

654 Humboldt Land +  
Livestock Co.  
Fields,

2654

**STATUS OF APPLICATION**

**DESCRIPTION OF WATER RIGHT**

**FEES PAID**

Change in Point of Diversion + Place of Use  
 Date filed MAY 31, 1972  
 Date of hearing 11-4-76  
 Place of hearing Burns  
 Date of order 1-16-78 Vol. 30, page 258  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Name of stream Trout Creek, South Branch  
 Trib. of \_\_\_\_\_ County of Harney  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 20<sup>00</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority 1884  
 In name of James E. Rounsoville  
Trout Creek Adjudication, Vol. 3, page 95  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
5-31-72	30.00	28569
5-31-72	20.00 P.O.N.	28570
8-6-76	40.00 P.O.N.	35347
TOTAL	(9.19) <del>11-10-76</del>	
	\$1 Cert. Fee	
Burns Times-Herald	51 57	Part of Ch. # 945
11/10/76		

**FEES REFUNDED**

Date	Amount	Check No.
11-10-76	124	946

Fees.

Ex	15 <sup>00</sup>
POD	10 <sup>00</sup>
POU	5 <sup>00</sup>
	<u>30<sup>00</sup></u>

to survey 3/80

**REMARKS**

Re-transfer of part of Sp. Or. Val. bp 46 (N.W. Starr) (6-22-48 - completed)

CARD FOR C DEC. 20 1979

TO BE ENTERED WHILE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	lej	---
<input checked="" type="checkbox"/> Address	lej	---
<input type="checkbox"/> P. o. Div.	---	---
<input checked="" type="checkbox"/> Calendar	lej	---
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rce.	JWC	---
<input checked="" type="checkbox"/> Decree-vault	lej	---
<input checked="" type="checkbox"/> Decree-safe	lej	---
<input checked="" type="checkbox"/> Cert. of W/R	---	---
<input type="checkbox"/> Per. Folder	---	---
<input type="checkbox"/> Chainindex	---	---
<input type="checkbox"/> Cross Ref.	---	---
<input type="checkbox"/> Power Claim	---	---
<input checked="" type="checkbox"/> Abstracts	lej	---

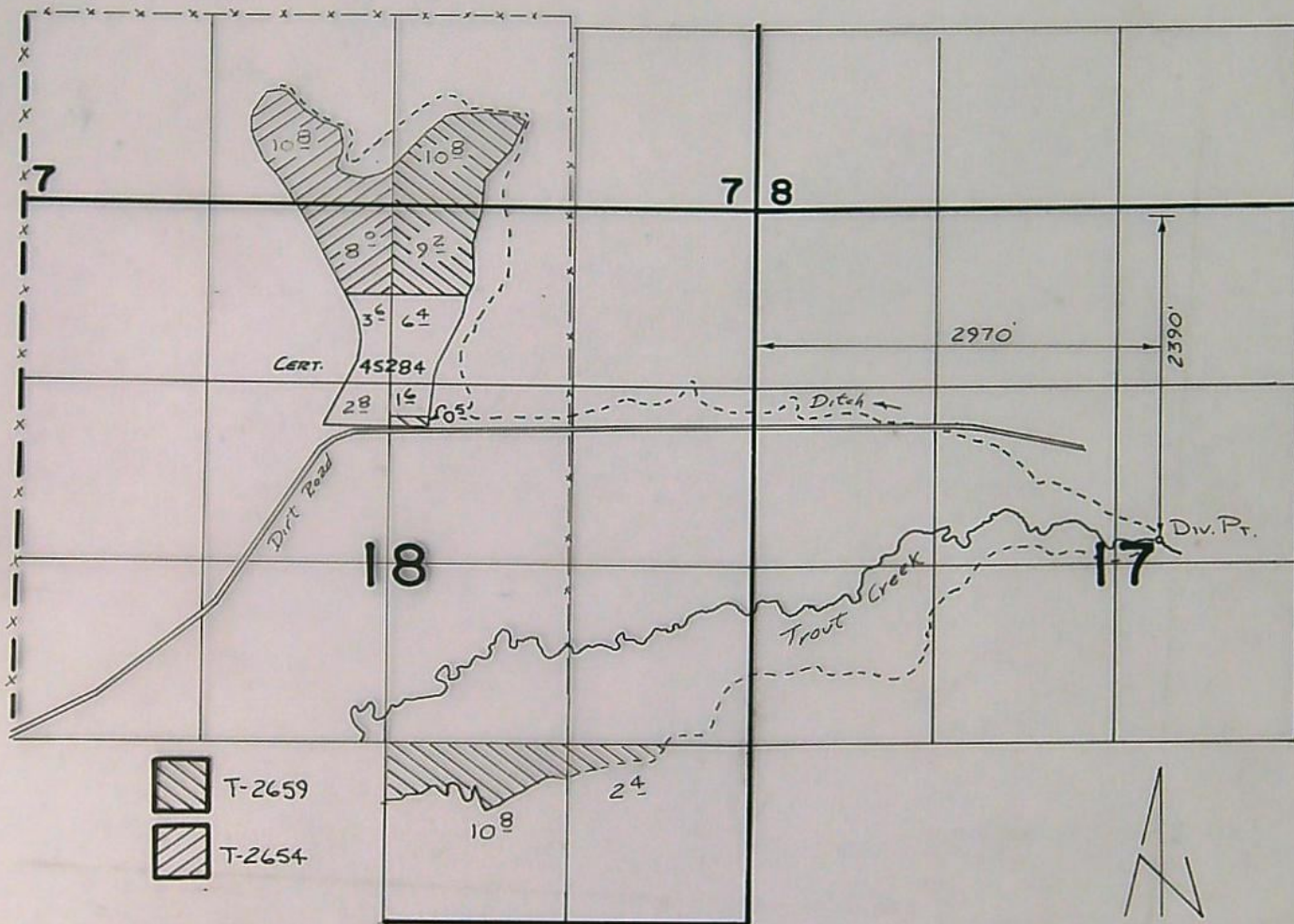


Appls T-2654 to T-2659 duplicate in part  
the proposals made by Withdrawn application # C156

[ C-156 was protested, a hearing held, order denying A# C156 drafted prior  
to withdraw by applicant - ]



T. 39S., R. 37E., W. M.



Scale 1" = 1320'

**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 2654, 2659**  
IN NAME OF

**HUMBOLT LAND & LIVESTOCK CO.**

Surveyed 7-15..... 1988, by V.L. Church.....



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HARNEY COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HUMBOLT LAND & LIVESTOCK CO. )  
FOR APPROVAL OF CHANGES IN PLACE )  
OF USE AND POINT OF DIVERSION OF )  
WATER FROM TROUT CREEK )  
----- )

ORDER APPROVING  
TRANSFER NO. 2654

On May 31, 1972, an application was filed in the office of the Water Resources Director by Humbolt Land & Livestock Company for approval of changes in place of use and point of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered on June 22, 1948, approving transfer application No. S58, a portion of the right allowed by Decree of the Circuit Court for Harney County, dated February 23, 1916, in the matter of Edwin B. Hill, et al. vs. the American Land & Livestock Company, et al., adjudicated to C. E. Thomas and L. W. Walter for use of water from South Branch Trout Creek under a date of priority of 1884, now exists for the irrigation of 20 acres in S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, Township 39 South, Range 36 East, W.M.

The authorized point of diversion for the said right is located 0 feet North and 0 feet West from the Southeast Corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 31.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 16.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{2}$  (South and West of ditch), Section 7; and 3.6 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  (East of ditch), Section 18, Township 39 South, Range 37 East, W.M. from a point of diversion located 20 feet North and 310 feet East from the Center Corner of Section 17, being within



the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, Township 39 South, Range 37 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Burns Times-Herald, a newspaper printed and having general circulation in Harney County, Oregon, for a period of three weeks in the issues of September 9, 16 and 23, 1976.

Mr. Walter N. Perry, Water Resources Department, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion of water from Trout Creek, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the diversion of water at the new point of diversion shall be limited to the water available at the old point of diversion on the South Branch of Trout Creek under the subject water right, pursuant to provisions of the said decree, with particular reference to paragraph 26 and to a subsequent paragraph which provides, in part, "A headgate shall always be maintained at the head of the South Branch... at such times as the water is not needed for beneficial use for the purpose herein determined by any lower water users ... such amount may be allowed to flow through such headgate as may be necessary for the use of all appropriators or users therefrom ...".

It is FURTHER ORDERED that the diversion of water at the new point of diversion shall be contingent upon maintaining an adequate system of drain ditches and controls to prevent the free-flooding of the lands from which the water right is hereby severed.



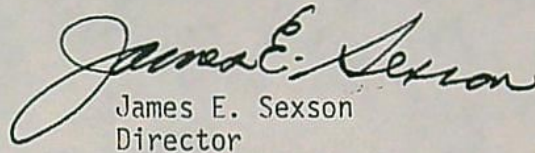
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include 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 the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

Dated at Salem, Oregon, this 16th day of January, 1978.

  
James E. Sexson  
Director



# Burns Times-Herald

## AFFIDAVIT OF PUBLICATION

(copy of notice to be pasted here)

STATE OF OREGON ( ) ss.  
County of Harney ( )

### NOTICE OF FILING APPLICATIONS FOR CHANGES TO WATER RIGHTS FOR TROUT CREEK

Notice is given hereby that Humbolt Land and Livestock Company has filed applications for changes in point of diversion and place of use for waters of Trout Creek under rights allowed by decree of the court in the Trout Creek adjudication.

Rights with a date of priority of 1884 for diversion of water from the South Branch of Trout Creek at a point located at the SE corner of the SW 1/4 NE 1/4 of Sec. 31, T. 39 S., R. 36 E., W.M., are now appurtenant to 5.0 acres in N 1/2 SE 1/4 SE 1/4 and 5.0 acres in N 1/2 SE 1/4 SW 1/4 of Sec. 25, 5.0 acres in S 1/2 SW 1/4 SW 1/4 NE 1/4 and 5.0 acres in N 1/2 NE 1/4 SE 1/4 NE 1/4 of Sec. 36, T. 39 S., R. 35 E., W.M., and to 20.0 acres in S 1/2 SW 1/4 NE 1/4 of Sec. 31, T. 39 S., R. 36 E., W.M.; and for diversion of water from Trout Creek at a point located 410 ft. N. and 380 ft. E. from the SW corner of the NW 1/4 NW 1/4 of Sec. 29, T. 39 S., R. 36 E., W.M., are appurtenant to 34.0 acres in NW 1/4 SW 1/4 of Sec. 13, T. 39 S., R. 35 E., W.M.

The applicant herein, owner of the above described lands, proposes to transfer the rights, as to point of diversion and place of use, and divert water from Trout Creek at a point located 20 ft. N. and 310 ft. E. from the center of Sec. 17, being within the SW 1/4 NE 1/4 of Sec. 17, T. 39 S., R. 37 E., W.M., and irrigate 19.4 acres in SE 1/4 SW 1/4 and 16.4 acres in SW 1/4 SE 1/4 of Sec. 7, 10.6 acres in N 1/2 NW 1/4 NE 1/4, 13.6 acres in N 1/2 NE 1/4 NW 1/4 and 14.0 acres in SW 1/4 SE 1/4 of Sec. 18, T. 39 S., R. 37 E., W.M.

Also, notice is given hereby that said applicant has also filed applications for change in place of use only, for waters of Trout Creek under rights allowed by decree of the court in the Trout Creek adjudication.

One right has a date of priority of 1908 and is appurtenant to 10 acres in E 1/2 E 1/2 NE 1/4 SW 1/4 and 40 acres in NW 1/4 SE 1/4 of Sec. 31, T. 39 S., R. 36 E., W.M.

The other right has a date of priority of 1884 and is appurtenant to 20 acres in S 1/2 SE 1/4 NE 1/4 and 30 acres in E 1/4 NE 1/4 SE 1/4 of Sec. 36, T. 39 S., R. 35 E., W.M.

Water for both rights is diverted from the South Branch of Trout Creek at a point located at the SE corner of the SW 1/4 NE 1/4 of Sec. 31, T. 39 S., R. 36 E., W.M.

The applicant herein, owner of the lands to which both rights are appurtenant proposes to cross-transfer the rights as to place of use to effect an exchange of priorities between the lands in Sec. 31 and the lands in Sec. 36 as described above.

Any and all objections to the proposed changes must be prepared in writing, one copy to be served on Humbolt Land and Livestock Co., Fields, Oregon 97710, and one copy filed in the office of the Water Resources Director, Salem, Oregon 97310, together with a \$10 filing fee, on or before Oct. 25, 1976. If such objections are filed, a hearing will be held in the county courthouse at Burns, Oregon, on November 4, 1976, at 9:30 a.m. The rules for filing protests will be furnished upon request to the Water Resources Director.

Dated at Salem, Oregon, this 26th day of August, 1976.

JAMES E. SEXSON  
Director

Publish September 9, 16 and 23 1976.

I, Arthur P. Heerwagen, being first duly sworn, depose and say that I am the publisher of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, printed and published at Burns, in the aforesaid County and State by the Burns Times-Herald that the Notice of Filing Applications for Changes to Water Rights for Trout Creek

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues:

September 9, 16 and 23, 1976

Subscribed and sworn to before me this 30<sup>th</sup> day of

September, 1976

Sarah A. Heerwagen  
Notary Public for Oregon

(My commission expires December 27, 1977)

No. \_\_\_\_\_

In the \_\_\_\_\_ Court of the

STATE OF OREGON  
for the  
COUNTY OF HARNEY

Filed \_\_\_\_\_ 19\_\_\_\_

Clerk.

By \_\_\_\_\_

Deputy.

From the Office of \_\_\_\_\_

Attorney for \_\_\_\_\_

*Handwritten initials*



**RECEIVED**  
OCT 07 1976  
WATER RESOURCES DEPT  
SALEM, OREGON



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