

2661

STATUS OF APPLICATION

Change in 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 278
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued APR 29 2016 Vol. _____, page 91344

DESCRIPTION OF WATER RIGHT

Name of stream Trout Creek
 Trib. of _____ County of Harney
 Use Irrigation
 Quantity of water _____ No. of acres 50[±]
 Name of ditch _____
 Date of priority 1884
 In name of C.E. Thomas & L.W. Walter
Trout Creek Adjudication, Vol. 3, page 97 A
 App. No. _____ Per. No. _____ Cert. No. _____
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-31-72</u>	<u>23.00</u>	<u>28577</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

CARD FOR C DEC 26 1979

to survey 3/10

BE ENTERED WHERE 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.		<u>lcj</u>	
<input checked="" type="checkbox"/>	Calendar		<u>lcj</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Trp. & Reg.		<u>luc</u>	
<input checked="" type="checkbox"/>	Decree-vault		<u>luc</u>	<u>lcj</u>
<input checked="" type="checkbox"/>	Decree-safe		<u>lcj</u>	
<input 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		<u>lcj</u>	

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HUMBOLT LAND & LIVESTOCK CO.
FIELDS OR 97710

confirms the right to use the waters of SOUTH BRANCH TROUT CREEK, for IRRIGATION of 50.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 89. The date of priority is 1884.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
39 S	36 E	WM	31	SW NE

A description of the place of use is as follows:

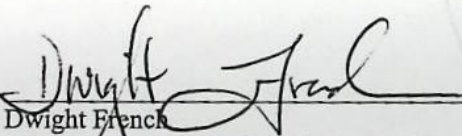
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	36 E	WM	31	NE SW	10.0
39 S	36 E	WM	31	NW SE	40.0

The diversion of water shall be contingent upon maintaining an adequate system of drain ditches and controls to prevent the free-flowing of the lands from which the water right is hereby severed.

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm a change in the place of use approved by an order of the Water Resources Director entered January 16, 1978, at Special Order Volume 30, Page 278, approving Transfer Application 2661.

Issued APR 29 2016


Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
HARNEY COUNTY

IN THE MATTER OF THE APPLICATION)
OF HUMBOLT LAND & LIVESTOCK CO.)
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM TROUT CREEK)

ORDER APPROVING
TRANSFER NO. 2661

On May 31, 1972, an application was filed in the office of the Water Resources Director by Humbolt Land & Livestock Company for approval of a change in place of use 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 and Livestock Company, et al., a right was adjudicated to C. E. Thomas and L. W. Walter for use of water from the South Branch Trout Creek, under a date of priority of 1884, for irrigation of, among other lands, 20.0 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 30.0 acres in E $\frac{3}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 39 South, Range 35 East, W.M.

The authorized point of diversion 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, Township 39 South, Range 36 East, W.M., being within the said SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.0 acres in E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 39 South, Range 36 East, W.M.

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

No objections 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 requested change in place of use of water from South Branch Trout Creek, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the diversion of water shall be limited to the water available from the South Branch of Trout Creek under the subject water right, pursuant to the provisions of said decree of the Court, 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 there from ...".

It is FURTHER ORDERED that the diversion of water 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.

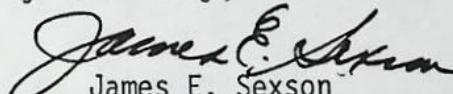
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water as herein confirmed:

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 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