

STATUS OF APPLICATION

MAR 29 1989

60689

57

Surveyed 7/30/84 (Ranch Home Estate)

DESCRIPTION OF WATER RIGHT

Notation made on record by sl

FEES PAID

Date	Amount	Receipt No.
9-10-70	10.00	20763
9-15-70	10.00	From P-6
8-26-76	2.00	55544
TOTAL . . .		
	\$1 Cert. Fee	

FROM MISC. REC FEES

FEES REFUNDED[illegible]

REMARKS

See T-2446

Assigned to Ed & Donna Trindle
— *finis* —

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Pt. of Div.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Typ. & Rec.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Index Vault	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Index Sale	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W. R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Per. Index	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Crim. Index	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Possible Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF CHARLES C. EBELL FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM SUTTON CREEK)

ORDER APPROVING
TRANSFER NO. 2445

On September 10, 1970, Charles C. Ebell filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Sutton Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Emma Weber and recorded at Page 3370, Volume 4, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.14 cubic foot per second of water from Sutton Creek for the irrigation of, among other lands, 5.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.9 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 9 South, Range 40 East, W.M., with a date of priority of September 20, 1916. These lands are irrigated from a point of diversion located South 47 degrees, 45 minutes East, 125 feet from the center corner of Section 34, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 9 South, Range 40 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 6.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 9 South, Range 40 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. Kent Searles, Watermaster of District No. 8, 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.

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

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.9 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 9 South, Range 40 East, W.M., being 0.08 cubic foot per second, with a date of priority of September 20, 1916, be severed therefrom and simultaneously and without loss of priority transferred to 6.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 9 South, Range 40 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that certificate of water right heretofore issued to Emma Weber and recorded at Page 3370, Volume 4, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to E. K. Trindle confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 23rd day of August, 1976.

/s/ JAMES E. SEXSON
Director

Supersedes by

Cert. No.

STATE OF OREGON

43235

COUNTY OF BAKER

Trs. Sa. Or. V. 17, p. 497

R-109

Sp. Or. V. 27, p. 373

(T-2445)

CERTIFICATE OF WATER RIGHT

This is to Certify, That

EMMA WEBER

of Baker, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of ~~Sutton~~ ^{Sutton} Creek

a tributary of Powder River for the purpose of irrigation under Permit No. 3121 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 410, on the 17th day of October, 1921; that the priority of the right hereby confirmed dates from September 20, 1916;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ~~0.14~~ cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

8.3 acres in the Southeast quarter of Southwest quarter; 1.5 acres in the Northeast quarter of Southwest quarter and 0.9 acres in the Southwest quarter of Southeast quarter of Section Twenty-one, Township Nine South, Range Forty East of Willamette Meridian, in Baker County, Oregon.

orig POD NW 1/4 SE 1/4, Sec 34, T9S, R40E; S 47° 45' E, 125 ft from center Sec 34

point of diversion changed
Sp. Or. Vol. 1 page 157

also cut 43735 & 48559

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 17th day of October, 1921

(Seal of State Water Board)

STATE WATER BOARD

By PERCY A. CUPPER

State Engineer, President

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3370

T-2445