

2356 W.T. Puderbaugh  
600 North River St  
Enterprise, Ore 97828

23lep

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed April 24, 1970  
Date of hearing July 2, 1970  
Place of hearing Enterprise, Oregon  
Date of order 8-31-70 Vol. 20, page 56  
Date for application of water 10-1-71  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 21 1973 Vol. 31, page 39606  
*To Summary 9/30/70 cu*

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 350  
Name of ditch Robin Boner  
Date of priority 1896  
In name of F.H. Lamphear  
Walla Walla River Adjudication, Vol. 5, page 178  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 3081  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>4-24-70</u>	<u>\$ 25.00</u>	<u>18387</u>
<u>4-24-70</u>	<u>30.00 POW</u>	<u>18388</u>
<b>TOTAL</b> <u>12-5-73</u> <u>5-27-70</u>	<u>50¢</u> <u>\$1 Cert. Fee</u>	<u>37109 - see C.T. 56</u> <u>From Pub. of Nat.</u>

FEES REFUNDED

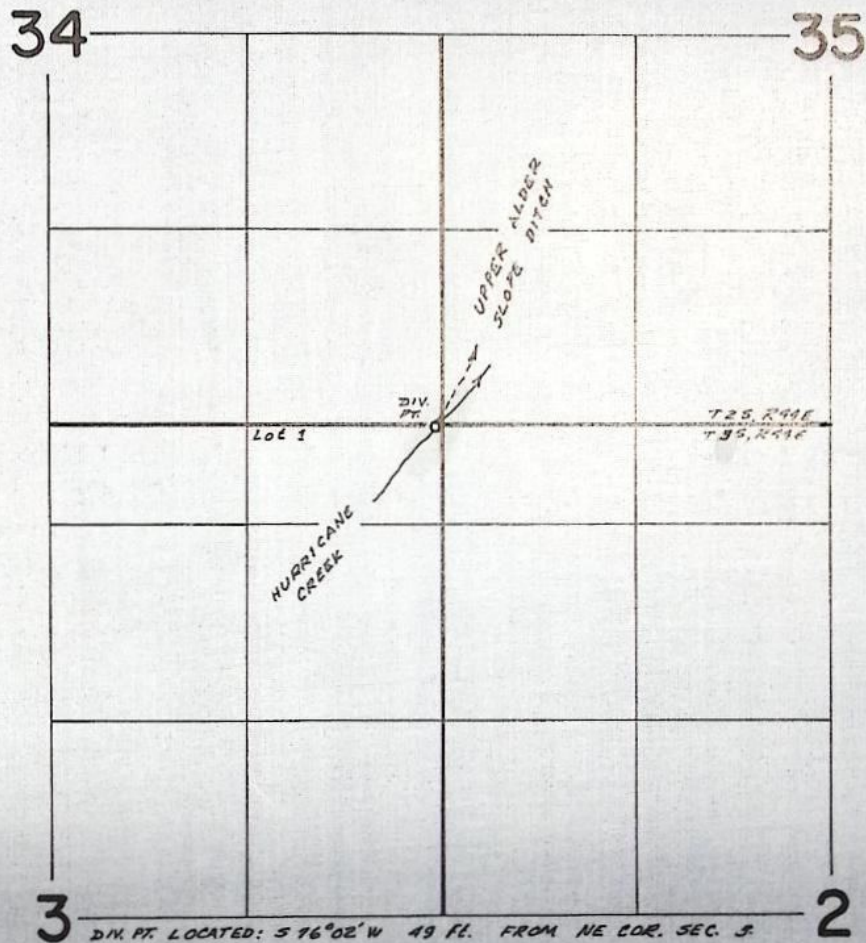
Date	Amount	Check No.
<u>5-27-70</u>	<u>77.51 Pub. Nat.</u>	<u>3656</u>

REMARKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 type="checkbox"/> Pt. of Div.		
<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 No. 2366  
Application No. .... Permit No. ....  
IN NAME OF

..... W. T. PUDERBAUGH .....

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



Info: Mr. W.T. Puderbaugh

Div. Pt.: Described on back of Abstract for  
Pine Tree Pipeline Inc, Tr. #2350.

System: Main takes off from Moonshine  
Ditch approx.  $\frac{1}{4}$  mile above Property.

Pipe: 8" Steel — approx.  $\frac{1}{2}$  mile (underground)  
4" & 3" Alum. — 1600'

Heads: 40 R.B. #30 —

Fall: Pressure at N. Prop. line — 60 p.s.i.

Crop: Pasture, hay & grain.

Use: Irrigation & stock (40 head cattle)

No Domestic Use.

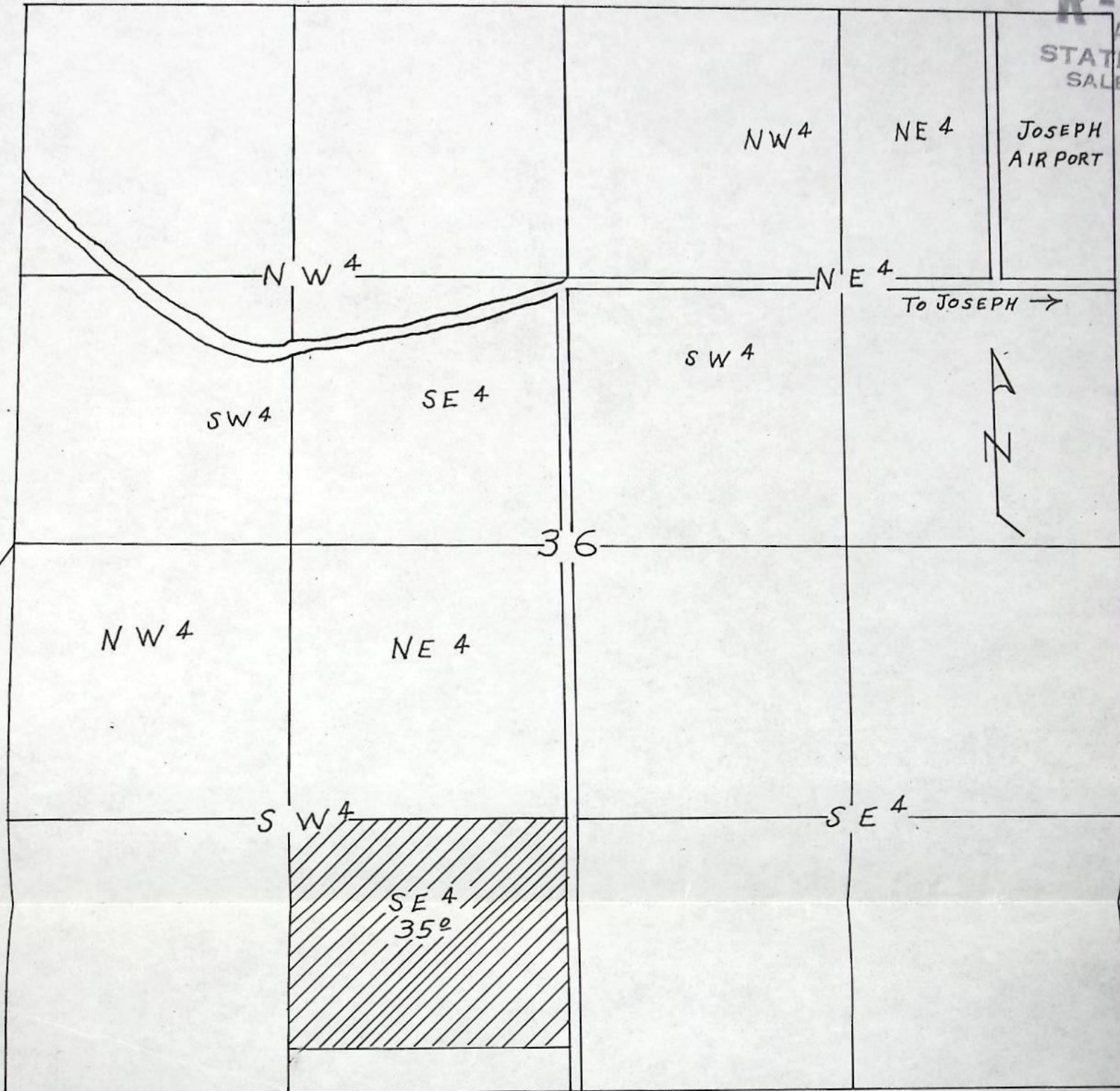
Tie: Div. Pt. tied to N.E. Cor. Sec. 3 (1 B.T.)

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

T.2 S. R.44 E.

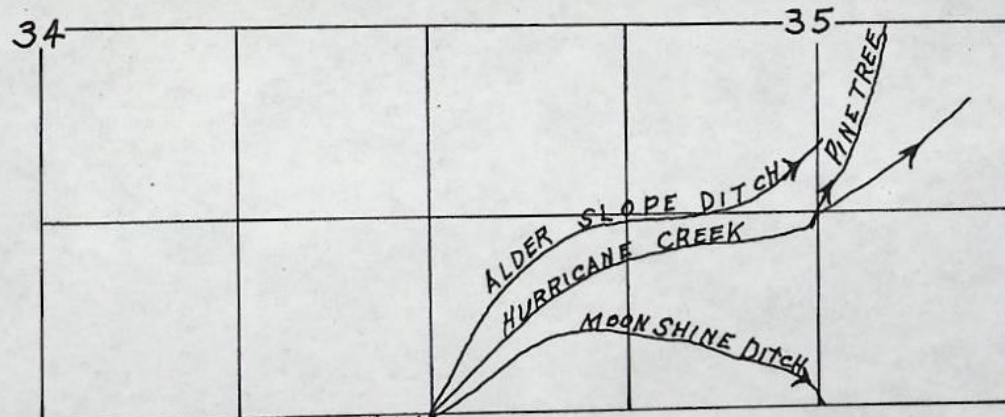
RECEIVED  
APR 24 1970  
STATE ENGINEER  
SALEM, OREGON

JOSEPH  
AIR PORT



OLD POD BEARS 536" 31' W  
588' FROM W 1/4 COR. SEC 36

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



NEW DIVERSION  
S76°02'W, 49' FROM NE CORNER SEC 3  
BEING WITHIN NE 4 NE 4 SEC 3 T 3 S R 44 E.W.M.  
OLD DIVERSION IS  
NE CORNER OF SE 4  
SEC 35 T 2 S R 44 E.W.M.

SCALE 1" = 1320'

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION OF )  
W. T. PUDERBAUGH FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM HURRICANE CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 2366

On April 24, 1970, W. T. Puderbaugh 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 Wallowa River Adjudication proceedings, a water right was established in the name of F. H. Lamphear for the use of the waters of Hurricane Creek for domestic and stock use and the irrigation of 35.0 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 1896. This right is evidenced by certificate recorded at page 3081, Volume 4, State Record of Water Right Certificates. These lands are irrigated by means of the Robin Boner Ditch from a point of diversion located South 36° 31' West 588 feet from the W $\frac{1}{4}$  corner of Section 36, Township 2 South, Range 44 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Moonshine Ditch from a point of diversion to be located South 76° 02' West 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 2, 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 South  $36^{\circ} 31'$  West 588 feet from the  $W\frac{1}{4}$  corner of Section 36, Township 2 South, Range 44 East, W.M., being within the  $NE\frac{1}{4} NE\frac{1}{4}$  of Section 35, Township 2 South, Range 44 East, W.M.

To a point to be located South  $76^{\circ} 02'$  West 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 the irrigation of 35.0 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 1896 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  $1\frac{1}{2}$  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 entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

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 F. H. Lamphear and recorded at page 3081, 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 W. T. Puderbaugh confirming said change in point of diversion.

Dated at Salem, Oregon, this 31st day of August, 1970.

/s/ CHRIS L. WHEELER  
State Engineer



**RECEIVED**  
SEP 18 1970  
STATE ENGINEER  
SALEM OREGON

Transfer No. 2366

NOTICE OF COMPLETION OF CONSTRUCTION

I, W.T. Puderbaugh, 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 August 31, 1970, approving an appli-  
cation for a change in point of diversion of water from \_\_\_\_\_  
Hurricane Creek.

9-10-1979  
Date

W.T. Puderbaugh  
Name

# 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 *21<sup>st</sup>* day of *May, 1970*

*Chris L. Wheeler*  
Notary Public for Oregon

(My commission expires *11/15/72*)

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

Notice is given hereby that W. T. Puderbaugh has filed an application for the approval of a change in point of diversion of water from Hurricane Creek.

In the Wallowa River Adjudication proceedings a water right was established in the name of F. H. Lamphear for the use of the waters of Hurricane Creek for domestic and stock use and the irrigation of 35.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 36, T. 2 S., R. 44 E., W.M., with a date of priority of 1896.

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 $\frac{1}{4}$  corner of Sec. 36, T. 2 S., R. 44 E., W. M. being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  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, Oregon, on July 2, 1970, at 9:30 a.m. All objections to the proposed 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 W. T. Puderbaugh, Enterprise, 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 hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

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

CHRIS L. WHEELER  
State Engineer

c6t3

**RECEIVED**  
MAY 25 1970  
STATE ENGINEER  
SALEM OREGON

**RECEIVED**  
 APR 24 1970  
 STATE ENGINEER  
 SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, W.T. Puderbaugh  
(Name of applicant)

of Enterprise  
(Postoffice), County of Wallowa

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 Robin Boner Ditch

4. The point of diversion is located Bears, S. 36° 31' and W. 588 feet from the W 1/2  
(N. or S.) (E. or W.)

corner of Section 36, T 2 S., R 44 E.W.M. being within the NE 1/4 NE 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 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
2 S	44 E	36																35

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? 1896

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

of permit .....

V. 4

10. Do you hold a water right certificate? Yes If so, give number of certificate 3081  
(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  
(Yes or No) 1-20-19

12. Is the water right recorded in your name? (No) Lamphear F.H.  
(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 $\frac{1}{2}$  NE $\frac{1}{2}$  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 ..... 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 Puderbaugh 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? .....

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 water conservation, and to  
gain elevation for a gravity feed sptinkler system.

WALLOWA RIVER DECREE BOARD

AFFIDAVIT OF APPLICANT

STATE OF OREGON,  
County of Wallowa } ss.

I, W.T. Puderbaugh, 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 22 day of April, 1970

W.T. Puderbaugh  
(Name of applicant)

Subscribed and sworn to before me this 23rd day of April, 1970

[Notarial Seal]

Margaret 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.