

3331

STATUS OF APPLICATION

Change in place of use
 Date filed 11-17-75
 Date of hearing _____
 Place of hearing _____
 Date of order 3-2-76 Vol. 26, page 429
 Date for application of water 10-1-76
 Proof mailed **FEB 27 1979**
 Proof received _____
 Certificate issued **APR 30 1979** Vol. 41, page 47923
Survey 11/76
3-27-79 JS

DESCRIPTION OF WATER RIGHT

Name of stream Cottonwood Creek
 Trib. of Goose Lake County of Lake
 Use irrigation
 Quantity of water 0.60 cfs No. of acres 47.5
 Name of ditch Baldwin - West Side
 Date of priority April 11, 1918
 In name of F.M. Miller & F. Zim Baldwin
 _____ Adjudication, Vol. _____, page _____
 App. No. 6064 Per. No. 3758 Cert. No. 6738
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-17-75</u>	<u>33.00</u>	<u>50291</u>
TOTAL . . .		
<u>3-27-79</u>	<u>\$2 Cert. Fee</u>	<u>9902</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

FINIS

See T-3330

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

Permit No. 3758

RECEIVED

MAR 27 1979

Transfer No. 3331

WATER RESOURCES DEPT.
SALEM, OREGON County Lake

PROOF OF APPROPRIATION OF WATER

1. Name Matthew L. Outland
2. Address Rt. 1, Box 10, Lakeview, OR 97630
3. Source of Supply Cottonwood Creek
Tributary of Goose Lake
4. Amount of water 0.46 cubic foot per second
5. Priority date April 11, 1918
6. Use irrigation of 36.5 acres
7. Location of point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, T. 39 S., R. 19 E., W. M.,
Baldwin Ditch-4680 feet North and 1260 feet West from the SE Corner, Section 9
8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

6.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
11.4 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
14.3 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
4.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 9
T. 39 S., R. 19 E., W. M.

This certificate will be issued to confirm a change in place of use approved by an order of the Water Resources Director entered on March 2, 1976 and to describe that portion of the water right confirmed by the prior certificate recorded at page 6738, Volume 7, State Record of Water Right Certificates, NOT modified by the provisions of the same order.

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of MARCH 19 79.

Matthew L. Outland
Legal Owner of the above described lands

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3331

I, Matthew Outland, hereby certify that
on June 20, 1970, the water has been applied to the
lands to which the water right was transferred by an order of the ^{Water Resources Director} State
~~Engineer~~ dated March 2, 1976, approving an application for a
change in place of use of water from Cottonwood Creek.

9-17-76

Date

Matthew L. Outland
Signature

RECEIVED

SEP 20 1976

WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Lake County

IN THE MATTER OF THE APPLICATION OF)
MATTHEW OUTLAND FOR THE APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)
FROM COTTONWOOD CREEK)

ORDER APPROVING
TRANSFER NO. 3331

On November 17, 1975, Matthew Outland filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Cottonwood Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to F.M. Miller and F. Zim Baldwin and recorded at Page 6738, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.60 cubic foot per second of water from Cottonwood Creek for the irrigation of, among other lands, 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 11.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 39 South, Range 19 East, W.M., with a date of priority of April 11, 1918. These lands are irrigated by means of the Baldwin Westside Ditch from a point of diversion located South 72 degrees West 1320 feet from the Northeast corner of Section 9, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 39 South, Range 19 East, W.M.

The applicant herein, owner of an undivided interest in the land above described proposes to transfer the water right therefrom, without loss of priority to 7.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 9.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 5.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 39 South, Range 19 East, W.M.

Lawrence W. and Ida Outland, other owners of the property described above, have given written approval of the change.

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. Howard Daggett, Watermaster of District number 12, 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 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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1.0 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 11.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 39 South, Range 19 East, W.M., with a date of priority of April 11, 1918, be severed therefrom and simultaneously and without loss of priority transferred to 7.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 9.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 39 South, Range 19 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of beneficial use of water as herein provided, the certificate of water right heretofore issued to F. M. Miller and F. Zim Baldwin recorded at Page ⁶⁷³⁸~~5288~~, Volume ⁷~~6~~, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued confirming the right to the extent to which water has been applied beneficially including the balance of the right not involved in this proceeding.

Dated at Salem, Oregon, this 2nd day of March, 1976.

/s/ James E. Sexson
Director

RECEIVED

T-3331

NOV 17 1975

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Matthew Outland

(Name of applicant)

of Rt 1 Box 10 Lakeview, County of Lake

(Postoffice)

State of Oregon, do hereby make application for change in place
of use

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Cottonwood Creek

(Name of stream)

2. The use to which the water is applied is Irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Baldwin Ditch West Side

372°W 1320'

4. The point of diversion is located ft. and ft. from the NE

(N. or S.)

(E. or W.)

corner of Sec 9 being within the NE 1/4 NE 1/4

(Section or subdivision)

of Section 9 Tp. 39S R. 19E W. M., in the County of Lake

(No. N. or S.)

(No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
<u>39S</u>	<u>19E</u>	<u>16</u>	<u>4</u>		<u>11</u>	<u>4</u>	<u>4</u>			<u>1</u>					<u>25</u>			<u>4</u>
		<u>15</u>							<u>3</u>			<u>2</u>	<u>1</u>					

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Lawrence W. & Ida

(If not owner, explain your interest)

Outland

Matthew L. Outland

7. Have the lands above described been irrigated during the past 5 years? yes

8. What is the priority date of your water right? April 11, 1918

9. Was your water right acquired by State Engineer's Permit? yes If so, give number

(Yes or No)

of permit 3758

10. Do you hold a water right certificate? yes If so, give number of certificate 6738
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

no
(Yes or No)

If so, give title of proceedings

12. Is the water right recorded in your name? No F. M. Miller & F. Zim Baldwin
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
39S	19E	9													7.1	9.3	15	5.1

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located?

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are More beneficial use -
flood to sprinkler

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of _____ Lake _____ } ss.

I, ^{L.} Matthew L. Outland, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 14 day of November, 1975.

Matthew L. Outland
(Name of applicant)

Subscribed and sworn to before me this 14 day of November, 1975.

[Notarial Seal]

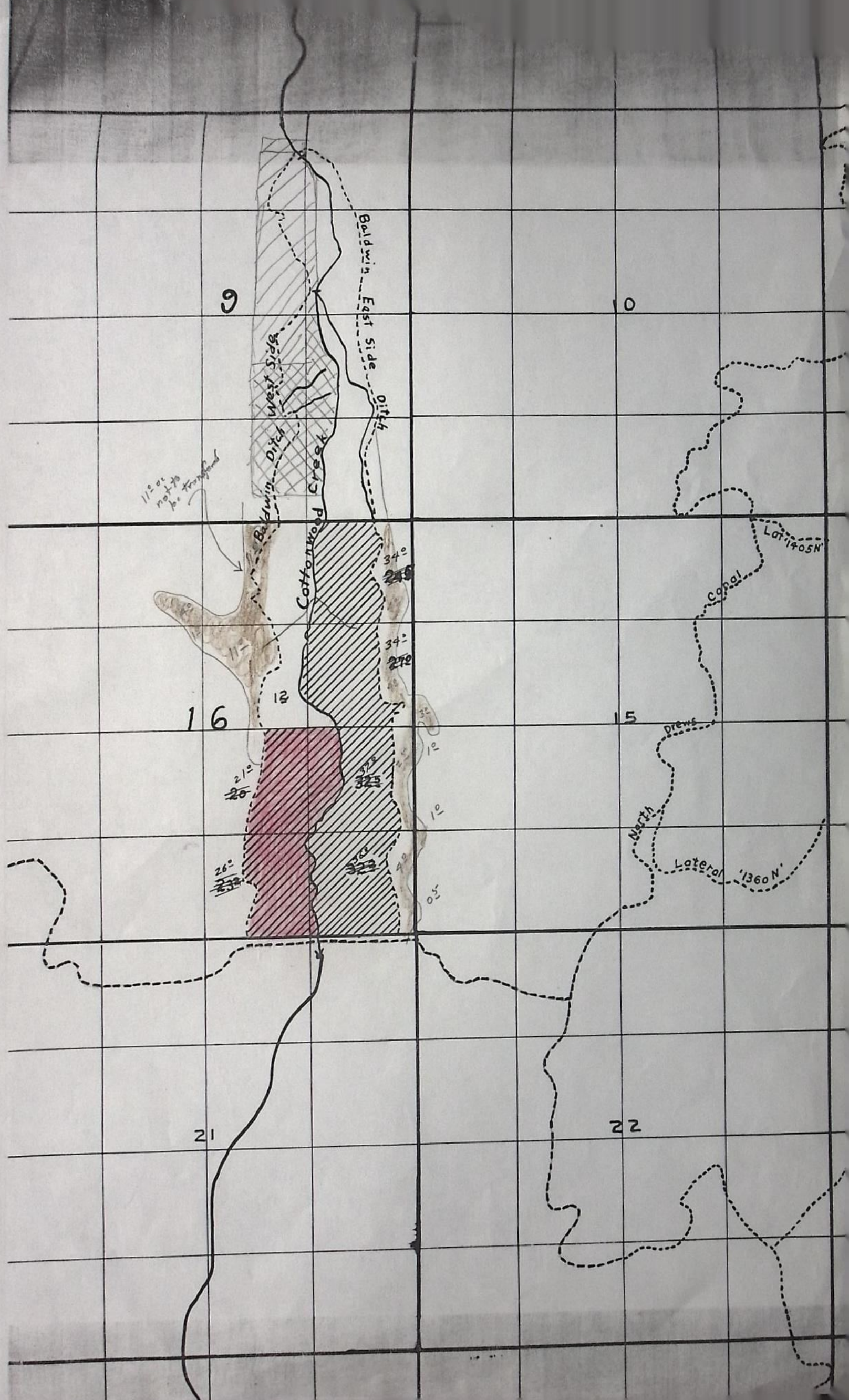
Howard Daggett
NOTARY PUBLIC FOR OREGON

My commission expires December 10, 1977

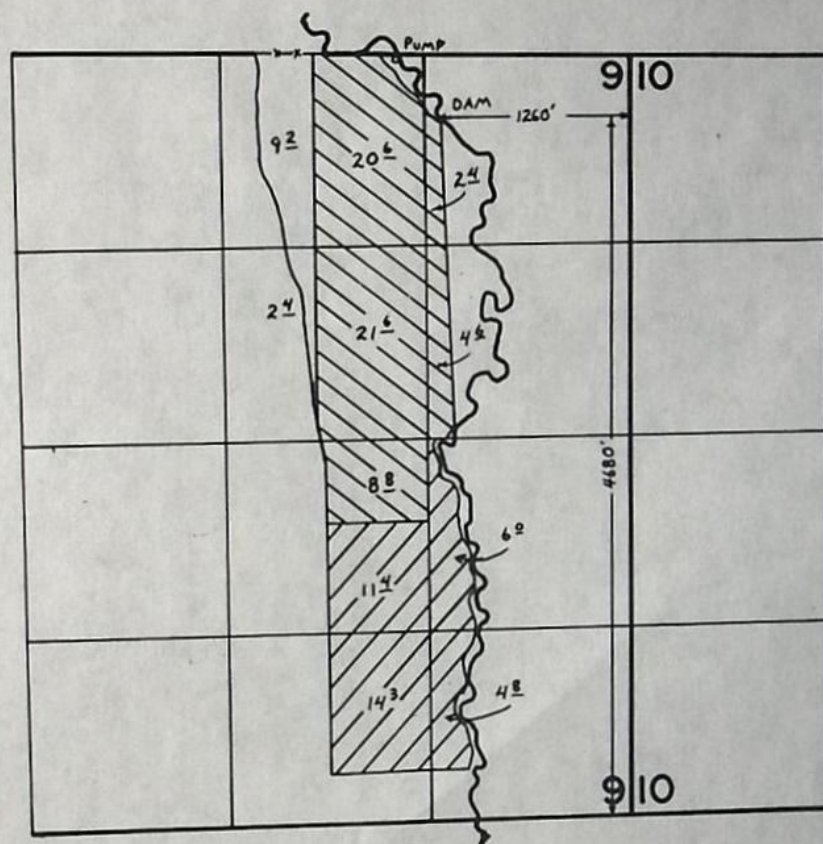
Remarks _____

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

395 565



T39S. R19E. WM.



**FINAL PROOF SURVEY
UNDER**

Transfer No. T-3330 ☒
 Application No. T-3331 ☒ Permit No. _____
 IN NAME OF

MATTHEW L. OUTLAND

Surveyed JUNE 23 1978, by C. L. HUGHES

T395 R 19E WM

point of diversion
N 78° E
1320 ft

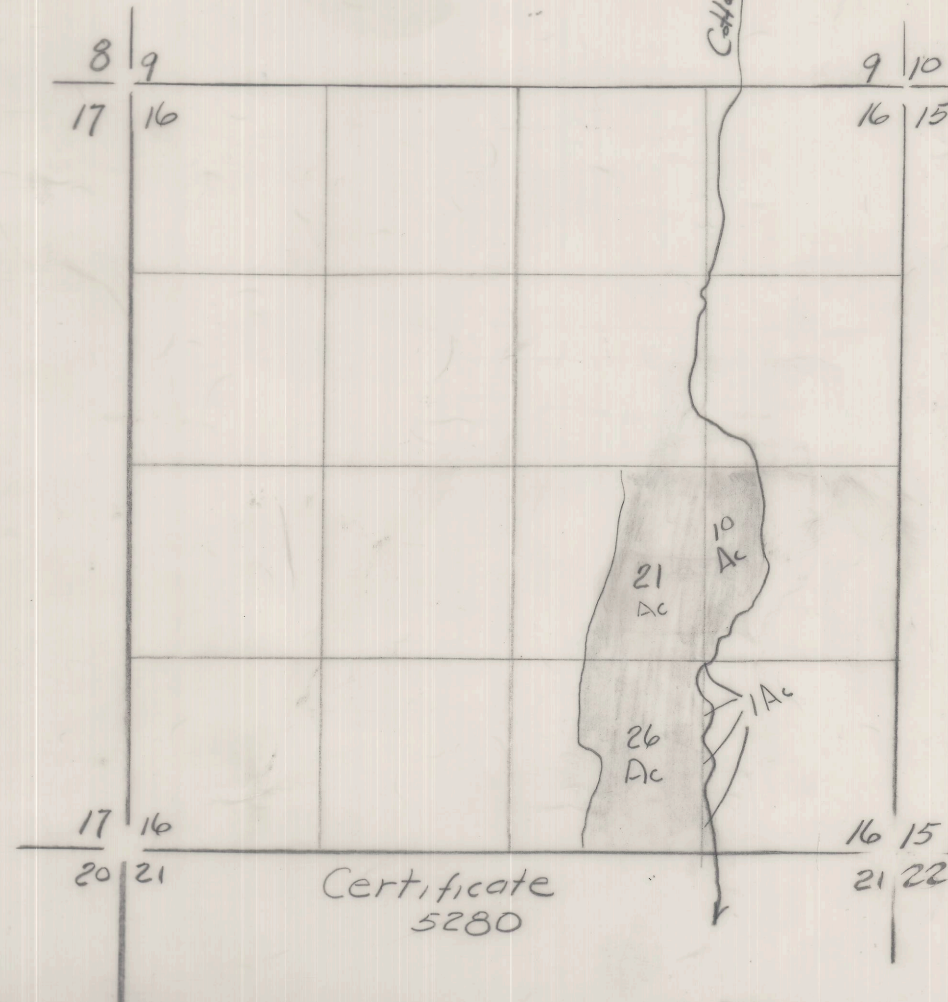
Callaway Creek

RECEIVED

NOV 17 1975

WATER RESOURCES DEPT.
SALEM, OREGON

Callaway Creek



P#3758

To Be Transferred
Maps Traced from Previous
Application Maps

APPLICATION MAP FOR
MATTHEW L. OUTLAND
OF LAKEVIEW, OREGON

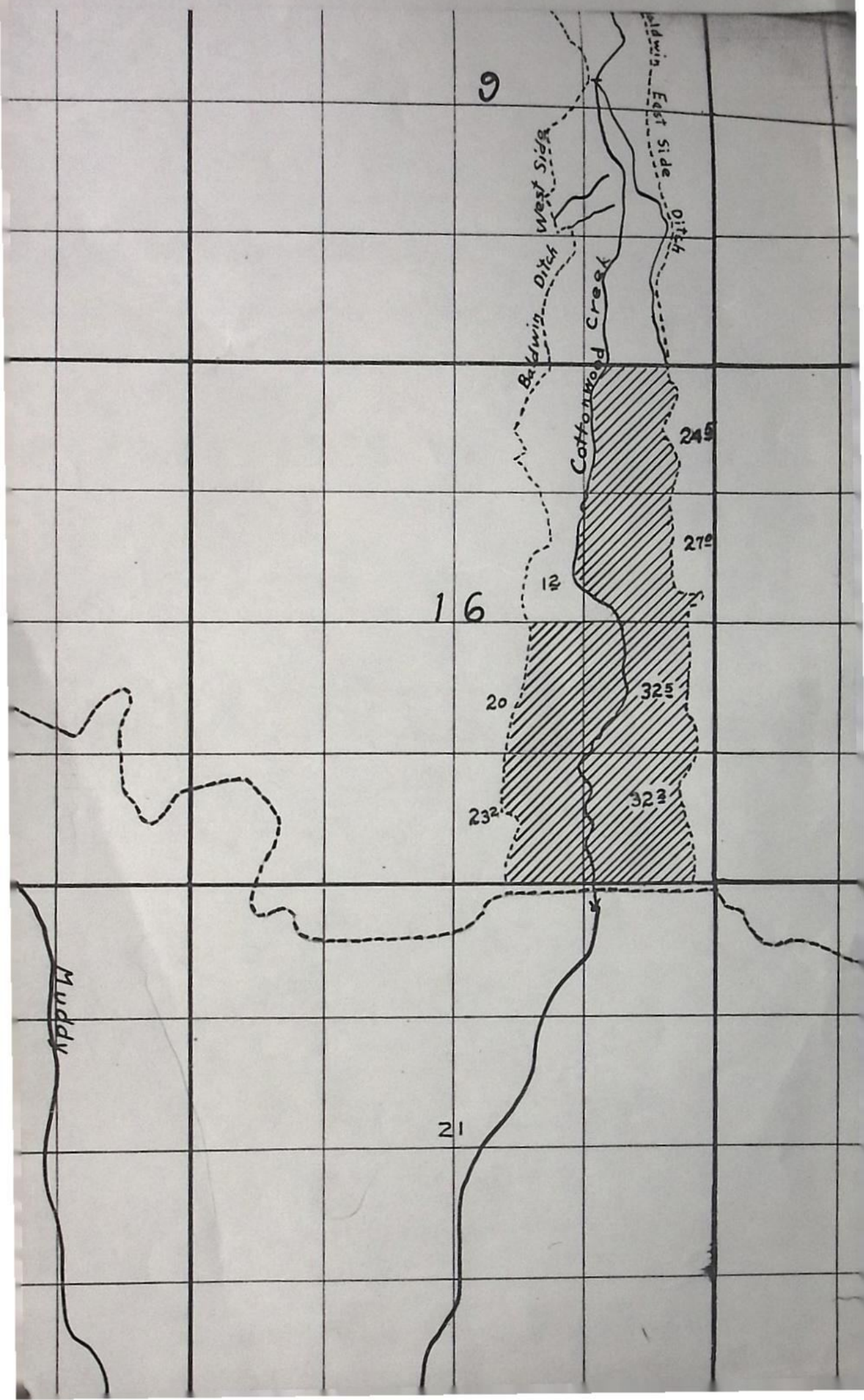
FOR TRANSFER OF
WATER RIGHTS

Nov 13, 1975

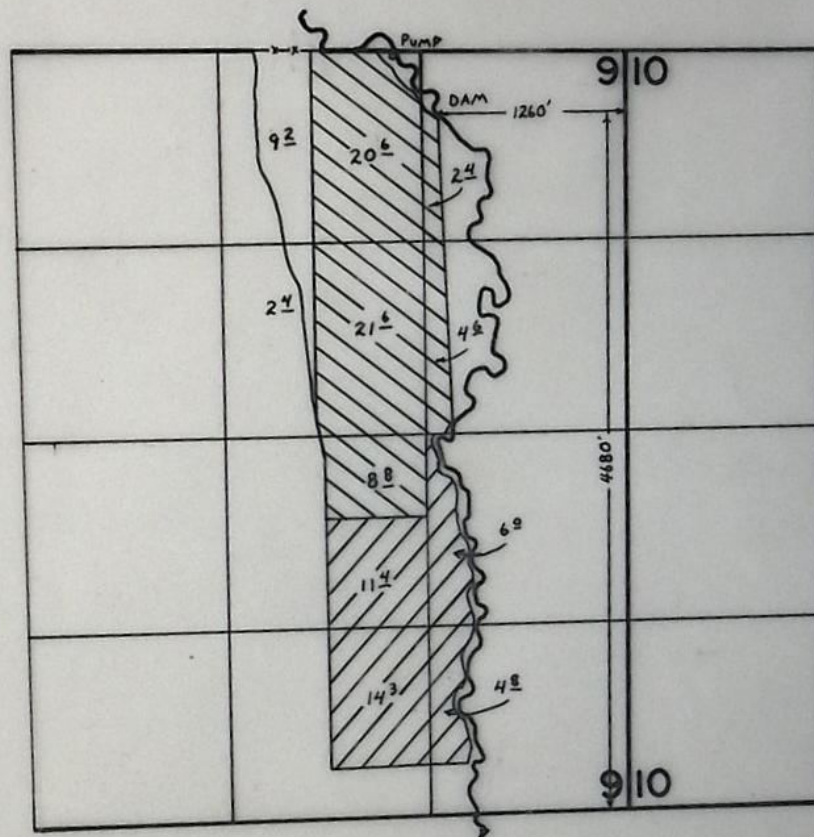


MAP No 1 of 2

T-3330/1



T39S. R19E. WM.



FINAL PROOF SURVEY
UNDER

Transfer No. T-3330 
Application No. T-3331 
Permit No. _____
IN NAME OF

MATTHEW L. OUTLAND

Surveyed JUNE 23 1978, by C. L. HUGHES

