

3321 Sullivan Bank Joseph, Or 97846

3321

STATUS OF APPLICATION

Change in point of diversion 10-6-75
Date filed 10-6-75
Date of hearing 5-6-76
Place of hearing Enterprise
Date of order 6-7-76 Vol. 27, page 243
Date for application of water 10-1-77
Proof mailed
Proof received
Certificate issued AUG 27 1985 Vol. 48, page 53411

DESCRIPTION OF WATER RIGHT

Name of stream Hurricane Creek
Trib. of Walloua County of Walloua
Use dom & stock water
Quantity of water No. of acres
Name of ditch Moonshine
Date of priority 1879
In name of Lyle K. Boner
Wallowa River Adjudication, Vol. 5, page 151
App. No. Per. No. Cert. No. 39607
Certificate cancelled
Notation made on record by

FEES PAID

Table with columns: Date, Amount, Receipt No.
10-16-75 40.00 49795
2-23-76 35.00 51523
TOTAL 73.07 Cert. Fee FROM P.O.N. 51523

FEES REFUNDED

Table with columns: Date, Amount, Check No.
4-8-76

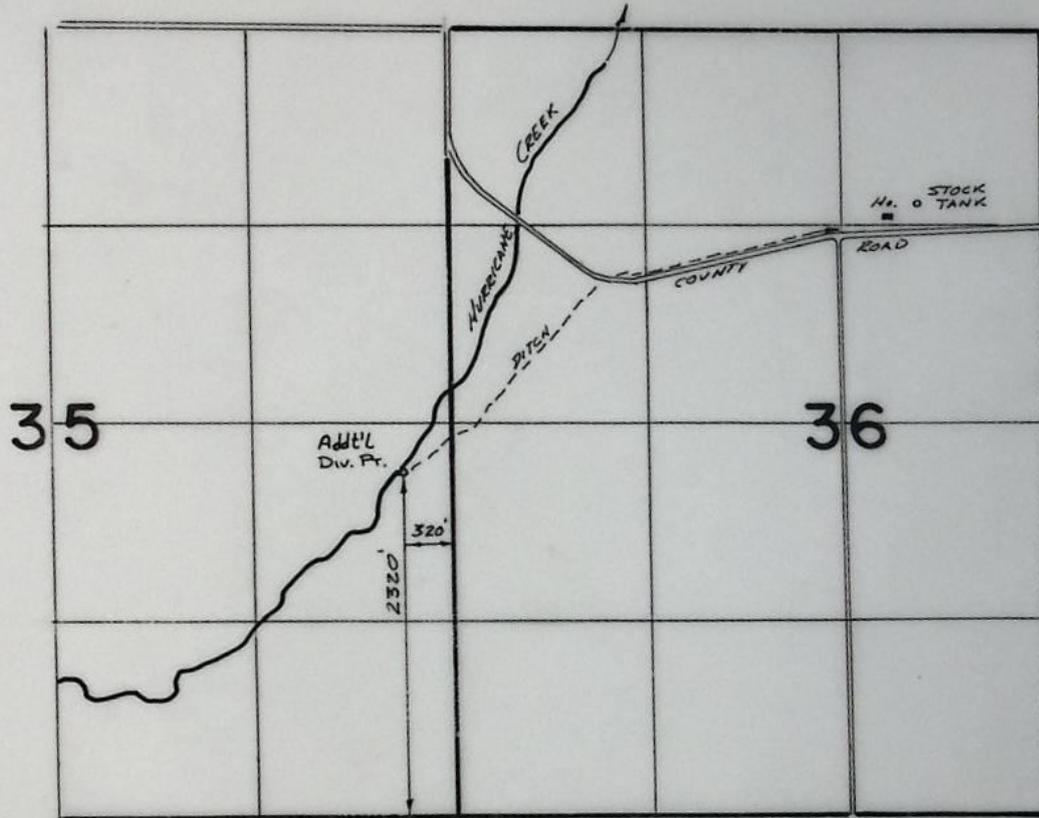
REMARKS

LET-2351

INDEX CARDS: Entered Checked
Name, Stream, Pt. of Div., Calendar, Twp. & Rge., Decree-vault, Decree-safe, Cert. of W/R, Per. Folder, Checklist, Cross Ref., Power Claim, Abstracts

Boner

T.2S., R.44E., W.M.



**FINAL PROOF SURVEY**

UNDER

TRANSFER 3321

IN NAME OF

.....SYLVIA.....BONER.....

Surveyed 8-23 1978, by R. Bannin  
8-10 82 V.L. Church

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION )  
OF SYLVIA BONER FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM HURRICANE CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3321

On October 6, 1975, Sylvia Boner filed an application in the office of the Water Resources Director for the approval of an additional point of diversion of water from Hurricane Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Lyle K. Boner and recorded at Page 39607, Volume 31, State Record of Water Right Certificates, confirms a right to the use of water from Hurricane Creek for the irrigation of 71.5 acres, with priority dates of 1881 and 1892, and for domestic use at a house in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and stock use at facilities in the N $\frac{1}{2}$  NE $\frac{1}{4}$  and SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36, Township 2 South, Range 44 East, W.M., with a priority date of 1879. Water for these uses is diverted from Hurricane Creek at a point located South 76° 02 minutes West, 49 feet from the Northeast 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.

The applicant herein, owner of the acreage, house and stock facilities above described, proposes to maintain use from the aforementioned point of diversion during the irrigation season for irrigation, domestic and stock purposes and establish an additional point of diversion to be located South 36° 31 minutes West, 588 feet from the West quarter-corner of Section 36, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 2 South, Range 44 East, W.M., for use during the non-irrigation season for the domestic and stock purposes.

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 May 6, 1976, 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 March 11, 18 and 25, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 additional point of diversion of water from Hurricane Creek:

At a point located South 36° 31 minutes West, 588 feet from the West quarter-corner of Section 36, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 2 South, Range 44 East, W.M.

for use during the non-irrigation season for domestic and stock use as described herein 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 additional point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed such amount as may be reasonably necessary to supply domestic and stockwater needs.

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 upon receipt of proof satisfactory to the Water Resources Director of completion of the additional point of diversion authorized herein, the certificate of water right heretofore issued to Lyle K. Boner and recorded at Page 39607, Volume 31, State Record of Water Right Certificates, be canceled, and in lieu thereof a new certificate be issued to Sylvia Boner, including the additional point of diversion for domestic and stockwater.

Dated at Salem, Oregon, this 7th day of June, 1976.

/s/ JAMES E. SEXSON  
Director



TO: Bob DeBow

DATE: 2-7-86

FROM: Tom S

SUBJECT: Sp. Or. Vol. 27 p. 243 (6-7-76)

Certificate 53411 was issued in error in that we printed T-3221 instead of T-3321

Please change your copy.

81-125-1379

shall not exceed 1 acre-foot per acre during the entire remainder of the irrigation season and shall not exceed such amount as may be reasonably necessary to supply domestic and stockwater needs.

The point of diversion is located in the NE 1/4 NE 1/4, Section 3, T3S, R44E, WM, Moonshine Ditch - South 76 degrees 02 minutes West 49 feet from the NE Corner, Section 3; Domestic and stock use only during the non-irrigation season, NE 1/4 SE 1/4, Section 35, T2S, R44E, WM, Old Settlers Slough, Castor and Page\* A description of the place of use under the right, and to which such right is appurtenant, is as follows:

\*Ditch - 2320 feet North and 320 feet West from the SE Corner, Section 35.

1881  
20.0 acres NE 1/4 NE 1/4  
18.5 acres NW 1/4 NE 1/4

1892  
33.0 acres SW 1/4 NE 1/4  
Section 36  
Township 2 South, Range 44 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 39607, Volume 31, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 7, 1976 approving Transfer Application 3221 and is issued to confirm an additional point of diversion approved by the same order and supersedes Certificate 39607.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 Water Resources Director, affixed  
this date August 27, 19 85.

/s/ William H. Young  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53411

cert  
book copy

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

SYLVIA BONER

of Joseph, State of Oregon 97846, has  
a right to the use of the waters of Hurricane Creek

a tributary of Wallowa River for the purpose of  
irrigation of 71.5 acres, domestic 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 WATER RESOURCES DIRECTOR, in Volume 5 at page 151; that the priority of the right  
thereby confirmed dates from 1881 for 38.5 acres and 1892 for 33 acres; 1879  
for domestic and stock

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 31 of each year, and  
thereafter not to exceed 1 acre-foot per acre during the entire remainder of  
the irrigation season ~~if available at the original point of diversion~~ and shall not  
exceed such amount as may be reasonably necessary to supply domestic & stockwater needs.

The point of diversion is located in the NE 1/4 NE 1/4, Section 3, T3S, R44E, WM,  
Moonshine Ditch - South 76 degrees 02 minutes West 49 feet from the NE Corner,  
Section 3; Domestic and stock use only during the non-irrigation season,  
NE 1/4 SE 1/4, Section 35, T2S, R44E, WM, Old Settlers Slough, Castor and Page\*  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

\*Ditch - 2320 feet North and 320 feet West from the SE Corner, Section 35.

1881  
20.0 acres NE 1/4 NE 1/4  
18.5 acres NW 1/4 NE 1/4

1892  
33.0 acres SW 1/4 NE 1/4  
Section 36

Township 2 South, Range 44 East, WM

This certificate is issued to confirm an additional point of diversion  
approved by ~~an order of the Water Resources Director entered June 7, 1976, and~~  
together with certificate of water right recorded at page 39607, Volume 31,  
State Record of Water Right Certificates, supersedes Certificate 2990.

The issuance of this superseding certificate does not confirm the status of  
the water right in regard to the provisions of ORS 540.610 pertaining to  
forfeiture or abandonment.

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 Water Resources Director, affixed

this date, 19

Water Resources Director

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

53411

describes that portion of the water right confirmed by the prior certificate recorded at page 39607 Vol. 31 SREC, NOT modified by the provisions of an order of the WRD entered 6-7-76 applying to transfers for application No. 3321

STATE OF OREGON

COUNTY OF **WALLOWA**

CERTIFICATE OF WATER RIGHT

This Is to Certify, That <sup>Sylvia</sup> ~~Eyle K.~~ BONER

of Joseph **97846**, 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 **71.5 acres, domestic 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 **151**; that the priority of the right thereby confirmed dates from **1881 for 38.5 acres and 1892 for 33 acres; 1879 for domestic and stock**

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 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.**

The point of diversion is located in the **NE 1/4 NE 1/4, Section 3, T. 3 S., R. 44 E., W. M., Moonshine Ditch** South 76 degrees 02 minutes West 49 feet from the NE Corner, Section 3; **Domestic and stock \***  
A description of the place of use under the right, and to which such right is appurtenant, is as follows:

**1881** 20.0 acres **NE 1/4 NE 1/4** ~~stock~~  
**1892** 33.0 acres **SW 1/4 NE 1/4** ~~stock~~  
**18.5 acres NW 1/4 NE 1/4** ~~stock, domestic~~  
Section 36  
T. 2 S., R. 44 E., W. M.

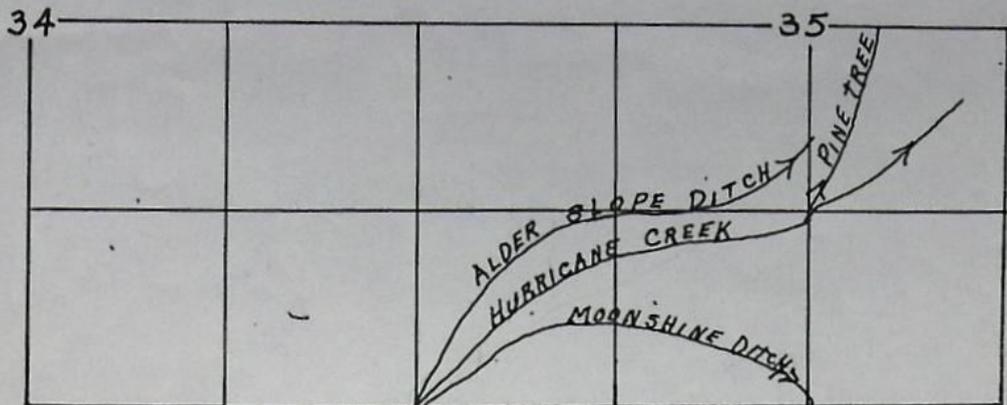
Certificate of water right issued to E. P. Castor and recorded at page 2976, Volume 4, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 80.5 acres. The right appurtenant to 9.0 acres was canceled by order of the State Engineer entered September 21, 1970. A change in the point of diversion for the irrigation of 71.5 acres, domestic, and stock was approved by order of the State Engineer entered September 30, 1970. This certificate is issued to confirm the remaining right and change in point of diversion to the use of water for irrigation, domestic and stock and supersedes the certificate heretofore issued to E. P. Castor.

*95780* \* - use only during the non-irrigation season, **NE 1/4 SE 1/4, Sec 35, T. 2 S., R. 44 E., W. M., Old Settlers Slough, Castor and Page Ditch - 2320' N. & 320' W. from the SE Cor Sec 35.**

*descr. yes etc*  
This certificate <sup>additional</sup> is issued to confirm a ~~change in~~ point of diversion approved by an order of the Water Resources Director entered **6-7-76** and supersedes certificate of water right recorded at page **39607**, Volume **31**, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.





NE<sup>4</sup>NE<sup>4</sup>  
SEC 3 T 3 S  
R 44 E. W. M.

SCALE 1" = 1320'

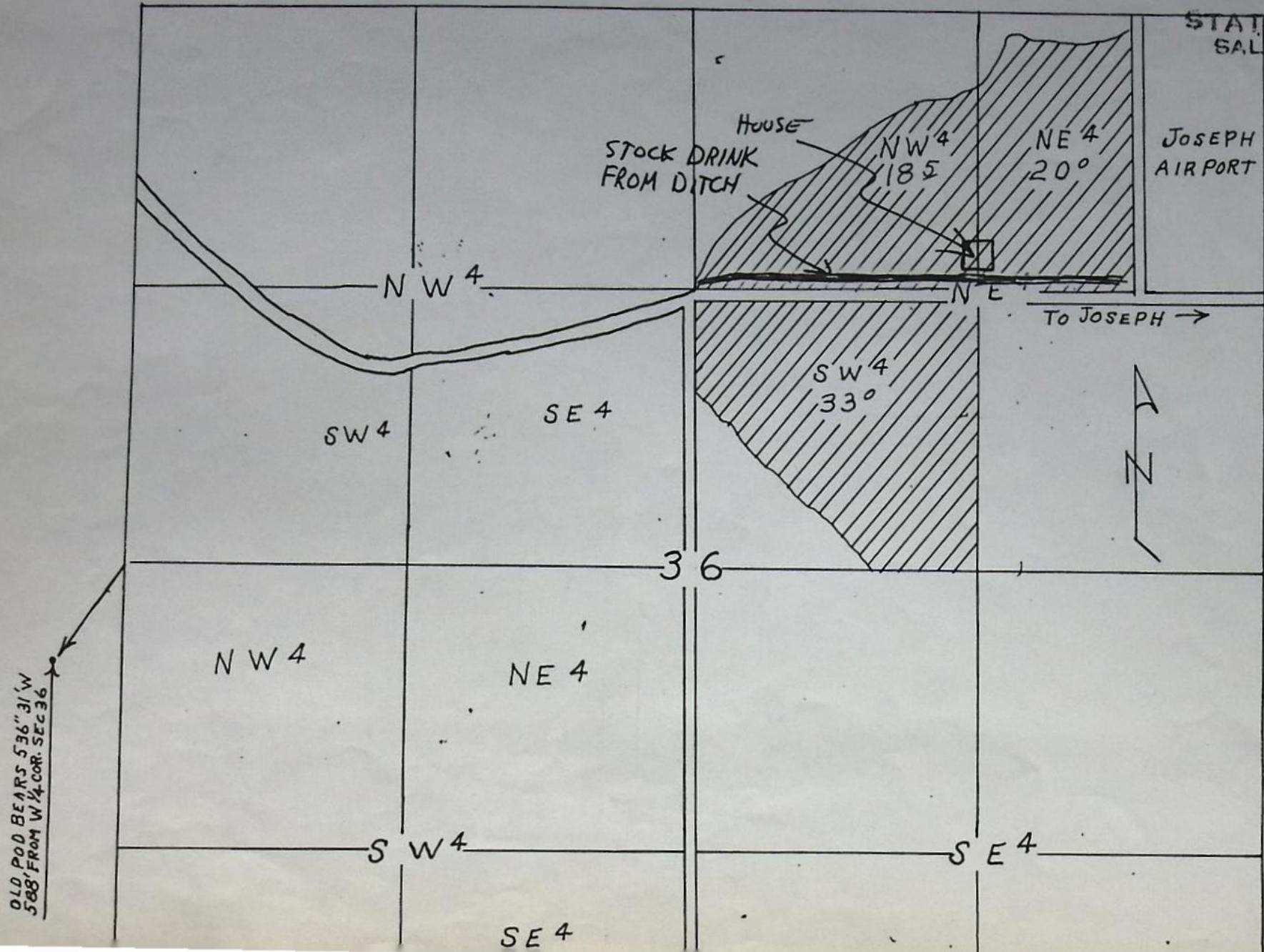
NEW DIVERSION  
S 76° 02' W, 49' FROM NE CORNER SEC 3  
BEING WITHIN NE<sup>4</sup>NE<sup>4</sup> SEC 3 T 3 S R 44 E. W. M.

OLD DIVERSION IS  
NE CORNER OF SE<sup>4</sup>  
SEC 35 T 2 S R 44 E. W. M.

ED  
976  
CES DEPT.  
REGON

T.2 S. R.44 E.

RECEIVED  
APR 24 1970  
STATE ENGINE  
SALEM OREGO



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

HOUSE  
STOCK DRINK  
FROM DITCH

NW 4  
185

NE 4  
20°

JOSEPH  
AIRPORT

NW 4

NE

TO JOSEPH →

SW 4

SE 4

36

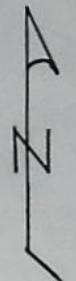
NW 4

NE 4

SW 4

SE 4

SE 4



INFO: SYLVIA BONER. MRS. BONER USES WATER  
FOR DOMESTIC & STOCK USE.

DIVERSION

POINT: 5' HIGH BY 40' WEIR CONTROL HYDRAULIC  
GRADE AT DITCH HEADGATE. HEADGATE  
IS 5' WIDE & SET IN SAME CONTROL STRUC-  
TURE AS THE WEIR & HEADGATE ON  
OPPOSITE SIDE OF HURRICANCE CREEK.

DITCH: DITCH IS BASICALLY WELL CLEANED WITH A  
VARIABLE CROSS-SECTION.

LOCATION

OF USE: DOMESTIC - NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  S 36

STOCK - NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  S 36

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  S 36

TIE: INSPECTION.

BBA 3MM-296

AUGUST 23, 1978

W. J. Brown  
FIELD ENGINEER

SEE 54L FOR DIV PT PHOTO

8-10-82

V.L.C.

Transfer No. 3321

NOTICE OF COMPLETION OF CONSTRUCTION

I, Sylvia Boner 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 June 7, 1976, approving an application  
for a change in point of diversion of water from Hurricane Creek

October 22, 1976

Date

x Sylvia Boner

Name

**RECEIVED**  
OCT 28 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

Transfer No. 3321

NOTICE OF COMPLETION OF CONSTRUCTION

I, Sylvia Boner 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 June 7, 1976, approving an application  
for a change in point of diversion of water from Hurricane Creek  
\_\_\_\_\_.

October 22, 1976

Date

Sylvia Boner ✓  
Name

**RECEIVED**

OCT 28 1976

WATER RESOURCES DEPT  
SALEM, OREGON

WILLIAM L. REYNOLDS

ATTORNEY AT LAW  
P.O. BOX 333  
200 WEST GREENWOOD ST.  
ENTERPRISE, OREGON 97828  
Area Code 503 426-4088

September 15, 1976

Mr. Wayne J. Overcash  
Water Rights Engineer  
Water Resources Department  
1178 Chemeketa Street, N.E.  
Salem, Oregon 97310

Re: Boner Application for  
Change of Point of Diversion

Dear Mr. Overcash:

On February 20, 1976, I sent you a map and an additional \$35 to cover costs. We are concerned that we have heard nothing further from this application, and wonder if perhaps it got sidetracked somewhere.

We would appreciate very much hearing from you with some idea as to when the change might be made effective.

Thank you for your cooperation and assistance.

Very truly yours,

*William L. Reynolds*  
William L. Reynolds

WLR:rer

RECEIVED

SEP 17 1976

WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED

FEB 23 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

OCT - 6 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

### Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Sylvia Boner  
(Name of applicant)

of Joseph  
(Postoffice), County of Wallowa

State of Oregon, do hereby make application for change In Point of diversion  
for Domestic and Stock water at times other than during irrigation periods  
(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 Domestic and Stock water & irrigation  
(Irrigation; Mining; Power; Manufacturing; etc.)

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

4. The point of diversion is located Bears S 76° 02' W, 49' ft. and ft. from the NE  
(N. or S.) (E. or W.)

corner of Section 3  
(Section or subdivision) being within the NE 1/4 of the NE 1/4

of Section 3 Tp. 3 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. SEE MAP

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
<u>2-5</u>	<u>44 E</u>	<u>36</u>	<u>Stock</u>	<u>House &amp; Stock</u>	<u>Stock</u>													

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)

3915

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? 1879

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 39607  
(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 (Name of E.P. Castor) Lyle K. Boner  
(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 36° 31' W, 588'  
 14. The proposed point of diversion is located \_\_\_\_\_ ft. \_\_\_\_\_ and \_\_\_\_\_ ft. \_\_\_\_\_ from the W 1/4  
(N. or S.) 35 (E. or W.)  
 corner of Sec. 36 being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 36 Tp. 2 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 Old Settlers Slough & Caster-Page Ditch

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

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 Moonshine Ditch does not flow during the winter months, and change sought is to re-establish point of diversion for domestic and stock water during non-irrigation season from Caster-Page ditch which does flow year-round. Caster-Page ditch has been used by applicant for years for domestic and stock water.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Wallowa

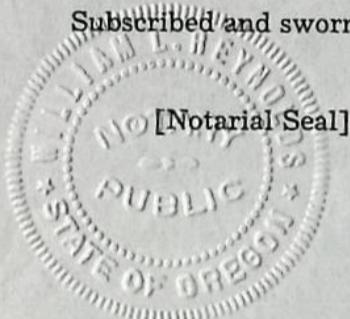
} ss.

I, Sylvia Boner, 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 2nd day of October, 1975

Sylvia Boner  
(Name of applicant)

Subscribed and sworn to before me this 2nd day of October, 1975



[Notarial Seal]

William Reynolds  
NOTARY PUBLIC FOR OREGON

My commission expires 1-9-1977

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.

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

Notice is given hereby that Sylvia Boner has filed an application for the approval of an additional point of diversion of water from Hurricane Creek.

Certificate of water right issued to Lyle K. Boner and recorded at page 36907, Volume 31, State Record of Water Right Certificates, confirms a right to the use of water from Hurricane Creek for irrigation of 71.5 acres, with priority dates of 1881 and 1892, and for domestic and stock uses with a date of priority of 1879 in  $N\frac{1}{2} NE\frac{1}{4}$  and  $SW\frac{1}{4} NE\frac{1}{4}$  of Sec. 36, T. 2 S., R. 44 E., W.M. Water for these uses is diverted from a point located S.  $76^{\circ} 02'$  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.

The applicant herein, owner of the acreage above described along with the house and stock facilities, proposes to maintain the present point of diversion for use during the irrigation season and establish an additional point of diversion to be located S.  $36^{\circ} 31'$  W. 588 ft. from the  $W\frac{1}{4}$  corner of Sec. 36, being within the  $NE\frac{1}{4} SE\frac{1}{4}$  of Sec. 35, T. 2 S., R. 44 E., W.M., for use during the non-irrigation season for domestic and stock uses.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Enterprise, Oregon on May 6, 1976, at 1:30 p.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 Sylvia Boner, Joseph, Oregon 97846, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 5th day of March, 1976

JAMES E. SEXSON  
Director

# Affidavit of Publication

STATE OF OREGON }  
County of Willowa } 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

March 11, 1976  
March 18, 1976  
March 25, 1976

Thelma Morgan

Subscribed and sworn to before me this 25<sup>th</sup>  
day of March, 1976

Ronald L. Swart  
Notary Public for Oregon

(My Commission expires 15 Jan. 77...)



**RECEIVED**

APR 2 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

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

Notice is given hereby  
that Sylvia Boner has filed  
an application for the  
approval of an additional  
point of diversion of water  
from Hurricane Creek.

Certificate of water  
right issued to Lyle K.  
Boner and recorded at  
page 36907, Volume 31,  
State Record of Water  
Rights Certificates, con-  
firms a right to the use of  
water from Hurricane  
Creek for irrigation of 71.5  
acres, with priority dates  
of 1881 and 1892, and for  
domestic and stock uses  
with a date of priority of  
1879 in N $\frac{1}{2}$  NE $\frac{1}{4}$  and  
SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 36,  
T. 2 S., R. 44 E., W.M.  
Water for these uses is  
diverted from a point  
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.

The applicant herein,  
owner of the acreage above  
described along with the  
house and stock facilities,  
proposes to maintain the  
present point of diversion  
for use during the irriga-  
tion season and establish  
an additional point of  
diversion to be located S.  
36° 31' W. 588 ft. from the  
W $\frac{1}{4}$  corner of Sec. 36,  
being within the NE $\frac{1}{4}$   
SE $\frac{1}{4}$  corner of Sec. 35, T. 2  
S., R. 44 E., W.M., for use  
during the non-irrigation  
season for domestic and  
stock uses.

All persons interested  
are notified hereby that a  
hearing will be held at the  
county courthouse at En-  
terprise, Oregon on May 6,  
1976, at 1:30 p.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 pre-  
pared in writing, one copy  
to be served on Sylvia  
Boner, Joseph, Oregon  
97846, and one copy filed  
with the Water Resources  
Department, Salem, Ore-  
gon 97310, together with a  
\$10 filing fee, at least 10  
days prior to the date set  
for hearing. If no objec-  
tions are filed, the applica-  
tion may be approved by  
the Water Resources Di-  
rector without a hearing.  
Administrative rules per-  
taining to the filing of a  
protest will be furnished  
by the Water Resources  
Department upon request.

Dated at Salem, Oregon,  
this 5th day of March,  
1976.

James E. Sexson  
Director

c51t3

WILLIAM L. REYNOLDS

ATTORNEY AT LAW  
P.O. BOX 333  
200 WEST GREENWOOD ST.  
ENTERPRISE, OREGON 97828  
Area Code 503 426-4088

February 20, 1976

RECEIVED

FEB 23 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Wayne J. Overcash  
Water Rights Engineer  
Water Resources Department  
1178 Chemeketa Street, N. E.  
Salem, Oregon 97310

Re: Boner Application for  
Change of Point of Diversion

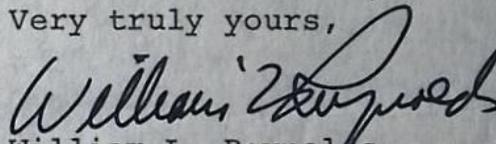
Dear Mr. Overcash:

Enclosed please find the map which you sent to this office, duly marked as to the location of the stock water and the house, and, also, a check in the amount of \$35.00 to cover the additional costs.

We have made the changes on the application which you requested, and believe this should take care of the matter.

Thank you for your cooperation and assistance.

Very truly yours,

  
William L. Reynolds

WLR:rer  
Enclosures

January 2, 1976

T-3321  
T-2351

William L. Reynolds  
Attorney at Law  
P.O. Box 333  
200 West Greenwood St.  
Enterprise, OR 97828

Dear Mr. Reynolds:

The application for a change in point of diversion of water from Hurricane Creek you submitted for Sylvia Boner received in October of 1975 was filed as transfer No. 3321. The fees in the amount of \$40.00 were also received.

The transfer application requires an examination fee of \$20.00 and a recording fee of \$15.00 for the change in point of diversion in addition to the \$40.00 deposit for publication of the notice. Therefore, an additional \$35.00 is required.

It will be necessary for you to complete Item No. 5 of the application by indicating the place of use. This may be accomplished by listing "house" and "stock facilities" with respect to the proper quarter-quarter, section, township, and range.

The application should be accompanied by a map showing the location of the stock watering facilities and house to be supplied water. I am enclosing a print of the map which supported the earlier transfer No. 2351. You may add the required information to this map. If stock will drink directly from the ditches rather than separate stock watering facilities, this may be noted.

Since the proposed change is only for stock and domestic purposes, as indicated above Item No. 1, the "irrigation" use should be deleted from Item No. 2.

I am returning the application for completion. I apologize for the long delay in responding to the application. Upon receipt of the completed application and additional fees, we will prepare the notice for publication.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WO:db  
Encl: Receipt No. 49795  
cc: Robert W. DeBow, Watermaster

WILLIAM L. REYNOLDS

ATTORNEY AT LAW  
P.O. BOX 333  
200 WEST GREENWOOD ST.  
ENTERPRISE, OREGON 97828  
Area Code 503 426-4088

October 3, 1975

RECEIVED

OCT - 6 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Trevor Jones  
Water Resources Department  
1178 Chemeketa Street, N.E.  
Salem, Oregon 97310

Re: Application for  
Transfer of Water Right  
Sylvia Boner

Dear Mr. Jones:

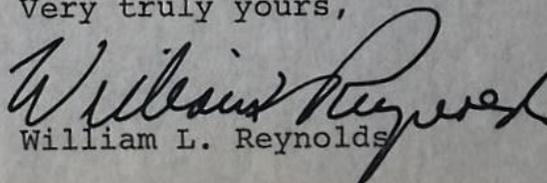
Enclosed please find the application executed by Mrs. Boner, along with her check in the amount of \$40.00, which should cover the publication in the Wallowa County Chieftain. The Watermaster indicated that you wanted to file the notice with the newspaper from your office. I'm sure \$40.00 will be more than adequate; if it is not, we will see that the balance is paid.

I believe I talked with you about this matter some time ago. We were trying to put back the stock water and the domestic water into the Castor-Page Ditch. Apparently, when Lyle Boner, now deceased, filed his application on March 26, 1970, it was not his intention to include stock and domestic water out of the Moonshine Ditch. The obvious reason is that Moonshine Ditch does not run year around.

You indicated to me that as long as we took the domestic and stock water out of the Castor-Page Ditch in the non-irrigation season, we should have no difficulty.

If there is anything further your office requires, please let me know.

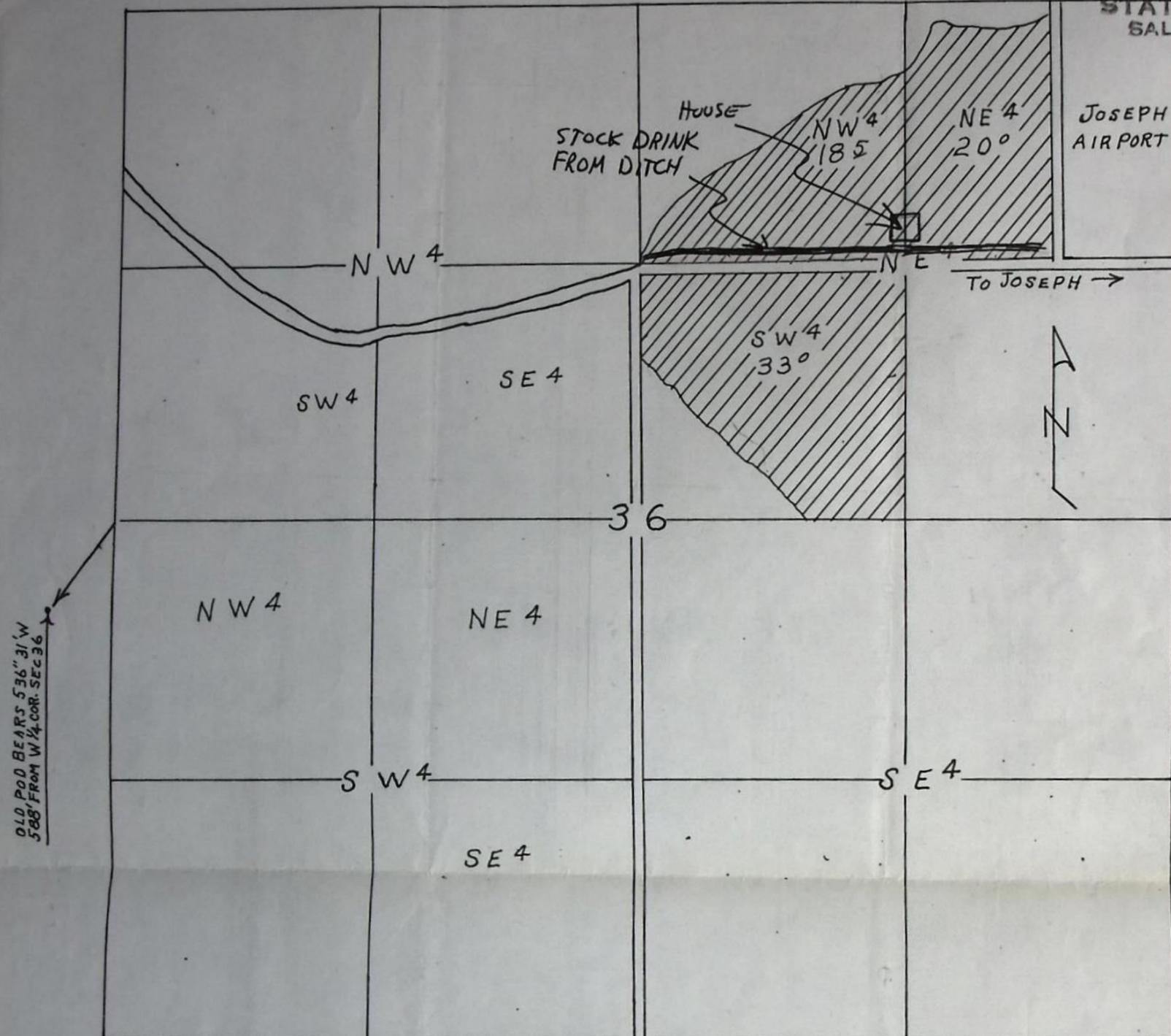
Very truly yours,

  
William L. Reynolds

WLR:rer  
Enclosure

T.2 S. R.44 E.

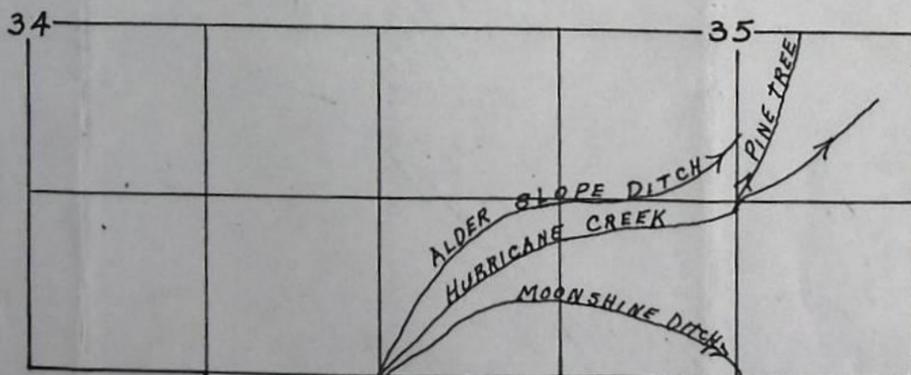
RECEIVED  
APR 24 1970  
STATE ENGINE  
SALEM, OREGON



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

CASTOR PAGE, OLD SETTLER SLOUGH, ROBINBONER DITCH

RECEIVED  
FEB 23 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON



NEW DIVERSION  
S76°02'W, 49' FROM NE CORNER SEC 3  
BEING WITHIN NE 4 NE 4 SEC 3 T3S R44 E.W.M.  
OLD DIVERSION IS  
NE CORNER OF SE 4  
SEC 35 T2S R44 E.W.M.

SCALE 1" = 1320'