

2344

2344 Campbell Livestock

Kimberly, Ore 978

## STATUS OF APPLICATION

Change in Place of Use  
 Date filed February 24, 1970  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 9-30-70 Vol. 20, page 110  
 Date for application of water 10-1-71  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued FEB 26 1974 Vol. 31, page 39829  
To Survey 5-8-72

## DESCRIPTION OF WATER RIGHT

Name of stream Rudio Creek  
 Trib. of \_\_\_\_\_ County of Grant  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 46 1/2  
 Name of ditch West  
 Date of priority 1891  
 In name of First National Bank  
John Day River Adjudication, Vol. 10, page 501  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 25170  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by slu

## FEES PAID

| Date            | Amount               | Receipt No.  |
|-----------------|----------------------|--------------|
| <u>2/24/70</u>  | <u>22.56</u>         | <u>17843</u> |
| TOTAL . . .     |                      |              |
| <u>2/24/70</u>  | <u>\$1 Cert. Fee</u> | <u>17844</u> |
| <u>10/11/73</u> | <u>.50</u>           | <u>36856</u> |

## FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|      |        |           |

## REMARKS

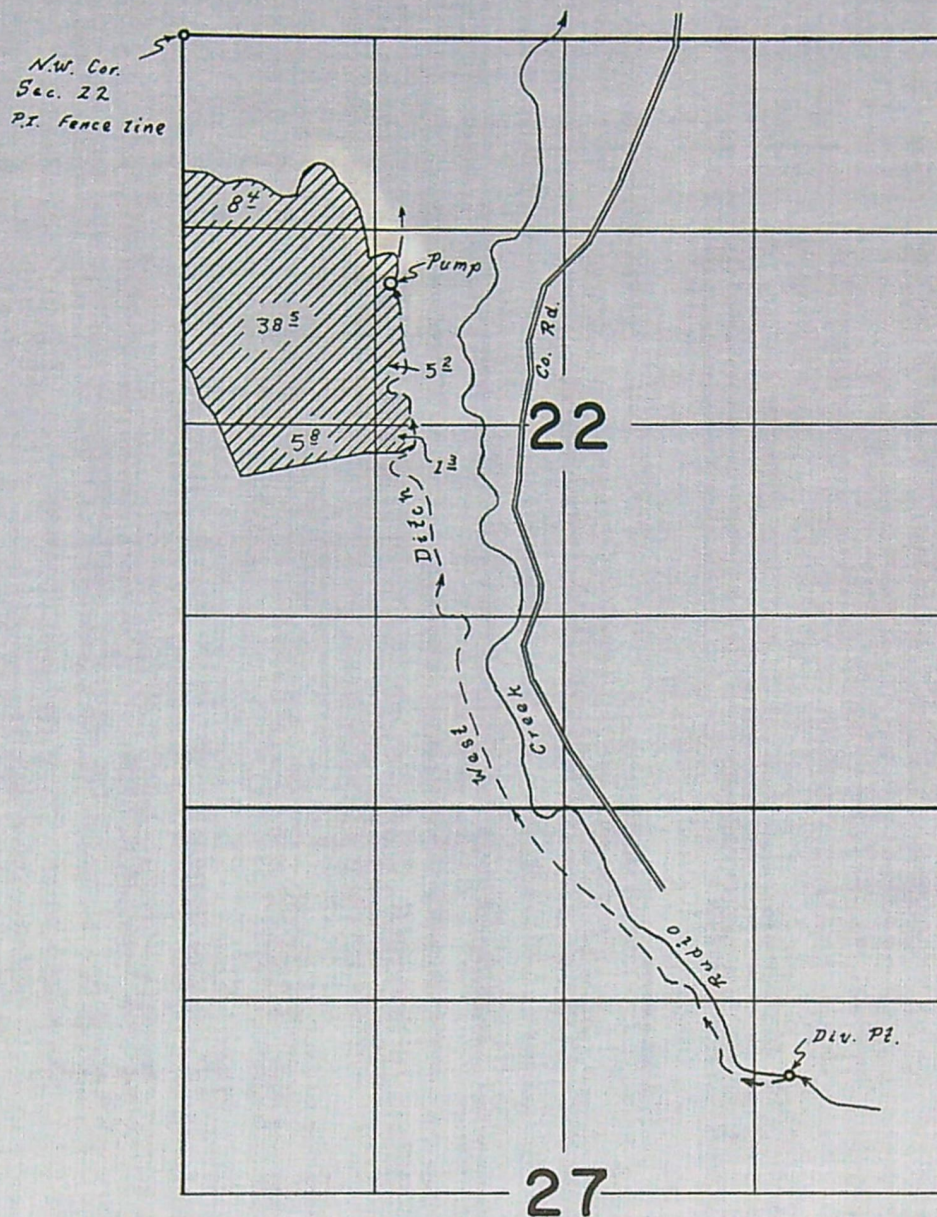
| INDEX CARDS:                |              | Entered    | Checked |
|-----------------------------|--------------|------------|---------|
| TO BE ENTERED WHERE CHECKED | Name         | <u>slu</u> |         |
|                             | Stream       | <u>slu</u> |         |
|                   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

W.R.I.S.

Assembled 7-19-84 by slu  
 Entered \_\_\_\_\_ by \_\_\_\_\_  
 Indexed \_\_\_\_\_ by \_\_\_\_\_



T. 9 S. R. 26 E. W.M.



Div. Pt. Loc. 7120'S. & 4200'E. from N.W. Cor. Sec. 22

FINAL PROOF SURVEY  
UNDER

Application No. <sup>Transfer</sup> 2344 Permit No. ....  
IN NAME OF  
Campbell Livestock Co.

Surveyed 1 Aug. 1972 by L. E. Gould



REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FOR

hr

Transfer No. 2344County Grant

1. Name Campbell Livestock Co.. Address Kimberly, Oregon 97848
2. Source of Supply Rudio Creek, Trib. of John Day River
3. Amount of Water \_\_\_\_\_ Priority Date 1891
4. Use Irrigation of 46<sup>1</sup> Acres
5. Proposed Point of Diversion Loc. 7120'S & 4200'E. From NW. cor.  
Sec. 22, T. 9S. R. 26E. W.M. GRANT.

## 6. Place of Use

| Township | Range   | Section | Forty Acre Tract  | Use for Which<br>Transfer Made<br><i>ALLOW. 1-2344</i> | <i>FOUND</i>                   |
|----------|---------|---------|---|--|--------------------------------|
| 9 South  | 26 East | 22      | NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> | 12.6 ac 34 <sup>1</sup> / <sub>2</sub>                 | 84 <sup>2</sup>                |
| " "      | " "     | "       | SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> | 33.5 ac 33 <sup>1</sup> / <sub>2</sub>                 | 38 <sup>1</sup> / <sub>2</sub> |
|          |         | "       | SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> | 0 <sup>0</sup>   | 5 <sup>2</sup>                 |
|          |         | "       | NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> | 0 <sup>0</sup>   | 13                             |
|          |         | "       | NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> | 0 <sup>0</sup>   | 5 <sup>1</sup> / <sub>2</sub>  |
|          |         |         |   |  |                                |
|          |         |         |   |  |                                |
|          |         |         |   |  |                                |
|          |         |         |   |  |                                |
|          |         |         |   |  |                                |
|          |         |         |   |  |                                |
|          |         |         |   |  |                                |
|          |         |         |   |  |                                |

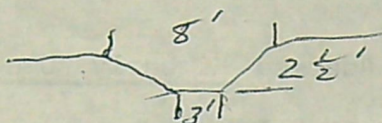
46<sup>1</sup>/<sub>2</sub>59<sup>1</sup>/<sub>2</sub>DDW-1FF-22  
Aug. 1, 1972  
L. E. G.



Info: Mr. Campbell

Div. Pt.: No change. Log & Rock Dam.

24" Steel Culvert with Flash Boards.

Ditch: 

Fall: 2% to 4%

Pump: Takes water from small sump in ditch.

150 H.P. Caterpillar D318, 6 cyl., 1800 R.P.M.  
Belt Dr. Cornell Cent.  $2\frac{1}{2}$ " x 2"

Pulleys 26" on motor, 13" on pump.

Pipe: 1500' 5" Alum.

2200' 3" " "

Heads: 55 R.B. #30  $\frac{3}{16}$  All operate at one Time.

Lift: Suction 4'-6' Disch. 0' - 100'

Tie: Land irrigated & Pump Pt. shown  
on Photo DDU-1FF-22, N.W. Cor. Sec. 22  
shown on above Photo.

Aug. 1, 1972, L. E. Gould  
Field Engineer



## STATE OF OREGON

COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That CAMPBELL LIVESTOCK COMPANY

of Kimberly, State of Oregon, 97848, has a right  
to the use of the waters of Rudio Creek

a tributary of North Fork John Day River for the purpose of  
irrigation of 112.2 acres, domestic and stock  
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Grant County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby  
confirmed dates from 1891

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 one-fortieth cubic foot  
per second per acre irrigated to June 1 and one-eightieth cubic foot per second per  
acre thereafter; further limited to one acre foot per calendar month to June 1 and  
four acre feet per acre during season April 1 to September 30, measured at point  
of diversion.

The point of diversion is located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 27, T. 9 S., R. 26 E., W. M.,  
7120 feet South and 4200 feet East from NW Corner, Section 22.  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

22.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
11.1 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 15  
11.0 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
30.4 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
37.7 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 22  
T. 9 S., R. 26 E., W. M.

Certificate of water right issued to First National Bank and recorded at page 25170,  
Volume 17, State Record of Water Right Certificates, confirms the right to the use  
of water for irrigation of 112.2 acres, domestic, and stock. A change in the place  
of use of water for the irrigation of 46.1 acres was approved by order of the State  
Engineer entered September 30, 1970. This certificate is issued to confirm the  
remaining right and to confirm the change in place of use of water for irrigation  
and domestic, and stock, and supersedes the certificate heretofore issued to First  
National Bank.

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, 1974.

Chris L. Wheeler  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39829



BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF CAMPBELL LIVESTOCK COMPANY FOR )  
THE APPROVAL OF A CHANGE IN PLACE )  
OF USE OF WATER FROM RUDIO CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 2344

On February 24, 1970, Campbell Livestock Company filed an application in the office of the State Engineer for the approval of a change in place of use of water from Rudio Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and its Tributaries, a water right was established in the name of First National Bank for the irrigation of, among other lands, 3.8 acres in NE¼ SE¼, 16.3 acres in SW¼ SE¼, and 26.0 acres in SE¼ SE¼, Section 16, Township 9 South, Range 26 East, W.M., with a date of priority of 1891, as evidenced by certificate of water right recorded at page 25170, Volume 17, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 12.6 acres in NW¼ NW¼ and 33.5 acres in SW¼ NW¼, Section 22, Township 9 South, Range 26 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Howard Daggett, Watermaster of District No. 4, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.



Prudential Life Insurance Company, mortgagee of the land involved, has submitted written approval of the change in place of use of water.

No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 3.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 16.3 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 26.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, Township 9 South, Range 26 East, W.M., with a date of priority of 1891, be severed therefrom and simultaneously and without loss of priority transferred to 12.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 33.5 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 9 South, Range 26 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1971.

It is FURTHER ORDERED that certificate of water right heretofore issued to First National Bank and recorded at page 25170, Volume 17, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Campbell Livestock Company confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

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

/s/ CHRIS L. WHEELER  
State Engineer



## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Campbell Livestock Company

(Name of applicant)

of Kimberly

(Postoffice)

County of Grant

State of Oregon

, do hereby make application for change place of use

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

1. The source of present water right is Rudio Creek

(Name of stream)

2. The use to which the water is applied is Irrigation

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

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

4. The point of diversion is located 1735 ft. S and 1650 ft. E from the S<sup>1</sup>/<sub>4</sub>

(N. or S.)

(E. or W.)

corner of Section 22

(Section or subdivision)

being within the SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>

of Section 27 Tp. 9 S R. 26 E W. M., in the County of Grant

(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 <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |
| 9S   | 26E   | 16   |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 3.8                            |                                | 16.326.0                       |                                |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |

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? 1891

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 25170  
(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 Decree of Circuit Court (Rudio Creek)  
(Yes or No)

12. Is the water right recorded in your name? No First National Bank  
(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 |     |     |     |
|------|-------|------|--------|-----|-----|-----|--------|-----|----------|-----|--------|-----|-----|-----|--------|-----|-----|-----|
|      |       |      | NE¼    | NW¼ | SW¼ | SE¼ | NE¼    | NW¼ | SW¼      | SE¼ | NE¼    | NW¼ | SW¼ | SE¼ | NE¼    | NW¼ | SW¼ | SE¼ |
| 9S   | 26E   | 22   |        |     |     |     |        |     | 12.633.5 |     |        |     |     |     |        |     |     |     |
|      |       |      |        |     |     |     |        |     |          |     |        |     |     |     |        |     |     |     |
|      |       |      |        |     |     |     |        |     |          |     |        |     |     |     |        |     |     |     |
|      |       |      |        |     |     |     |        |     |          |     |        |     |     |     |        |     |     |     |

(Attach separate sheet if necessary)

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

14. The proposed point of diversion is located ..... ft. .... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... 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 .....

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.

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.? No  
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

| NATURE OF ENCUMBRANCE | HELD BY                           | AMOUNT      |
|-----------------------|-----------------------------------|-------------|
| Mortgage              | Prudential Life Insurance Company | \$35,000.00 |
|                       |                                   |             |
|                       |                                   |             |

20. Reasons for the proposed changes are Original Lands can be better irrigated from the North Fork of the John Day River. Land above old ditch can be sprinkler irrigated closer to point of diversion.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Grant

} ss.

I, Tom M. Campbell, 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 19 th day of February, 1970

Campbell Livestock Company

By Tom M. Campbell  
(Name of applicant)

Subscribed and sworn to before me this 19 th day of February, 1970

[Notarial Seal]

Howard Daggett  
NOTARY PUBLIC FOR OREGON

My commission expires 12-10-73

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.



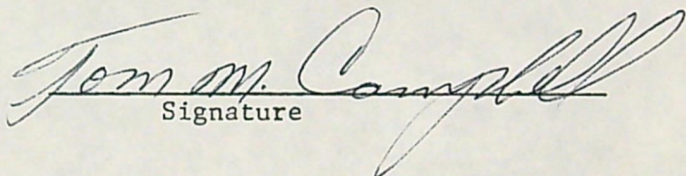
NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

Transfer No. 2344

I, in behalf or Campbell Livestock Com. hereby certify that  
on August 1, 1971, the water has been applied to the lands to  
which the water right was transferred by an order of the State Engineer  
dates September 30, 1970 approving an application for a change in place  
of use of water from Rudio Creek.

April 6, 1972

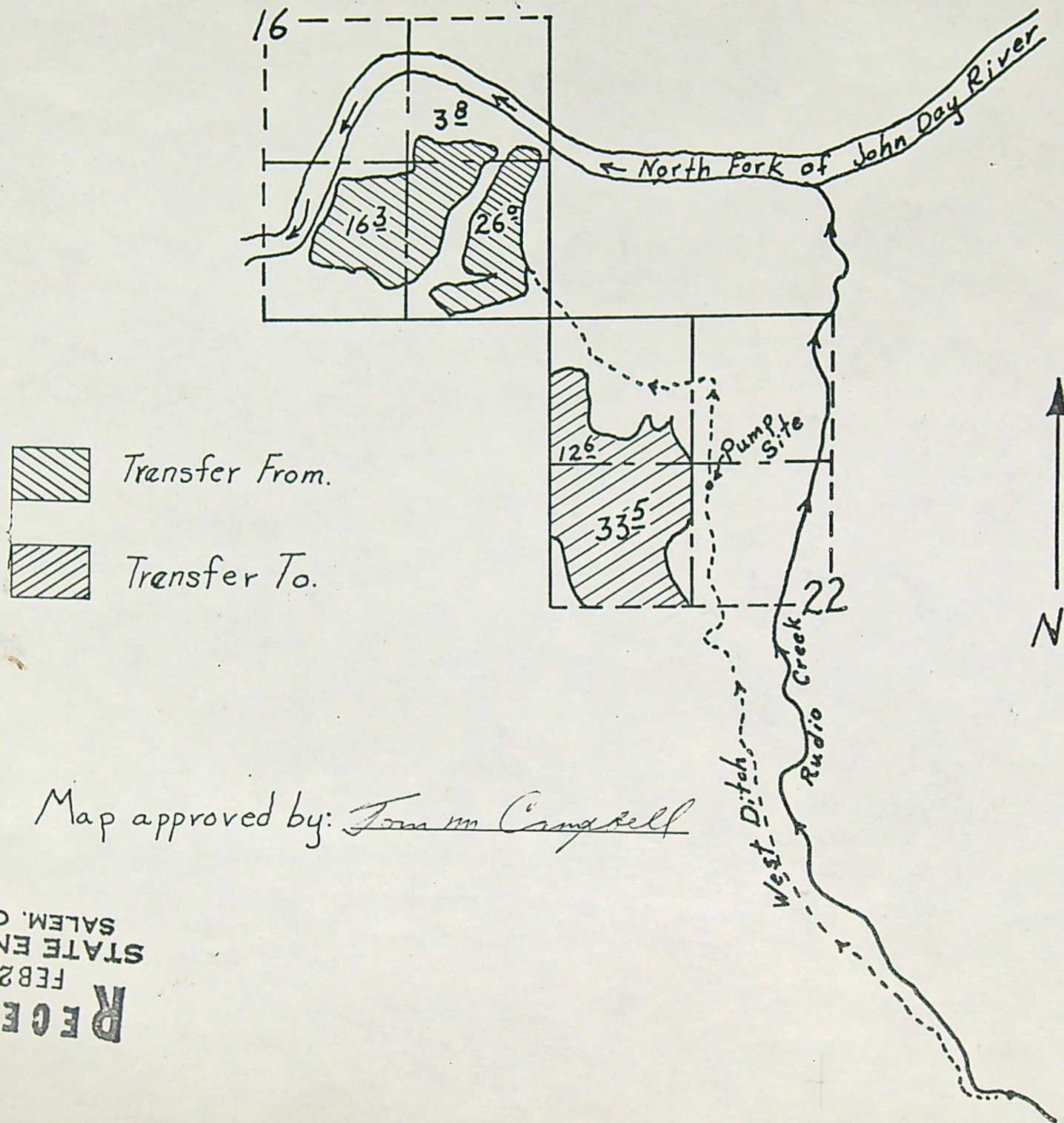
Date

  
Signature

**RECEIVED**  
APR 10 1972  
STATE ENGINEER  
SALEM, OREGON



T. 9S., R. 26E., W.M.  
"Transfer" Radio Creek



Map approved by: Tommy Campbell

RECEIVED  
FEB 24 1970  
STATE ENGINEER  
SALEM, OREGON