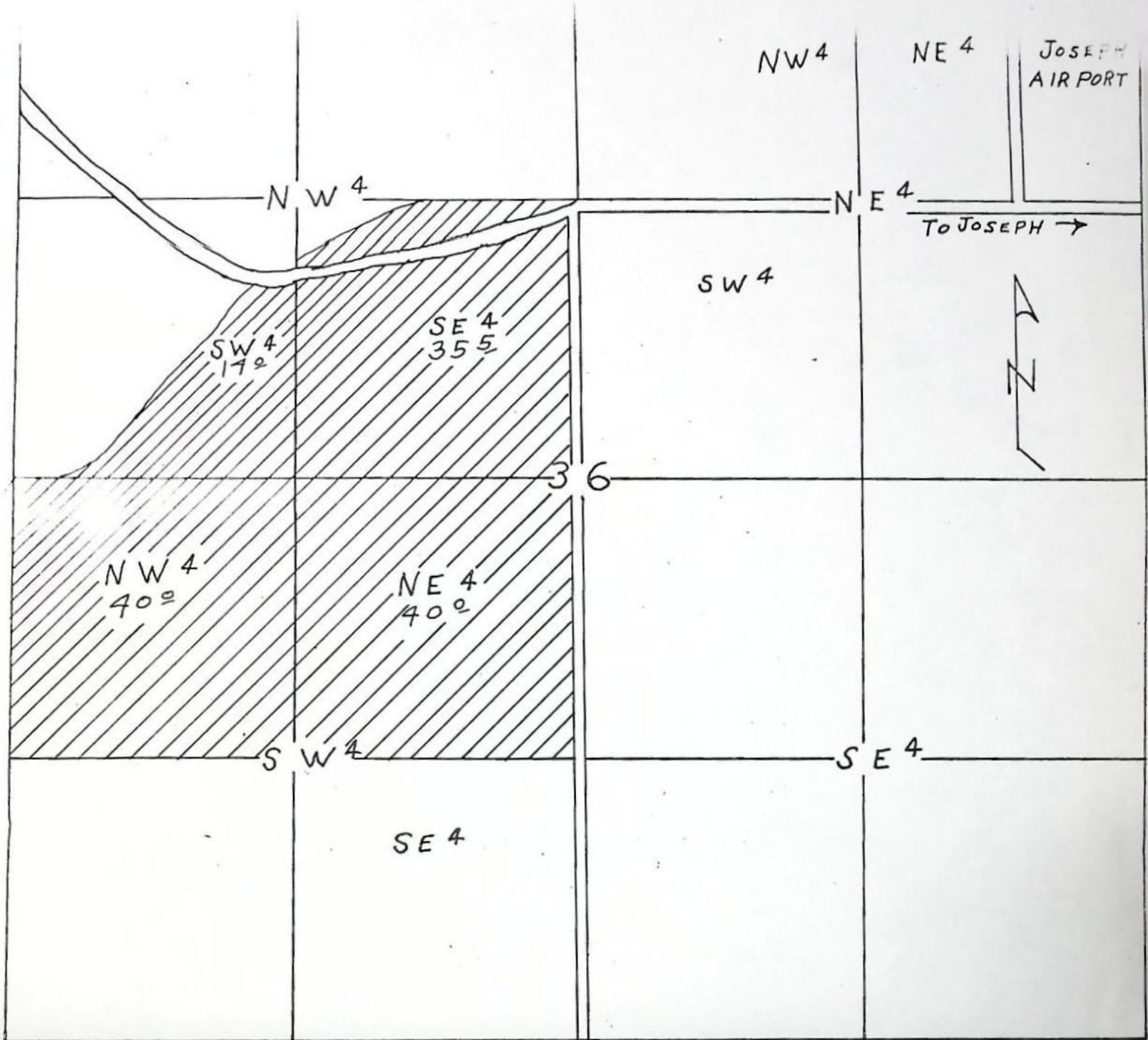
Remarks: This transfer is to transfer waters of Hurricane Cr. which used to be used via the Robin Bonner Ditch to the Moonshine Ditch to be used as before except now they use a gravity sprinkler system.

Tie: Inspection - Moonshine Div. Pt. previously described and land has not changed; except no Dom. use

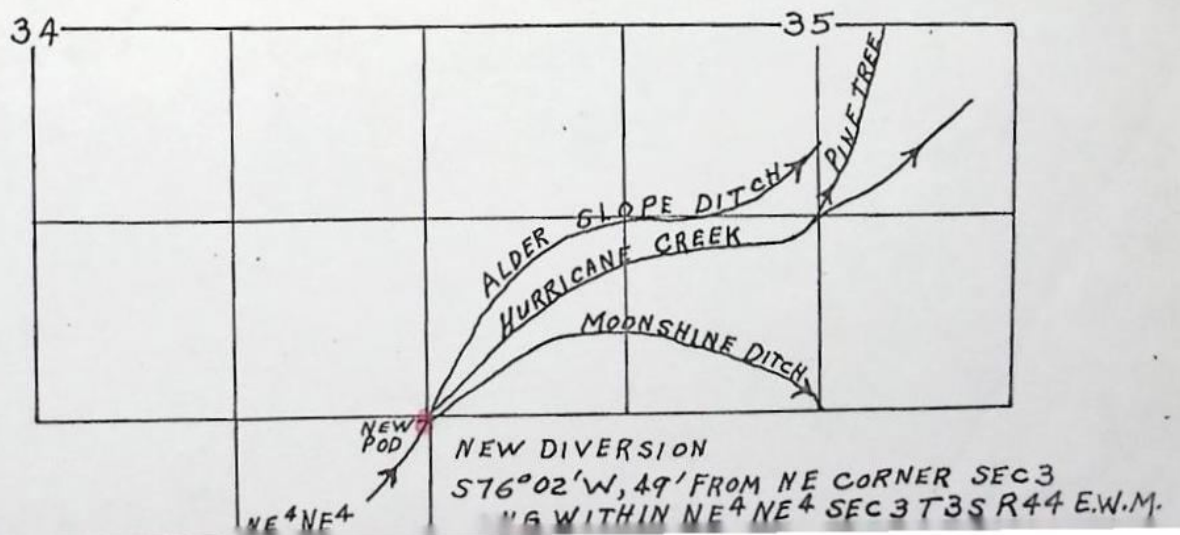
11-3-75

Larry B. Funn
Field Engineer

12 S. R. 44 E.



SCALE 1" = 660'
AERIAL BASE
ASC PHOTO 5EE273
ROBIN BONER DITCH



NEW POD
NEW DIVERSION
S76°02'W, 49' FROM NE CORNER SEC 3
"A" WITHIN NE 4 NE 4 SEC 3 T3S R44 E.W.M.

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Clyde A. Hayes

(Name of applicant)

of Rt. 1 Bx 11 Joseph

(Postoffice)

County of WallowaState of Oregondo 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 Robin Boner

Bears S 36°31' W, 588 feet

4. The point of diversion is located ft. and ft. from the W $\frac{1}{4}$

(N. or S.)

(E. or W.)

corner of Section 36, T 2 S., R 44 E.W.M. being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$

(Section or subdivision)

of Section 35 Tp. 2 S. 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 $\frac{1}{4}$	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 $\frac{1}{4}$
2 S	44	36									40	40	14	35.5				

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? Yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes8. What is the date of priority of your water right? 18859. 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 3145.....
(Yes or No)

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

Yes..... If so, give title of proceedings Wallowa River Decree 1-20-19.....
(Yes or No)

12. Is the water right recorded in your name? (No)..... W.H. Boner ^{Robins}
(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.

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 Section 3 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3 Tp. 3 S. R. 44 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 Moonshine Ditch.....

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.

Mr. Hayes has an interest in the Moonshine ditch, and an agreement has been
made with the Moonshine Ditch Co. to carry the water for these lands

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.?
(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 For the conservation of water, and to
gain elevation for a gravity feed sprinkler system.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Wallowa

} ss.

I, Clyde A. Hayes, 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 17 day of 22, 1970

Clyde A. Hayes
(Name of applicant)

Subscribed and sworn to before me this 31st day of April, 1970

[Notarial Seal]

Maya Martin
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.

Affidavit of Publication

STATE OF OREGON }
County of Wallowa } ss

I, **Thelma Morgan**, being
first duly sworn, depose and say that I am the

Office Manager

(printer, foreman of the printer, principal
clerk, publisher or business manager)
of the **WALLOWA COUNTY CHIEFTAIN**, a
newspaper of general circulation printed and
published at Enterprise in the aforesaid County
and State, as defined in Section 58, Oregon
Laws, and that the

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

a printed copy of which is hereto annexed, was
published in the entire issue of said newspaper
for 3 weeks in the issues of

May 7, 1970
May 14, 1970
May 21, 1970

Thelma Morgan

Subscribed and sworn to before me this *21st*
day of *May*, 1970

John P. [Signature]
Notary Public for Oregon

(My commission expires *11/8/72*)

Notice Of Filing Application For A Change In Point Of Diversion Of Water

Notice is given hereby that
Clyde A. Hayes has filed an
application for the approval of
a change in point of diversion
of water from Hurricane Creek.

In the Wallowa River Ad-
judication proceedings a water
right was established in the
name of W. H. Robins for the
use of the waters of Hurricane
Creek for domestic and stock
use and the irrigation of 40.0
acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres
in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.0 acres in
SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 35.5 acres in
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 2 S., R.
44 E., W.M.

The water is conveyed to
these lands by means of the
Robin Boner Ditch from a
point of diversion located S 36°
31' W 588 ft. from the W $\frac{1}{4}$ cor-
ner of Sec. 36, T. 2 S., R. 44
E., W.M. being within the
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35, T. 2 S.,
R. 44 E., W.M.

The applicant herein, owner
of the lands above described,
proposes to convey water to
these lands by means of the
Moonshine Ditch from a point
of diversion to be located S
76° 02' W 49 ft. from the NE
corner of Sec. 3 being within
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 3, T. 3
S., R. 44 E., W. M.

All persons interested are
notified hereby that a hearing
will be held at the county
courthouse at Enterprise, Ore-
gon, on July 1, 1970, at 9:30
a.m. All objections to the pro-
posed change, if any there are,
will be heard at said time and
place. Any and all objections
shall be prepared in writing,
one copy to be served on Clyde
A. Hayes, Rt. 1, Box 11, Jo-
seph, Oregon, and one copy
filed with the State Engineer,
Salem, Oregon, together with a
\$5 filing fee at least 10 days
prior to the date set for hear-
ing. If no objections are filed,
the application may be approv-
ed by the State Engineer with-
out a hearing.

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

CHRIS L. WHEELER
State Engineer

c613

RECEIVED
MAY 25 1970
STATE ENGINEER
SALEM OREGON