

2381

DVA Notification

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed May 14, 1970  
Date of hearing August 27, 1970  
Place of hearing Enterprise, Oregon  
Date of order 9-30-70 Vol. 20, page 135  
Date for application of water 10-1-70  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued FEB 26 1974 Vol. 31, page 39860  
To Survey 10/16/70  
10-15-73 res

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 136<sup>5</sup>  
Name of ditch Pine Tree  
Date of priority 1883  
In name of Rosette F. Shinn  
Wallowa River Adjudication, Vol. 5, page 194  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 3156  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>5/14/70</u>	<u>5.00</u>	<u>18663</u>
<u>5-14-70</u>	<u>20.00</u>	<u>Farm PON-Adms #2350</u> <u>See CT 40</u>
TOTAL <u>9-19-73</u> <u>8-10-70</u>	<u>.50</u> Cert. Fee <u>\$1</u> Cert. Fee	<u>36695</u> <u>for Pub. 7 Mt.</u>

FEES REFUNDED

Date	Amount	Check No.
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REMARKS

See transfers 2350, 2380 & 2399

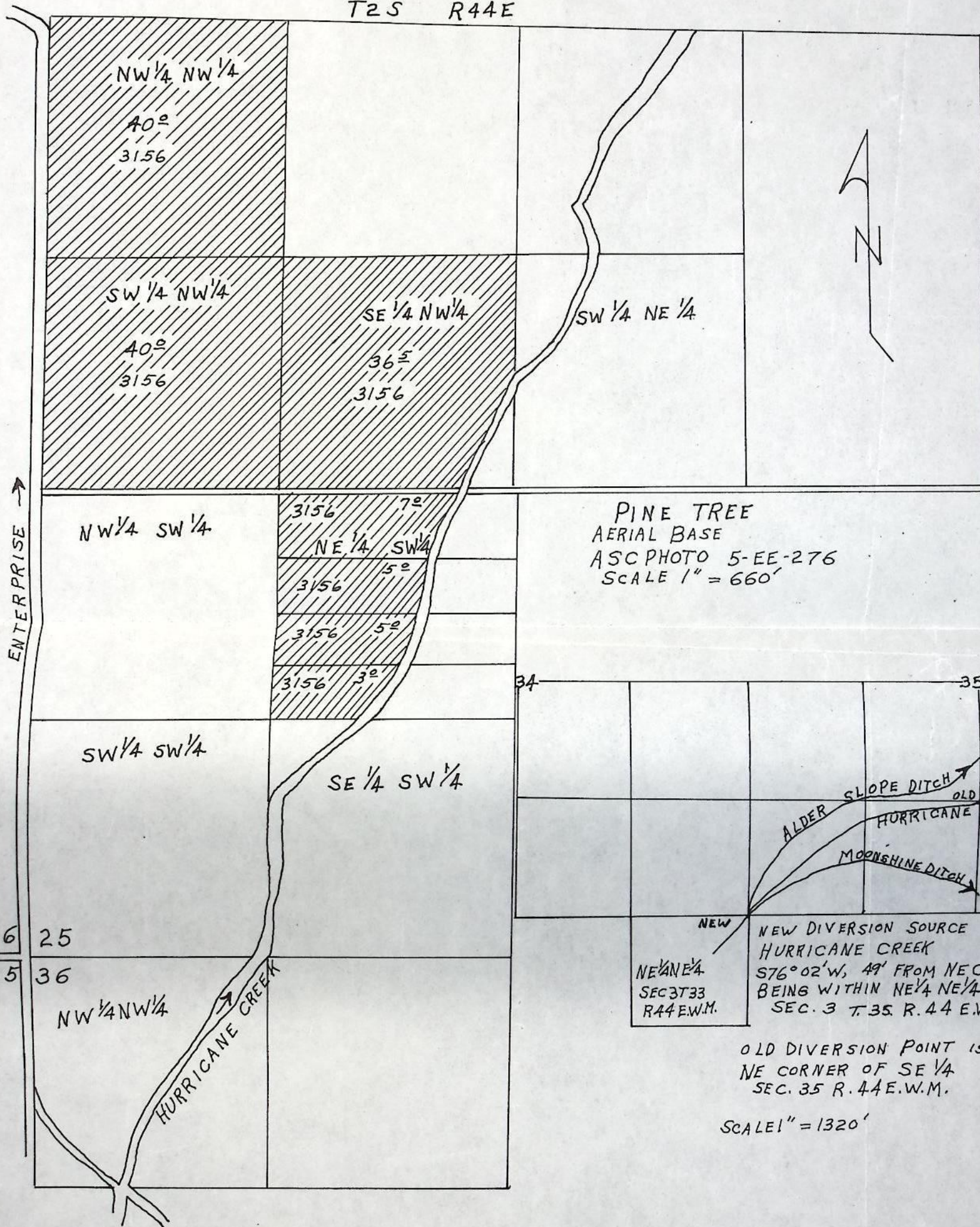
	INDEX CARDS:	Entered	Checked
TO BE ENTERED WHERE CHECKED	<input checked="" type="checkbox"/> Name	<u>slu</u>	___
	<input checked="" type="checkbox"/> Stream	<u>slu</u>	___
	<input checked="" type="checkbox"/> Pt. of Div.	<u>slu</u>	___
	<input checked="" type="checkbox"/> Calendar	<u>slu</u>	___
	<input 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	___	___	



STATE ENGINEER  
SALEM, OREGON

STATE ENGINEER  
SALEM, OREGON

T2S R44E



PINE TREE  
AERIAL BASE  
ASC PHOTO 5-EE-276  
SCALE 1" = 660'

<p>NEW</p> <p>NE 1/4 NE 1/4 SEC 3 T33 R44 E.W.M.</p>	<p>NEW DIVERSION SOURCE HURRICANE CREEK S76° 02' W, 49' FROM NE CORNER SEC. 3 BEING WITHIN NE 1/4 NE 1/4 SEC. 3 T. 35. R. 44 E.W.M.</p>
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OLD DIVERSION POINT IS  
NE CORNER OF SE 1/4  
SEC. 35 R. 44E. W.M.

SCALE 1" = 1320'



# STATE OF OREGON

COUNTY OF      WALLOWA

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** PINE TREE PIPELINE ASSOCIATION

of                      Enterprise                      , State of      97828      , has a right  
to the use of the waters of  
Hurricane Creek  
a tributary of      Wallowa River                      for the purpose of  
irrigation of 136.5 acres, domestic 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      1883 for Tract No. 1 and 1892 for Tract No. 2

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 the NE Corner, Section 3.  
A description of the place of use under the right, and to which such right is appurtenant, is as follows:

<u>Tract No. 1</u>	<u>Tract No. 2</u>
40.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 25	Section 25
T. 2 S., R. 44 E., W. M.	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 supersedes certificate of water right heretofore issued to Rosetta F. Smith and recorded at page 3156, 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      , 194      .

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

Recorded in State Record of Water Right Certificates, Volume 31      , page 39860

## NOTICE OF INTEREST IN WATER RIGHT

SEP 16 1985

To: Director of Water Resources  
555 13th Street, N.E.  
Salem, Oregon 97310

This is to notify you of an interest in the following described water right:

Loan Number M20354  
Borrower's Name HEILMAN, James L.  
Mailing Address \_\_\_\_\_

Property being served by the water:

Township <u>2 S</u>	Township _____	Township _____
Range <u>44 E</u>	Range _____	Range _____
Section <u>25</u>	Section _____	Section _____
Tract _____	Tract _____	Tract _____

Water Right Numbers:

T 2381

Permit Number(s) Vol 20, p 135

Certificate Number(s) 39860

Irrigation District Pine Tree Ditch Co.

Hurricane Creek

80 Ac

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

Attention: Butch Gehley, Appraisal Coordinator

Attachments:

- ☒ Legal Descriptions  
☒ Tax Lot Maps  
☐ Please return copy to ODVA



25 44 75

SEE MAP 25 44

SEE MAP 23 44

21-4

6-3

CANCELLED NO  
1902  
1101  
1904  
1102

25 44E  
sec 25

SEE MAP 28 46 30

SEE MAP 23 44 36

C-date 10/1/70

Transfer No. 2381

County:      Wallowa

1.	Name	Pine Tree Pipeline Assoc.	Address	Enterprise, Oregon
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2. Source of Supply Hurricane Creek, Trib. of ---

3. Amount of Water see order Priority Date 1883

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)

Div. Pt. }  
Pipe } See General Description on back of  
Heads. } Abstract for Tr. # 2350

Crop: Pasture & Hay

Use: Irrigation, & Stock (2000 sheep & 150 cows &  
30 horses max)

No Domestic Use.

Owners have wells.

Tier Div. Pt. Tied to ~~Sec. 2~~ N.E. Cor. Sec. 3 (1 B.T.)

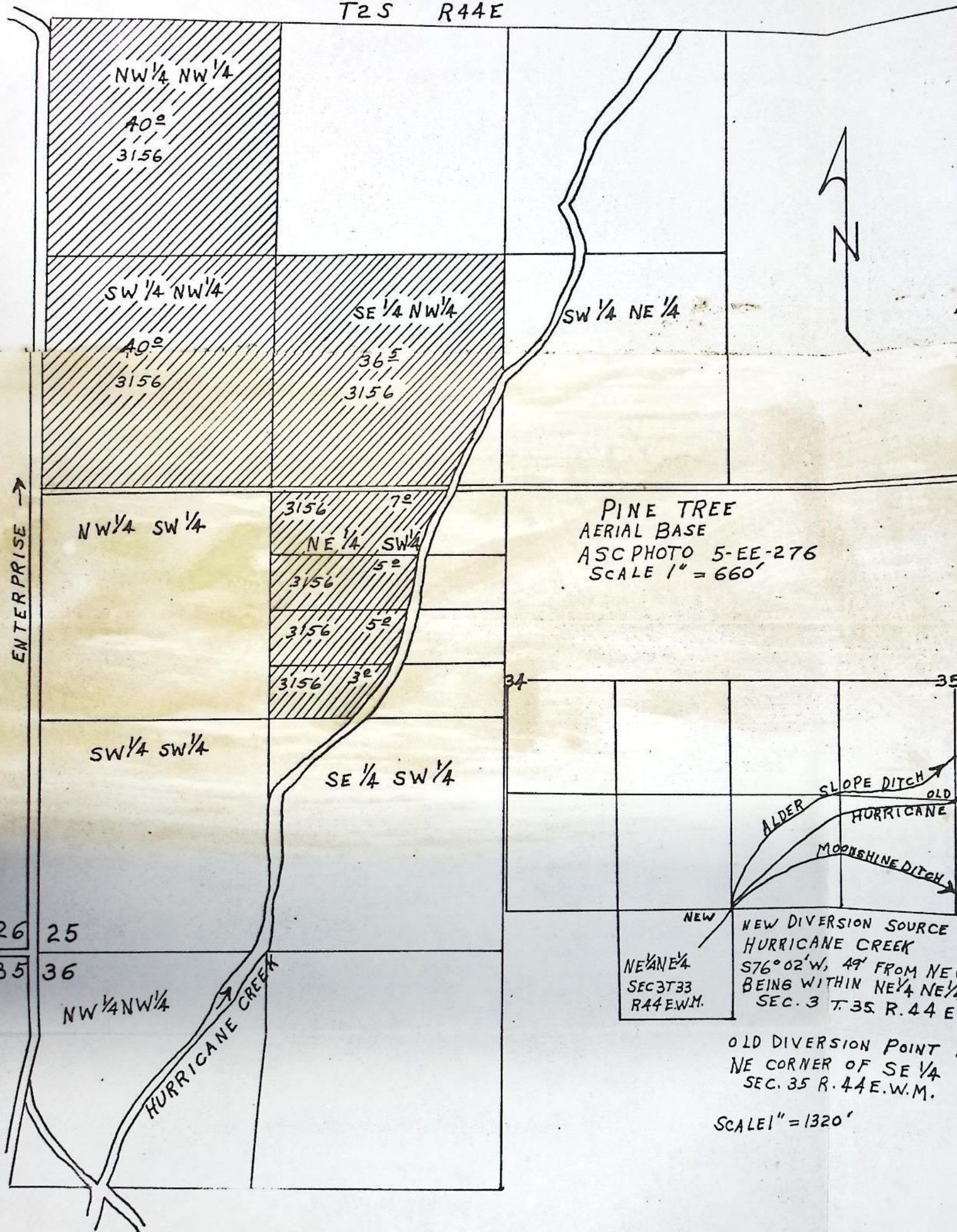
June 27, 1972, L. E. Gould  
Field Engineer



MAY 14 1970  
STATE ENGINEER  
SALEM, OREGON

JUN 9 1970  
STATE ENGINEER  
SALEM, OREGON

T2S R44E





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 )  
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ORDER APPROVING  
TRANSFER NO. 2381

On May 14, 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 Rosetta F. Shinn for the use of the waters of Hurricane Creek for domestic and stock use and the irrigation of 80.0 acres in the W½ NW¼, Section 25, Township 2 South, Range 44 East, W.M., by means of the Pine Tree Ditch from a point of diversion located in the NE¼ SE¼, Section 35, Township 2 South, Range 44 East, W.M., with a date of priority of 1883, and 36.5 acres in SE¼ NW¼ and 20.0 acres in NE¼ SW¼, Section 25, Township 2 South, Range 44 East, W.M. by means of the Shinn Ditch from a point of diversion located in the SW¼ SW¼, Section 25, Township 2 South, Range 44 East, W.M., with a date of priority of 1892. This right is evidenced by certificate recorded at page 3156, Volume 4, State Record of Water Right Certificates.

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 NE¼ NE¼ 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.

From a point located in the SW¼ SW¼, Section 25, 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 80.0 acres in the W½ NW¼, Section 25, Township 2 South, Range 44 East, W.M., with a date of priority of 1883, and 36.5 acres in SE¼ NW¼ and 20.0 acres in NE¼ SW¼, Section 25, Township 2 South, Range 44 East, W.M., with a date of priority of 1892, 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 Rosetta F. Shinn and recorded at page 3156, 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 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



**RECEIVED**  
OCT 6 1970  
**STATE ENGINEER**  
SALEM, OREGON

Transfer No. 2381

NOTICE OF COMPLETION OF CONSTRUCTION

I, Carol Heilman Sec. Jr., 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.

10/1/70  
Date

Carol Heilman  
Name



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 & Shinn 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.)

Shinn Ditch SW 1/4 SW 1/4 of Sec. 25, T 2 S., R 44 E.W.M.

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

\* 25

(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	44E	25						40	40									

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?

Pine Tree Shinn  
1883 & 1892

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 3156 3156  
(Yes or No)

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? Pine Tree Pipe Line Association  
(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 Sec. 3 being within the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  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 Wallowa 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? 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.

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.



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 12<sup>th</sup> 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.



