2446 Charles C. Ebell
2810 Campbell
Baker, Ore. 97814

2446

on file

34

STATUS OF APPLICATION

Change in Place of Use
Date filed September 10, 1970
Date of hearing
Place of hearing
Date of order 8-23-76 Vol. 27, page 375
Date for application of water 10-1-77
Proof mailed JAN 23 1989
Proof received
Certificate issued MAR 29 1989 Vol. 57, page 60690

DESCRIPTION OF WATER RIGHT

Name of stream Sutton Creek
Trib. of — County of Baker
Use Irrigation
Quantity of water — No. of acres 22 0
Name of ditch Grave yard
Date of priority May 12, 1921
In name of A. H. Davis
Powder River Adjudication, Vol. , page
App. No. 7870 Per. No. 5042 Cert. No. 4996
Certificate cancelled
Notation made on record by sh

FEES PAID

Date	Amount	Receipt No.
9-10-70	3000	20764
TOTAL . . .		
	$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Surveyed 7/31/84 (Ranch Home Estab)

REMARKS

See T-2445 Assigned to E. K. Trindle
finis

TO BE ENTERED WHERE CHECKED

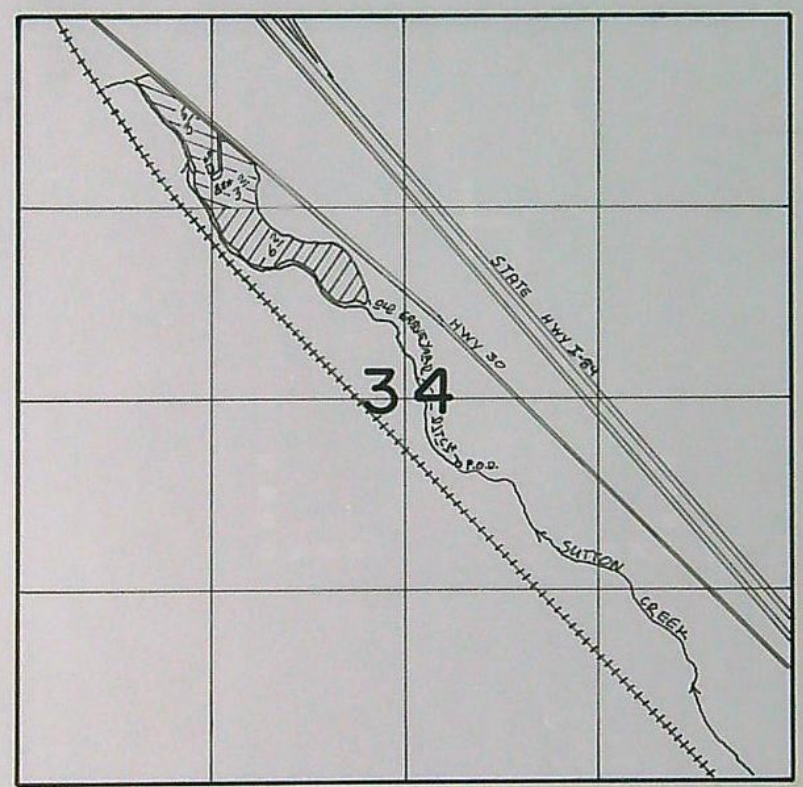
INDEX CARDS:	Entered	Checked
WR Name	✓	—
WR Stream	✓	—
Pt. of Div.		—
WR Calendar	✓	—
CHECKED TO RECORDS:		
✓ Twp. & Rge.	✓	
WR Decree-vault	—	—
— Decree-safe	—	—
✓ Cert. of W/R	✓	—
✓ Per. Folder	✓	—
— Chaindex	—	—
— Cross Ref.	—	—
— Power Claim	—	—
— Abstracts	—	—

SP*44048-119

48

T.9S. R.40E. W.M.

SCALE: 1"=1320'



POD LOCATED 360' EAST AND 450' SOUTH FROM THE C.1/4 COR. SEC. 34

T-2445 T-2446

FINAL PROOF SURVEY

UNDER

TRANSFER: T-2445, T-2446

IN NAME OF

CHARLES C. EBELL

Surveyed 7-30 19 84, by V.L. CHURCH

43L JS

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. 2446

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 A. H. Davies and recorded at Page 4996, Volume 5, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.28 cubic foot per second of water from Sutton Creek for the irrigation of 0.5 acre in SE¼ SW¼ and 21.5 acres in SW¼ SE¼, Section 21, Township 9 South, Range 40 East, W.M., with a date of priority of May 2, 1921. 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 NW¼ SE¼ of 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 1.52 acres in the SW¼ NE¼, 5.44 acres in the NE¼ NW¼ and 15.04 acres in the SE¼ NW¼ of 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.

Sp. Or. V. 7 p. 375

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 0.5 acre in the SE¼ SW¼ and 21.5 acres in the SW¼ SE¼ of Section 21, Township 9 South, Range 40 East, W.M., being 0.28 cubic foot per second, with a date of priority of May 2, 1921, be severed therefrom and simultaneously and without loss of priority transferred to 1.52 acres in the SW¼ NE¼, 5.44 acres in the NE¼ NW¼ and 15.04 acres in the SE¼ NW¼ of Section 34, Township 9 South, Range 40 West, 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 A. H. Davies and recorded at Page 4996, Volume 5, State Record of Water Right Certificates, is canceled, 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

Permit—21810—500—7-23.

P-Cert 7870
EAE

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, *That* A. H. Davies

of Baker, *State of* Oregon, *has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of* Sutton Creek *a tributary of* Powder River *for the purpose of* irrigation *under Permit No.* 5042 *of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from* May 2, 1921;

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

~~0.28~~ .084 cubic foot per second.

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Same POD as T-2495

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: Five-tenths (0.5) of an acre in the Southeast Quarter of the Southwest Quarter (SE¼SW¼); and Twenty-one and 5/10 (21.5) acres in the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section Twenty-one (21), Township Nine (9) South, Range Forty (40) East of the Willamette Meridian, in Baker County, Oregon.

3.2 ac NENW
3.5 NWNW
Sec 34
9S 40E

claim 3

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 signature of the State Engineer, affixed this 1st *day of* April, *19*24.

.....
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 5, *page* 4996

60690