

2659

STATUS OF APPLICATION

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 273
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Trout Creek
Trib. of _____ County of Harney
Use Irrigation
Quantity of water _____ No. of acres 342
Name of ditch _____
Date of priority 8884
In name of C.E. Thomas & L.W. Walter
Trout Creek Adjudication, Vol. 3, page 95
App. No. _____ Per. No. _____ Cert. No. _____
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>5-31-72</u>	<u>30.60</u>	<u>28575</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

CARD FOR C DEC 26 1979

TO BE ENTERED WHEN CHECKED	INDEX CARDS:		Entered	Checked
	<input checked="" type="checkbox"/>	Name	<u>lcj</u>	---
	<input checked="" type="checkbox"/>	Stream	<u>lcj</u>	---
	<input checked="" type="checkbox"/>	Pt. of Div.	---	---
	<input checked="" type="checkbox"/>	Calendar	<u>lcj</u>	---
	CHECKED TO RECORDS:			
	<input checked="" type="checkbox"/>	Twp. & Rge.	<u>JWC</u>	---
	<input checked="" type="checkbox"/>	Decree-vault	<u>JWC</u>	<u>lcj</u>
	<input checked="" type="checkbox"/>	Decree-safe	<u>lcj</u>	---
	<input checked="" type="checkbox"/>	Cert. of W/R	---	---
	<input type="checkbox"/>	Per. Folder	---	---
	<input type="checkbox"/>	Chaindex	---	---
	<input type="checkbox"/>	Cross Ref.	---	---
	<input type="checkbox"/>	Power Claim	---	---
	<input checked="" type="checkbox"/>	Abstracts	<u>lcj</u>	---

to survey 3/80

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. 2659

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.

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., a right was adjudicated to Gustave O. Schreiber (also tabulated in the names of C. E. Thomas and L. W. Walter) for use of water from Trout Creek, under a date of priority of 1884, for the irrigation of a certain 20.0 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 39 South, Range 35 East, W.M.

By the said Decree a right was also adjudicated to C. E. Thomas and L. W. Walter for use of water from Trout Creek, under a date of priority of 1884, for irrigation of a certain 14.0 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13.

The authorized point of diversion is located 410 feet North and 380 feet East from the Southwest Corner of the NW $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29, Township 39 South, Range 36 East, W.M., being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29.

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 19.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ (South and East of ditch) of Section 7; 0.6 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ (West of ditch), and 14.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ (North of ditch) of 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 $\frac{1}{2}$ 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 Trout Creek under the subject water right.

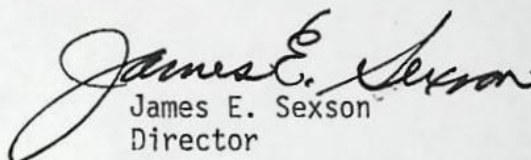
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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