

3544

20/10

STATUS OF APPLICATION

Change in place of use
 Date filed 2-23-77
 Date of hearing _____
 Place of hearing _____
 Date of order 4-12-77 Vol. 28, page 446
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued FEB 28 1979 Vol. 40, page 47517

3/12/79 TES

DESCRIPTION OF WATER RIGHT

Name of stream Thomas Creek
 Trib. of _____ County of Lake
 Use irrigation
 Quantity of water _____ No. of acres 16^e
 Name of ditch Junta Ditch
 Date of priority _____
 In name of Wm. Woods
GOOSE LAKE Adjudication, Vol. 7, page 308
 App. No. _____ Per. No. _____ Cert. No. 5274
 Certificate cancelled _____
 Notation made on record by _____

DVA Notification

FEES PAID

Date	Amount	Receipt No.
<u>2-23-77</u>	<u>30.00</u>	<u>58457</u>
TOTAL . . .		
<u>1-25-79</u>	<u>200</u> Cert. Fee	<u>8768</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

[See T#3545 (exchange POV) MISFILED]

W.R.I.S.

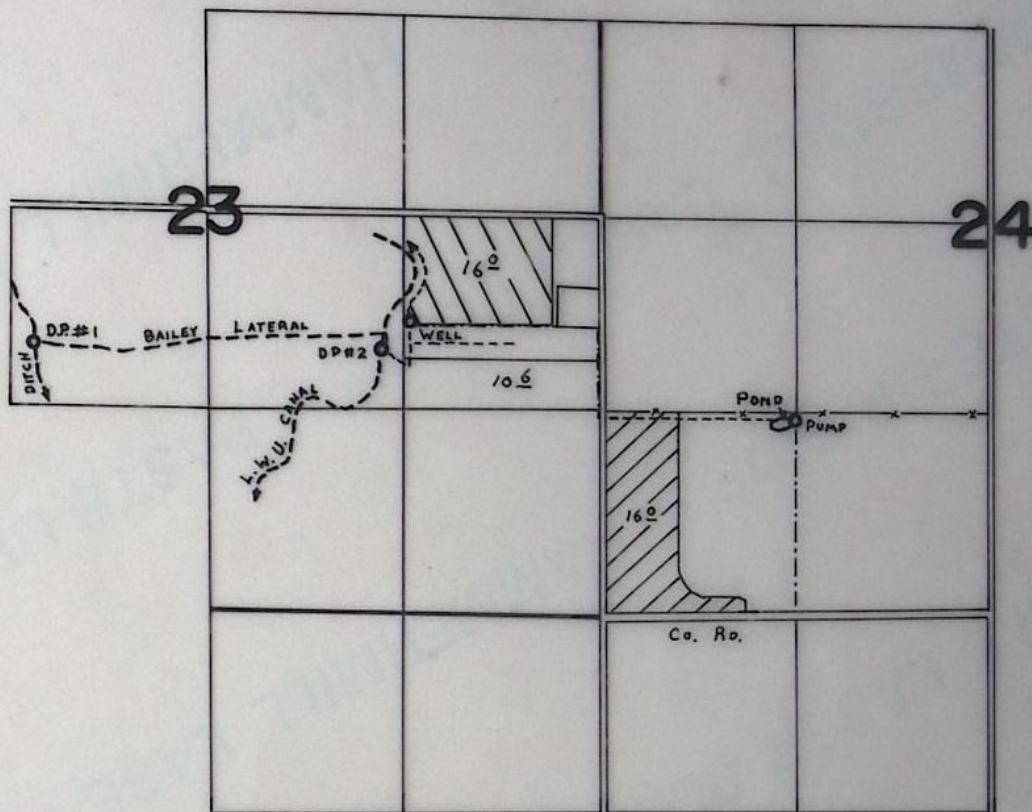
Assembled 7-8-85 by SP
 Entered _____ by _____
 Verified _____ by _____

INDEX CARDS: Entered Checked

<u>WH</u>	Name	<u>✓</u>	_____
<u>WH</u>	Stream	<u>✓</u>	_____
<u>WH</u>	Pt. or Div.	<u>✓</u>	_____
<u>WH</u>	Calendar	<u>✓</u>	_____
<u>✓</u>	Twp. & Rm.	<u>Qg</u>	_____
<u>✓</u>	Decree-vault	<u>Qg</u>	_____
<u>✓</u>	Decree-note	<u>Qg</u>	_____
<u>✓</u>	Cert. of W/R	<u>✓</u>	_____
<u>✓</u>	Per. holder	_____	_____
<u>✓</u>	Chainindex	_____	_____
<u>✓</u>	Cross Ref.	_____	_____
<u>✓</u>	Power Claim	_____	_____
<u>✓</u>	Abstracts	<u>✓</u>	_____

TO BE ENTERED WHEN CHECKED

T38S. R19E. WM.



WELL LOC: 730'S. & 1280'W.
 DIV. PTS. LOC: #1- 920'S. & 3800'W. } ALL FROM E. 1/4 COR. SEC. 23.
 #2- 930'S. & 1480'W.

▨ - PRIMARY fr. THOMAS CR.; Supplemental fr. WELL
 ▨ - PRIMARY fr. WELL

Juanta Ditch - 5'S & 2000'W from the NE cor Sec 22

FINAL PROOF SURVEY UNDER

Transfer No. T-3544
 Application No. Permit No.
 IN NAME OF

..... Daniel Olson

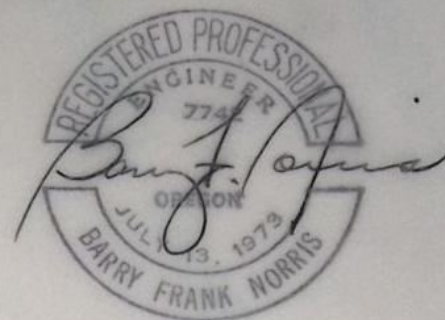
Surveyed JUNE 26 1978, by C. L. HUGHES

RECEIVED

FEB 23 1977

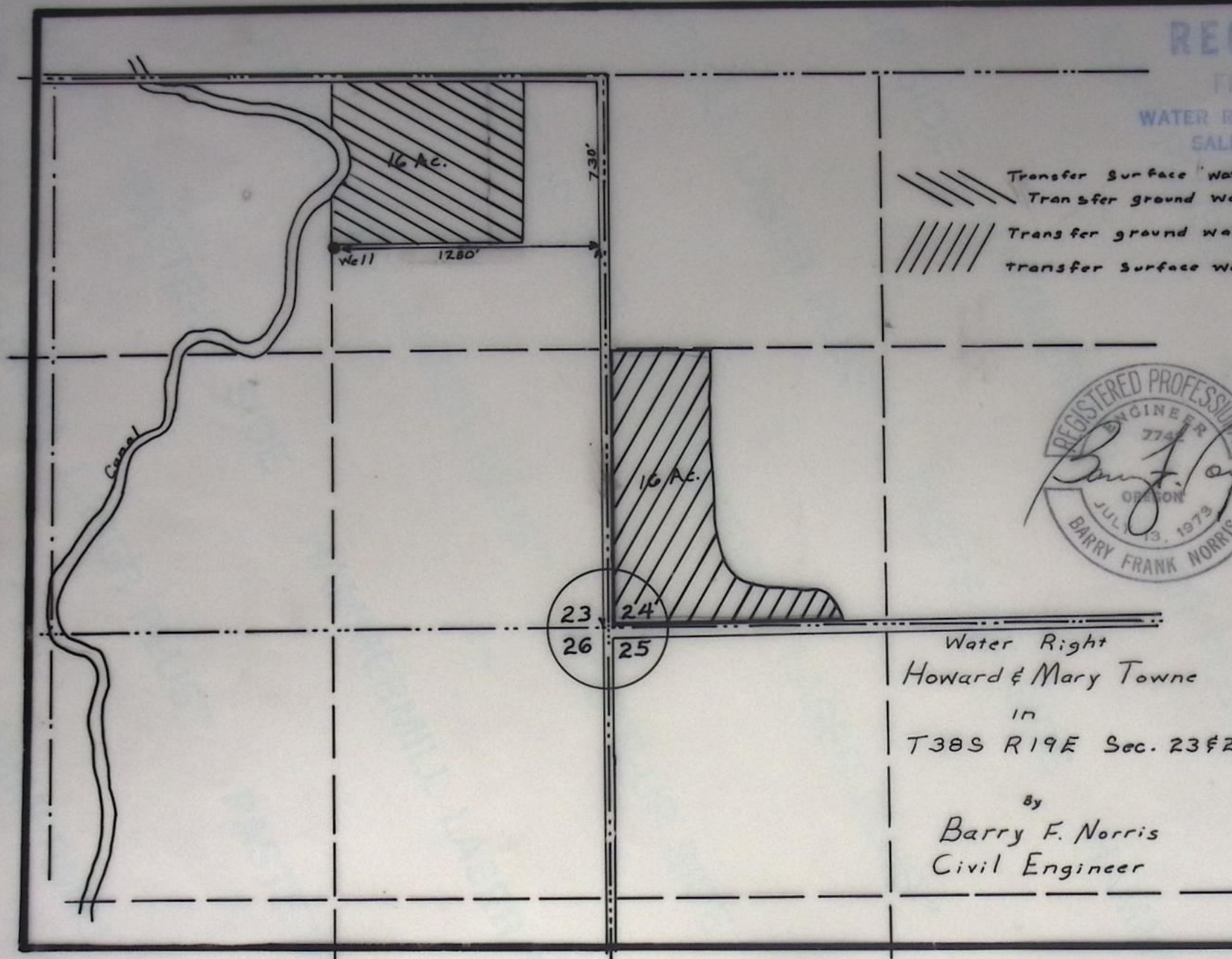
WATER RESOURCES DEPT
SALEM, OREGON

Transfer surface water to
Transfer ground water from
Transfer ground water to
Transfer surface water from



Water Right
Howard & Mary Towne
in
T38S R19E Sec. 23 & 24

By
Barry F. Norris
Civil Engineer



STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That ~~Howard E. & Mary E. Towne~~
~~WILLIAM WOODS~~ ~~HOWARD & MARY TOWNE~~
Daniel Olson
 of Lakeview, State of Oregon 97430 has a right to the use of
 the waters of Thomas Creek; TRIB GOOSE LAKE

for the purpose of Irrigation of 16 acres, and stock use;

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Lake County, and the said decree entered of record at Salem, in the Order
 Record of the STATE ENGINEER, in Volume 7, at page 233; that the priority
 of the right thereby confirmed dates from 1895;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed three-fourths acre foot per
 acre during any 30-day period prior to June 1st, and one-half acre foot per acre during
 any 30-day period after June 1st, of each year; and two and one-half acre feet per acre
 during any irrigation season; to be diverted under a head of not to exceed one-fortieth
 of a second foot per acre.

A description of the lands irrigated under such right, and to which the water is appurtenant
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Div. P73. Loc. #1 - 920'S x 3800'W WITHIN NE 1/4 SW 1/4 } BOTH FROM E 1/4 COR SEC 23
 #2 - 930'S x 1480'W WITHIN NW 1/4 SE 1/4 } T38S R19E WM LAKE

16 acres in SW 1/4 SW 1/4, Section 24,
 Township 38 South Range 19 East of Willamette
 Meridian.

T38S R19E WM
 SEC 23
 NE 1/4 SE 1/4 16.0

This certificate is issued to confirm a change in place of use and point
 of diversion approved by an order of the WRD entered April 12, 1977 and supersedes
 certificate of water right recorded at page 5274, Volume 6, SRWRC.

And said right limitations contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the
 of use herein described.

WITNESS the signature of the State Engineer,
 affixed this 30th day
 of October, 1974.

RHEA LUPER,
 State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5274

T#3544

P.O.D.: NW 1/4 NE 1/4 Sec 22 T38S R19E WM
 Juanita Ditch - 5'S & 2000' W from the NE cor Sec 22

Alvin
 5/1/77
 287

STATE OF OREGON

COUNTY OF

LAKE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HOWARD E. & MARY E. TOWN

of Route 6, Box 150, Lakeview, State of Oregon, 97630, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
a well

a tributary of Thomas Creek for the purpose of
irrigation and supplemental irrigation of 141.0 acres

under Permit No. G-5515 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
January 20, 1972

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
1.76 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T. 38 S., R. 19 E., W. M.,
730 feet South and 1280 feet West from the E $\frac{1}{4}$ Corner of Section 23.

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 for each acre irrigated and shall be further limited
to a diversion of not to exceed 3 acre feet per acre for each acre irrigated
during the irrigation season of each year,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

24.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
38.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23

39.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
39.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 24
T. 38 S., R. 19 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described, and is subject to the existing minimum flow policies
established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. March 9, 1977

James E. Sexson
Water Resources Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Lake County

IN THE MATTER OF THE APPLICATION)
OF HOWARD AND MARY TOWNE FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM THOMAS CREEK)

ORDER APPROVING
TRANSFER NO. 3544

On February 23, 1977, Howard and Mary Towne filed an application in the office of the Water Resources Director for approval of a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 5274, Volume 6, State Record of Water Right Certificates, in the name of William Woods describes a right for the use of water from Thomas Creek for stock water and irrigation of 16.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 38 South, Range 19 East, W.M., with a date of priority of 1895.

Water for the said right is diverted through the Junta Ditch from a point located 5 feet South and 2000 feet West from the Northeast corner of Section 22, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 38 South, Range 19 East, W.M.

The applicants herein, owners of the lands above described, propose to sever the right therefrom, and without loss of priority to irrigate a certain 16.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 38 South, Range 19 East, W.M.

Mr. Howard L. Daggett, Watermaster, has filed a statement to the effect that the proposed change in place of use 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 requested change in place of use of water from Thomas Creek described herein, without loss of priority, is approved.

The certificate recorded at Page 44192, Volume 36, State Record of Water Right Certificates, in the name of Howard E. and Mary E. Towne, describes a right which includes use of water from a well located 730 feet South and 1280 feet West from the East quarter-corner of Section 23, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 38 South, Range 19 East, W.M., with a date of priority of January 20, 1972, for irrigation and supplemental irrigation of both tracts of land above described.

It is FURTHER ORDERED that the right described by certificate recorded at Page 44192, Volume 36, State Record of Water Right Certificates, be, and the same hereby is, modified as to use of water for irrigation and for supplemental irrigation to accommodate the change in place of use of water from Thomas Creek allowed herein.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to William Woods and recorded at Page 5274, Volume 6, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon, this 12th day of April, 1977.

/s/ JAMES E. SEXSON
Director