

3474

STATUS OF APPLICATION

Change in place of use and point of diversion
 Date filed 9-23-76
 Date of hearing 12-7-76
 Place of hearing Burns
 Date of order 1-16-78 Vol. 30, page 280
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received 3.12.2018
MAR 17 1978
 Certificate issued Vol. 37, page 45284
10/12/2018 Cert 93819

DESCRIPTION OF WATER RIGHT

Name of stream Trout Creek
 Trib. of _____ County of Harney
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority Dec. 27, 1949
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 24359 Per. No. 19141 Cert. No. 26561
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
9-23-76	37.50	56155
10-1-76	45.00 P.O.N.	56284
10-1-76	5.00	56285
TOTAL 11/10/76	7.19	
Trsf. from T-2654	28570	
2 Cert. Fee		
Burns Times-Herald	52.19	Part of ck. # 945
11/10/76	100.00	126075
3/12/18	FEES REFUNDED	

Date	Amount	Check No.
11-10-76	\$ 1.24	946

Fees
 Ex 20
 POD 15
 Pou 17.50
52.50

REMARKS

CARD FOR C DEC 26 1979

Assigned: 3.14.2018

Humboldt Land and Livestock, Co. and Marvin and Edie Casey

PO Box 115
Denio NV 89404

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
☒	Name	lcj	
☒	Stream	lcj	
☒	Pt. of Div.		
☒	Calendar	lcj	
☒	CHECKED TO RECORDS:		
☒	Twp. & Rge.	JWC	
☒	Decree-vault		
☒	Decree-safe		
☒	Cert. of W/R	lcj	lcj
☒	Per. Folder	lcj	
☒	Chainindex		
☒	Cross Ref.		
☒	Power Claim		
☒	Abstracts	lcj	

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-3474

Certificate: 93819 (C-26561)

Certificate/Transfer Holder: (include copy of map)
HUMBOLDT LAND AND LIVESTOCK CO
MARVIN CASEY
EDIE CASEY
PO BOX 115
DENIO NV 89404

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES and Then one new landowner**

Copies of Final Certificate to be sent to:

1. Watermaster District #: 10 ✓
2. Water Availability ✓
3. Vault ✓
4. File ✓

Other persons to receive copies: (include map):

5. Gary L Dejarnatt, CWRE
6. **Current Landowner Map Tax Lot: 39S35E00-00-00800**
Peter Casey
Naomi Casey
14830 Cottonwood Creek Rd ✓
Fields OR 97710

Record Marking(s):

1. Original Application# S-24259 ✓
2. Old Certificate# 26561 ✓

Copies Mailed	
by: <u>MS</u>	(STAFF)
on: <u>OCT 12 2018</u>	(DATE)

Transfer Certificate Map(s) Routing Instructions

Transfer Application: T-3474

To Data Entry

Total Maps: 2

POD/POA Map(s) date stamped: _____

POU Map(s) date stamped: _____

Additional Notes:

Use both maps each one shows either a
Change in POU : new POD(s)

To Support Staff

Total Maps for mailing: 2

Additional Notes:



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Date Mailed: October 12, 2018

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate 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.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HUMBOLDT LAND AND LIVESTOCK CO.
MARVIN CASEY
EDIE CASEY
PO BOX 115
DENIO NV 89404

confirms the right to the use of water perfected under the terms of Permit S-19141. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: TROUT CREEK, A TRIBUTARY OF ALVORD LAKE

PURPOSE OR USE: IRRIGATION OF 60.0 ACRES

MAXIMUM RATE: 0.75 CUBIC FOOT PER SECOND

DATE OF PRIORITY: DECEMBER 27, 1949

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	35 E	WM	13	SW SW	NORTH FORK TROUT CREEK POD 2 - 1280 FEET NORTH AND 630 FEET EAST FROM SW CORNER, SECTION 13
39 S	36 E	WM	30	NW NE	NORTH FORK TROUT CREEK POD 1 - 1140 FEET SOUTH AND 3610 FEET EAST FROM NW CORNER, SECTION 30
39 S	36 E	WM	31	SW NE	SOUTH FORK TROUT CREEK - 2500 FEET SOUTH AND 1250 FEET WEST FROM NE CORNER, SECTION 31

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 to each acre irrigated and shall be further limited to a diversion of not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper State office.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	35 E	WM	13	NW SW	37.4
39 S	35 E	WM	14	NE SE	2.6
39 S	36 E	WM	31	SW NE	20.0

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.

The quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion described as follows:

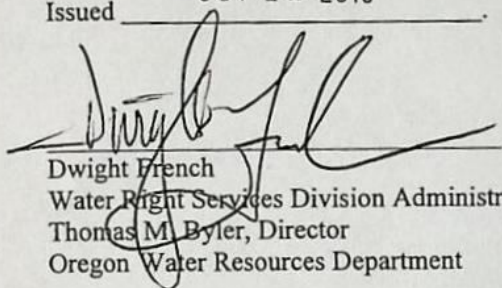
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	37 E	WM	17	SW NE	50 FEET NORTH AND 200 FEET EAST FROM C1/4 CORNER, SECTION 17

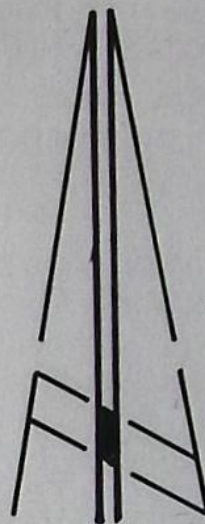
The water user shall maintain a weir, or other suitable device for measuring the water to which the water user is entitled.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered January 16, 1978 at Special Order Volume 30, Page 280, approving Transfer Application 3474, and together with Certificate 45284, supercedes Certificate 26561, State record of Water Right Certificates.

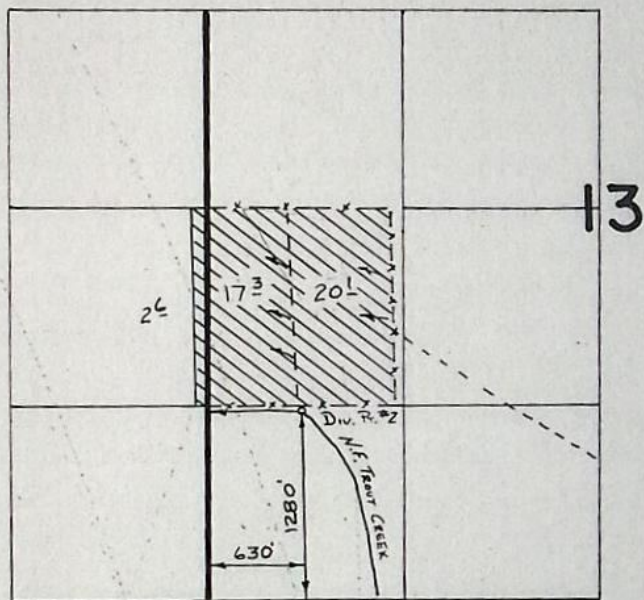
Issued OCT 12 2018


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

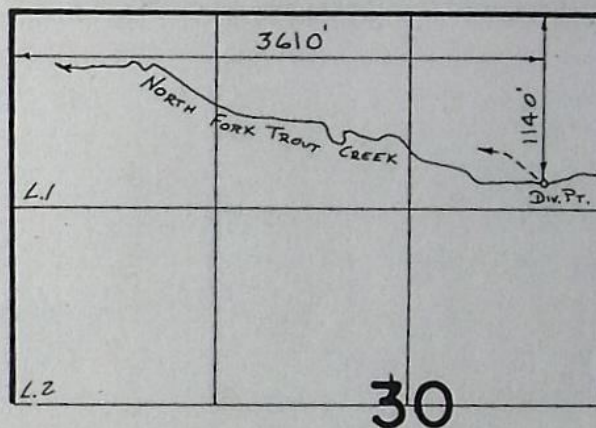


SCALE 1"=1320

T. 39S., R. 35E., W.M.



T. 39S., R. 36E., W.M.



FINAL PROOF SURVEY

UNDER

TRANSFER 3474

IN NAME OF

HUMBOLT LAND & LIVESTOCK CO.

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

HARNEY COUNTY, OREGON

T 39 S, R 36 E, WM



0 660 1,320 Feet

1" = 1,320'

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SEP 25 2018

OWRD

X Diversion

 POU IR

 Sections

 QQ

 Tax Lots



RENEWAL DATE: 12-31-2019

CLAIM OF BENEFICIAL USE MAP
for Marvin Casey

TRANSFER T-3474 (Portion missed by 1988 survey)

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

JOB # 17069

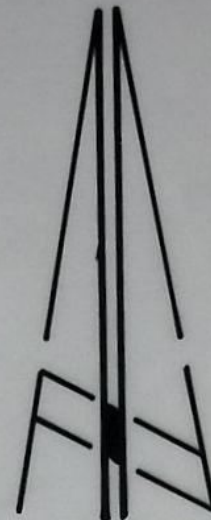
Date: 9/13/18

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

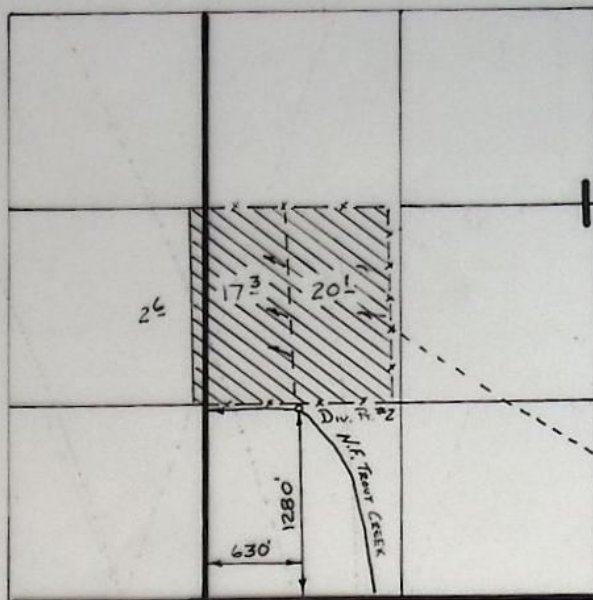
CCB# 197121 www.oregonwater.us

541-389-2837 JOHNSHORT@USA.COM



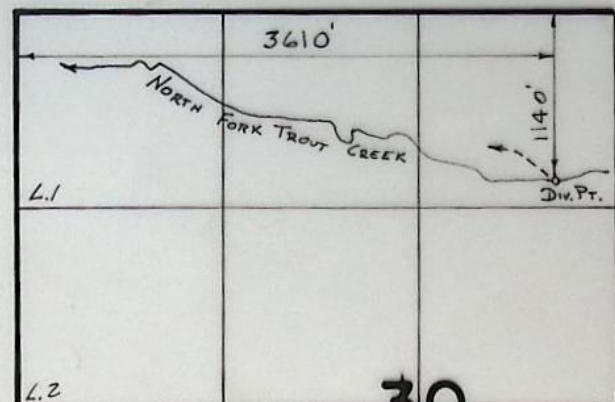
SCALE 1"=1320

T. 39S., R. 35E., W.M.



13

T. 39S., R. 36E., W.M.



30

FINAL PROOF SURVEY UNDER

TRANSFER 3474

IN NAME OF

HUMBOLT LAND & LIVESTOCK CO.

Surveyed ...7.15..... 1988, by ...V.L. Church.....

HARNEY COUNTY, OREGON

T 39 S, R 36 E, WM



0 660 1,320
Feet

1" = 1,320'

RECEIVED

SEP 25 2016

OWRD

X Diversion

 POU IR

 Sections

 QQ

 Tax Lots



RENEWAL DATE: 12-31-2019

CLAIM OF BENEFICIAL USE MAP
for Marvin Casey

TRANSFER T-3474 (Portion missed by 1988 survey)

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

JOB # 17069

Date: 9/13/18

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

CCB# 197121 www.oregonwater.us

541-389-2837 JOHNSHORT@USA.COM

Superseded

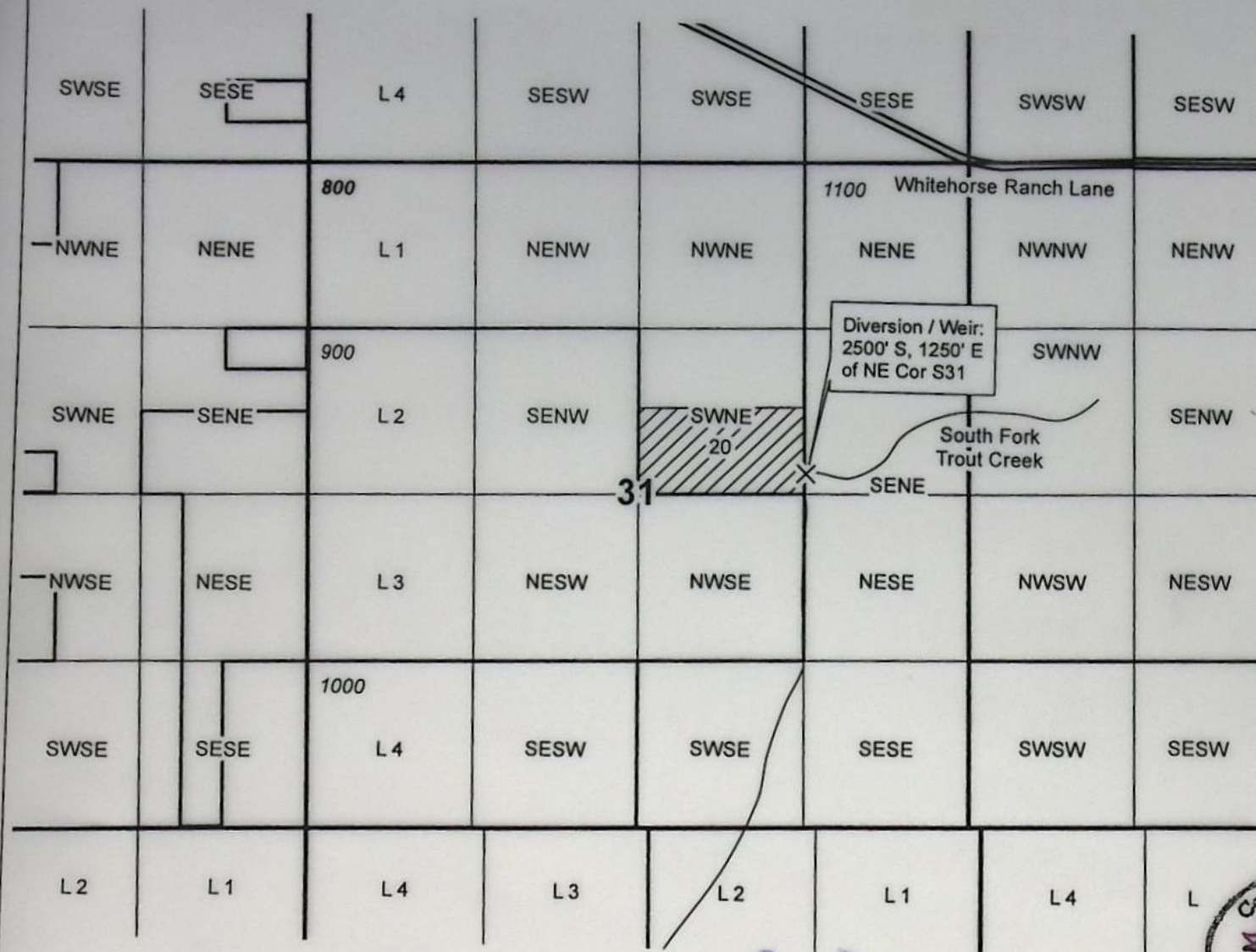
HARNEY COUNTY, OREGON

T 39 S, R 36 E
Section 31, WM

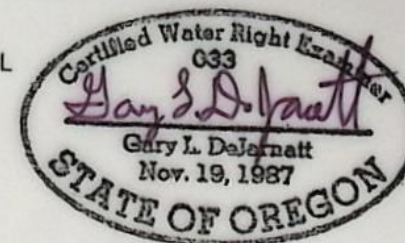


0 660 1,320 Feet

1" = 1,320'



- POU IR
- Diversion
- Sections
- Tax Lots
- QQ



RENEWAL DATE: 12-31-2019



CLAIM OF BENEFICIAL USE MAP
for Marvin Casey

TRANSFER T-3474 (Portion missed by 1988 survey)

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

JOB # 17069

FEB 14, 2018

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

CCB# 197121 www.oregonwater.us

541-389-2837 JOHNSHORT@USA.COM

CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

A fee of \$200 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Claims received without the correct fee of \$200 will be returned.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

Mark all that apply:

- | | |
|--|---|
| 1. ☒ Change in POD(s) or Additional POD(s) | 2. ☒ Change in Place of Use |
| 3. ☐ Change in Character of Use | |

A separate section will be completed for each type of change authorized in the transfer final order.

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1. File Information

APPLICATION # T- 3474

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Marvin & Edie Casey		PHONE NO. 541- 495- 2208	ADDITIONAL CONTACT NO.
ADDRESS PO Box 115			
CITY Denio	STATE NV	ZIP 89404-0115	E-MAIL

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. **Each** transfer holder of record must sign this form.

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Humbolt Land and Livestock Co.			
ADDRESS General Delivery			
CITY Fields	STATE OR	ZIP 97710	

4. Date of Site Inspection: **2-1-2018**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Marvin Casey	2-1-2018	Owner

6. County: **Harney**

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD Peter & Naomi Casey		
ADDRESS 14830 Cottonwood Creek Road		
CITY Fields	STATE OR	ZIP 97710-2600

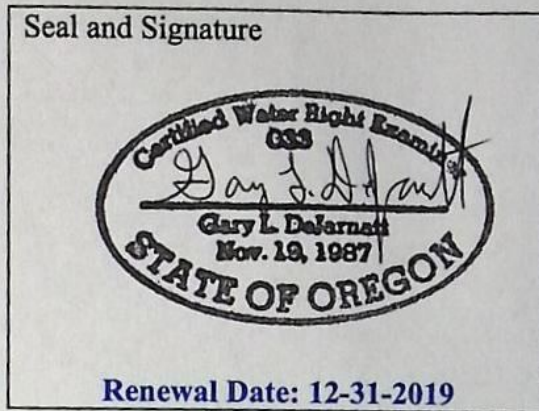
Add additional tables for owners of record as needed

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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Gary L. DeJarnatt	Project # 17069	PHONE NO.	ADDITIONAL CONTACT NO. John Short 541-389-2837
ADDRESS 20735 Double Peaks Drive			
CITY Bend	STATE OR	ZIP 97701	E-MAIL

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Marvin Casey</i>	Marvin Casey	owner	3-7-18
<i>Edie Casey</i>	Edie Casey	owner	3-7-18

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SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion?

YES NO

If "NO", this Section can be deleted.

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
Diversion	South Fork Trout Creek

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? If yes, describe below.

YES NO

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

N/A

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Diversion	0.75 cfs	3.6 cfs	N/A

System Description

Are there multiple new or additional Points of Diversion (POD)s?

YES NO

If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.

POD Name or Number this section describes (only needed if there is more than one):

Other POD covered by OWRD Partial Final Proof Survey.

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

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1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
N/A					

2. Motor Information

MANUFACTURER	HORSEPOWER
N/A	

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
N/A				

4. Provide pump calculations:

N/A

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A			

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

N/A

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

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C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

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YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
Soil	4 ft	3 ft	1 ft	0.030	1 ft	1320 ft	0.1%	3.5 cfs

3. Provide calculations:

See attached OWRD Ditch Capacity Calculation sheet.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A			

Attach measurement notes.

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use?

YES NO

If "NO", this Section can be deleted.

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
20.0	20.0

2. Variations:

Was the use developed differently from what was authorized by the transfer final order?

YES NO

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

N/A

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use?

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If "NO", this Section can be deleted.

MAR 12 2018

SECTION 4
CONDITIONS

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All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POD(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	1-16-1978	
COMPLETENESS DATE FROM ORDER (C)	10-01-1979	1-16-1978 (already used for other rights)

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

YES NO

If "NO", you may delete the following table. If for a transfer extension order, provide the following information:

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

YES NO

If "NO", items 3b through 3f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
N/A					

If a meter has been installed, items 3d through 3f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES NO

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
N/A		

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Concrete Weir	Working, needs repairs	

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES NO

If "NO", item 4b relating to this section may be deleted.

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5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES NO

If "NO", items 5b through 5e relating to this section may be deleted.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES NO

If "NO", items 6b and 6c relating to this section may be deleted.

7. Other conditions required by the transfer final order or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed?

YES NO

b. Was a fishway required?

YES NO

c. Other conditions?

YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

SECTION 5

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
CBU Map	Claim of Beneficial Use Map
Ditch Capacity Calcs	OWRD Ditch Capacity calculation sheet

SECTION 6

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion,

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the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

On site direct measurement and NAIP imagery.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- N/A Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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Ditch Capacity Calculator					
using Manning's Formula					
Data Entry (fill in underlined blanks)					
Top Width =	4	feet			
Bottom Width =	3	feet			
Depth =	1	feet			
Fall =	1	feet	per	1320	feet of distance
Grade =	0.000757575	, or	0.1%		
n Factor =	0.03				
Results calculated					
Area of cross-section =	3.5	square feet			
Wetted Perimeter =	5.236067	feet			
Hydraulic Radius =	0.668440				
Velocity =	1.042	feet per second			
Calculated Ditch Capacity =	3.6	cubic feet per second			

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See 39537E

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD → 2

POU

USE

Add'l POD

Transfer NO. 3474County HarneyOld Certificate NO. 265611. Name Humboldt Land & Livestock Co.Address Fields, OR2. Source of Supply Trout Cr., Trib of _____3. Use irrigation4. Amount of Water 0.75 cfs Priority Date Dec 27, 19495. Proposed Point of Diversion (1) 1050'S + 300'E from NW Cor, Sec 29, w/in NW NW, Sec 29, T 39S, R 36E (2) 1320' N + 700'E from SW Cor, Sec 13, w/in NW SW, Sec 13, T 39S, R 35E Wm.6. Completion Date 10-1-79

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
39S	35E	13	NW SW	40°
39S	36E	31	5 1/2 SW 1/4 NE 1/4	20° [added 3/12/08]

Jim McDade

579-138L

41025-579-139L
7-15-88 VLLNRC
VLL

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. 3474

On September 23, 1976, 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.

Certificate of water right issued to James E. and Stella Calderwood and recorded at page 26561, Volume 18, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed 0.75 cubic foot per second from Trout Creek for the irrigation of 19.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 16.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7; 10.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 13.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 39 South, Range 37 East, W.M., with a date of priority of December 27, 1949.

These lands are irrigated from a point of diversion located 50 feet North and 200 feet East from the center of Section 17, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 39 South, Range 37 East, W.M.

The applicant herein, owner of the lands above described, proposes to sever the water right therefrom and, without loss of priority, change the place of use and point of diversion to:

(a) irrigation of 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 39 South, Range 35 East, W.M., from two points of diversion from North Fork Trout Creek, located (1) 1050 feet South and 300 feet East from the Northwest Corner of Section 29, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 39 South, Range

36 East, W.M.; (2) 1320 feet North and 700 feet East from the Southwest Corner of Section 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 39 South, Range 35 East, W.M.

(b) 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., from a point of diversion from South Fork Trout Creek, located 2500 feet South and 1320 feet West from the Northeast Corner of Section 31, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 39 South, Range 36 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 October 14, 21 and 28, 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 quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject 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:

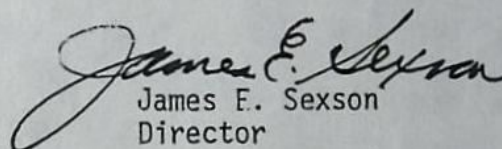
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled;

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.

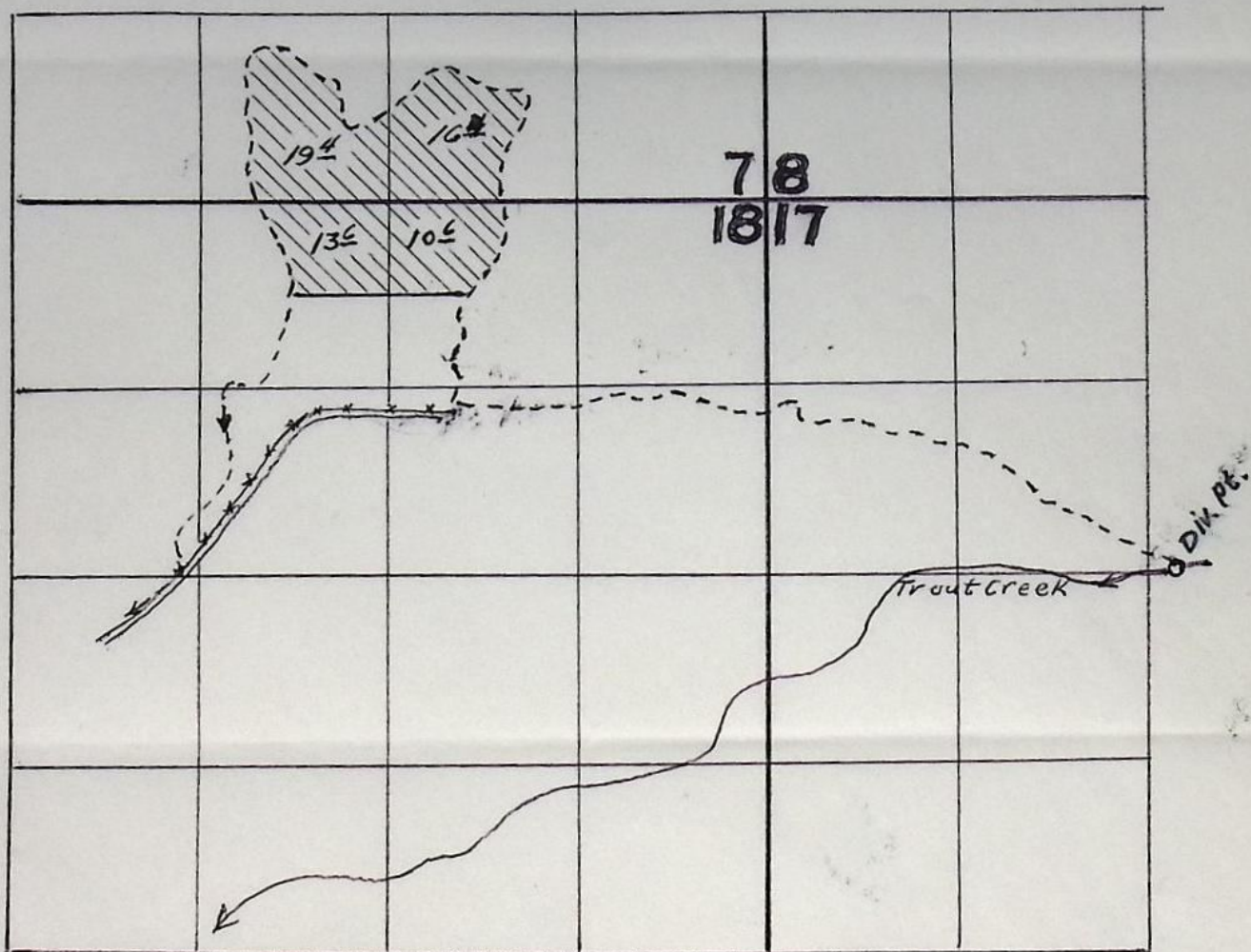
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to James E. and Stella Calderwood and recorded at page 26561, Volume 18, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 applicant herein.

Dated at Salem, Oregon, this 16th day of January, 1978. ³²⁶


James E. Sexson
Director

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



Water Right Certificate 26561
Priority - December 27, 1949
To be Transferred off

T-3474

NP



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Marvin + Edie Casey
(Name of Party Requesting Assignment)
PO Box 115 Denio NV 89404
(Mailing Address) (City) (State) (Zip) (Phone #)

☐ hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request
☒ assignment of a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map
showing the portion of the application/permit/transfer/limited license/groundwater statement
to be assigned.)

Application # _____; Permit # _____; Transfer # T-3474

Limited License # _____; Groundwater Statement # _____

Humbolt Land and Livestock, Co. Voluntarily dissolved 1992
(Name of Current Holder of Record)
General Delivery, Fields OR 97710
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) MC I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) MC I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) MC I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) MC I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 8 day of March, 2018.
(Day) (Month) (Year)

Signature of Party Requesting Assignment Marvin Casey
Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at
Oregon Water Resources Department effective
8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 126075
For Director by Jerry Santos, Program Analyst in
Water Rights Division

The completed "Request for Assignment"
form must be submitted to the Department
along with the recording fee of \$100.

Last updated: September 10, 2011

Request for Assignment if Permit Holder not available

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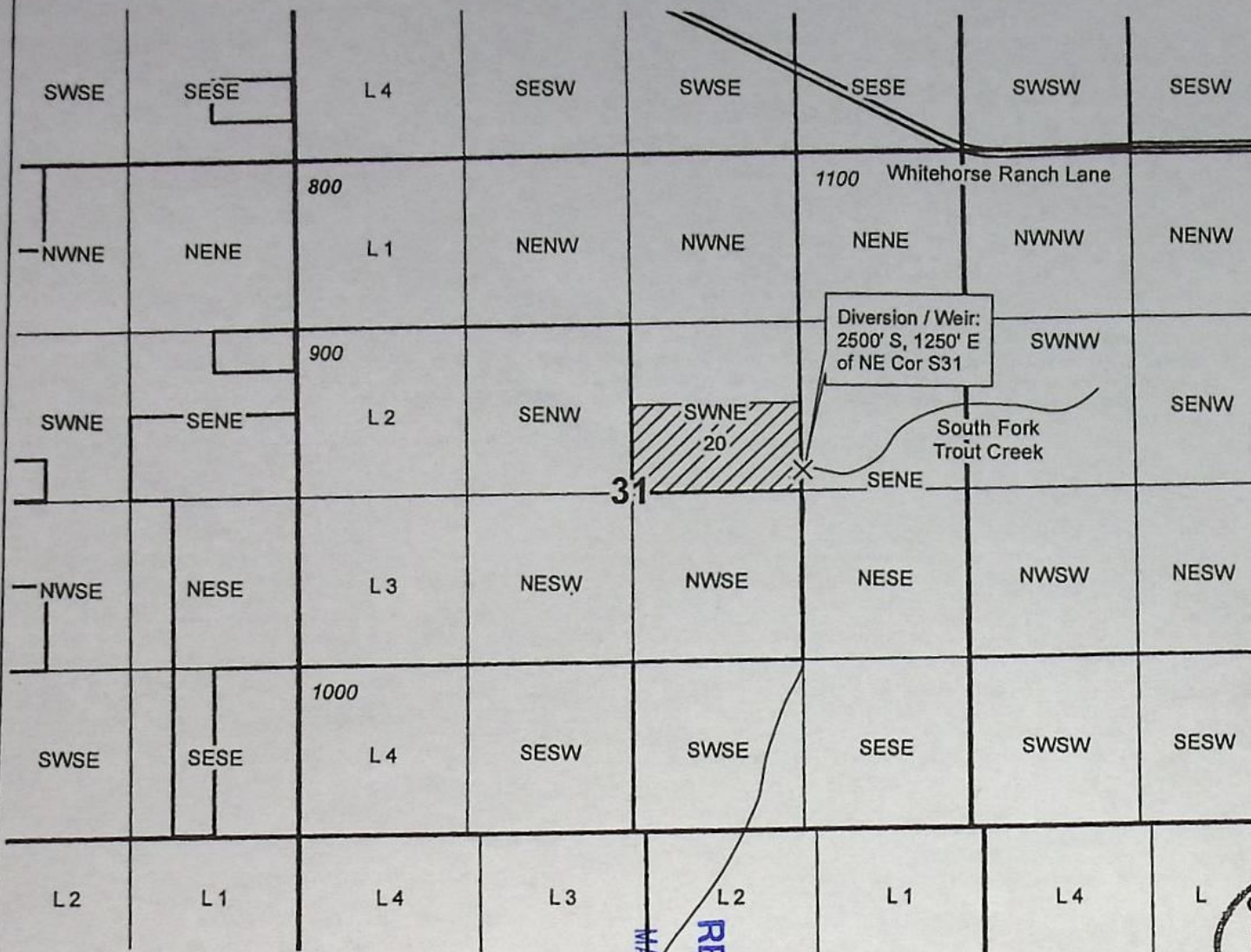
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ASG/AN/Prior
R 3/14/18

T 39 S, R 36 E
Section 31, WM



0 660 1,320 Feet

$$1'' = 1,320'$$


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 POU IR
 Diversion
 Sections
 Tax Lots
 QQ



RENEWAL DATE: 12-31-2019



TRANSFER T-3474 (Portion missed by 1988 survey)

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

JOB # 17069

FEB 14, 2018

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

CCB# 197121 www.oregonwater.us

541-389-2837 JOHNSHORT@USA.COM

Business Name Search

[New Search](#)

[Printer Friendly](#)

Business Entity Data

03-06-2018 13:51

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
091378-11	DBC	INA	OREGON	12-01-1970		
Entity Name	HUMBOLT LAND AND LIVESTOCK CO.					
Foreign Name						

[New Search](#)

[Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	GENERAL DELIVERY					
Addr 2						
CSZ	FIELDS	OR	97710		Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	01-15-1986	Resign Date	
Name	JAMES	D	MCDADE				
Addr 1	GENERAL DELIVERY						
Addr 2							
CSZ	FIELDS	OR	97710		Country	UNITED STATES OF AMERICA	

Type	PRE	PRESIDENT				Resign Date	
Name	JAMES	D	MCDADE				
Addr 1	GENERAL DELIVERY						
Addr 2							
CSZ	FIELDS	OR	97710		Country	UNITED STATES OF AMERICA	

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2018

Type	SEC	SECRETARY			Resign Date	
Name	WILLIAM	F	SCHROEDER			
Addr 1	280 A ST E					
Addr 2						
CSZ	VALE	OR		Country	UNITED STATES OF AMERICA	

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Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
HUMBOLT LAND AND LIVESTOCK CO.	EN	CUR	12-01-1970	

Please [read](#) before ordering [Copies](#).

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	VOL DISSOL - SHRHOLDER	11-13-1992		FI		
	REINSTATEMENT	03-09-1992		FI		
	INVOL DISSOLUTION	01-24-1992		SYS		
	NOTICE	12-10-1991		SYS		
	STRAIGHT RENEWAL	11-13-1990		FI		
	STRAIGHT RENEWAL	12-18-1989		FI		
	NOTICE	12-12-1989		SYS		
	STRAIGHT RENEWAL	11-28-1988		FI		
	STRAIGHT RENEWAL	11-30-1987		FI		
	STRAIGHT RENEWAL	01-06-1987		FI		
	NOTICE	12-09-1986		SYS		
	AMENDED RENEWAL	01-15-1986		FI		
	STRAIGHT RENEWAL	01-28-1985		FI		

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For comments or suggestions regarding the operation of this site,
please contact : corporation.division@state.or.us

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OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
Office of County Assessor – Harney County

Reference # 48158

Code Area 33-2

Map # 39 36

Tax Lot # 800

Acres 160.35

Legal Description	Date	Deed Record
Land in Harney County, Oregon as follows:		
In Township 39 S., Range 36 E., W.M.		
Section 31: Lot 1; NE1/4NW1/4; W1/2NE1/4		
N. W. Starr	12/11/45	42 380
Clifford D. Morris & Erma E. Morris	11/12/57	64 172
Montie S. Reynolds & Bernice C. Reynolds	4/20/61	69 198
Thomas S. Hall & Barbara Hall	5/1/62	71 227
James E. Calderwood	5/2/63	73 165 89 559
Humbolt Land & Livestock Co., Inc.	12/1/70	90 161
Notice of Sale:		
Humbolt Land & Livestock Co., Inc. to Marvin L. Casey & Edie L. Casey	4/9/91	910510
Affidavit:		
Marvin L. Casey & Edie L. Casey appointing Marvin L. Casey & Edie L. Casey as Co-Trustees of the Marvin & Edie Casey Trust, u/t/a dated March 14, 1991	5/14/91	910705
GD: Marvin L. Casey & Edie L. Casey to Marvin L. Casey & Edie L. Casey, as Co-Trustees of the Marvin & Edie Casey Trust, u/t/a dated March 14, 1991	5/14/91	910707
WD: Humbolt Land & Livestock Co., Inc. who first took title as Humbolt Land & Livestock Co. to Marvin L. Casey & Edie L. Casey	2/24/97	970370
Agreement of Right of First Refusal	3-31-16	2016-0333

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RA 254 ✓

970370

RECORDING INFORMATION:

Prepared by:

YTURRI, ROSE, BURNHAM, EBERT & BENTZ
P.O. Box 8
Ontario, OR 97914

Until a change is requested, all tax
statements shall be sent to:

Marvin L. Casey
P. O. Box 115
Denio, NV 89404

After recording return to: ~~American Title, P.O. Box 487, Prineville, OR 97754~~

(Escrow #CT49888KH)

SPECIAL WARRANTY DEED

HUMBOLDT LAND AND LIVESTOCK CO., a corporation, (who took title as HUMBOLDT LAND AND LIVESTOCK CO.), Grantor, conveys and specially warrants to MARVIN L. CASEY and EDIE L. CASEY, husband and wife, Grantees, the following described real property free of encumbrances created or suffered by the grantor except as specifically set forth herein:

Land in Harney County, Oregon, as follows:

In Twp. 37 S., R. 32 1/2 E., W.M.:

Sec. 12: NE 1/4 NE 1/4, S 1/2 NE 1/4, SE 1/4.
Sec. 13: N 1/2 NE 1/4, E 1/2 NW 1/4.
Sec. 36: N 1/2.

In Twp. 37 S., R. 32 3/4 E., W.M.:

Sec. 7: Lots 1, 2, 3, and 4, E 1/2 SW 1/4, W 1/2 SE 1/4.
Sec. 17: NW 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4.
Sec. 18: Lot 1, NE 1/4 NW 1/4, NE 1/4, N 1/2 SE 1/4.

In Twp. 38 S., R. 33 E., W.M.:

Sec. 13: NW 1/4 SE 1/4.
Sec. 22: E 1/2 SE 1/4.
Sec. 24: NE 1/4 NW 1/4.
Sec. 26: NE 1/4 SE 1/4, SW 1/4 NW 1/4.
Sec. 27: NE 1/4 NE 1/4.
Sec. 36: S 1/2.

In Twp. 39 S., R. 33 E., W.M.:

Sec. 2: Lots 3 and 4, S 1/2 NW 1/4, SW 1/4.
Sec. 3: Lots 1 and 2, SE 1/4 NE 1/4.
Sec. 20: SE 1/4 NW 1/4.

In Twp. 38 S., R. 34 E., W.M.:

Sec. 27: E 1/2 NW 1/4.

In Twp. 39 S., R. 35 E., W.M.:

Sec. 13: NW 1/4 SW 1/4.
Sec. 25: N 1/2 SE 1/4 SE 1/4 SE 1/4, N 1/2 SE 1/4 SE 1/4 SW 1/4, EXCEPTING
THEREFROM 15 feet along the half section lines in the
N 1/2 SE 1/4 SE 1/4 SE 1/4 and N 1/2 SE 1/4 SE 1/4 SW 1/4.



STATE OF OREGON }
County of Harney }

I certify that the within instrument was received
for record on the 24 day of February
1997 at 2:00 o'clock P.M. and
recorded Microfilm number 920220

By: *Marva Sturridge* County Clerk

Marva Sturridge Cash

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Sec. 36: S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPTING
THEREFROM 15 feet along the section lines in the
N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and along the
half section line in the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

In Twp. 39 S., R. 36 E., W.M.:

Sec. 31: Lots 1, 2 and 3, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$.

Tax Reference Nos.

Code	16-2	Tax Lot No.	500	Map No.	37 32 $\frac{1}{2}$	Ref. No.	20481
	33-2		600				48000
	16-2		300		37 32 3/4		20499
	33-2		100		38 33		48003
			300				48214
			400				48215
			500				48216
			600				48004
needs segregated			500		38 34		48218
			200		39 33		48005
16-2			400				20501
33-2			800		39 35		48051
			600		39 35 25		48055
			700				48228
			300		39 35 36		48233
			400				48234
			500				48235
			800		39 36		48158
Mobile home		P 3483					73013
		900					48159

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SUBJECT TO and TOGETHER WITH

Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

Easements, liens or encumbrances, or claims thereof, which are not shown by the public records; unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

AS DISCLOSED by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

RIGHTS OF THE PUBLIC in streets, roads and highways.

AGREEMENT FOR EASEMENT, including the terms and provisions thereof, to the United States of America, recorded Nov. 1, 1941, in Book 39, Page 553, Deed Records. (Affects the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 12, Twp. 37 S., R. 32 $\frac{1}{2}$ E., W.M.)

AGREEMENT FOR EASEMENTS, including the terms and provisions thereof, to the United States of America, recorded June 4, 1943, in Book 40, Page 403, re-recorded Sept. 23, 1948, in Book 49, Page 499, and re-recorded May 20, 1957, in Book 63, Page 387, Deed Records.

24 1997

970370

(Affects the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 20, Twp. 39 S., R. 33 E., W.M.)

RESERVATION in deed from Harney County, Oregon, recorded Feb. 9, 1945, in Book 41, Page 555, Deed Records, reserving any right of way for any county roads.

(Affects the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, Twp. 37 S., R. 32 $\frac{1}{2}$ E., W.M., NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 17, and E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 18, Twp. 37 S., R. 32 $\frac{3}{4}$ E., W.M.)

MINERALS RESERVED by State of Oregon, as to the full interest therein, in Deed recorded Dec. 31, 1958, Book 66, Page No. 1 of Deeds, and all rights of said State of Oregon, and its successors in interest, as owners thereof.

(Affects the W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, of Sec. 18, Twp. 37 S., R. 32 $\frac{3}{4}$ E., W.M.)

RIGHT OF WAY OPTION, including the terms and provisions thereof, from Humboldt Land and Livestock Co., a corporation, to Pacific Power & Light Company, a corporation, dated Oct. 2, 1975, recorded Aug. 5, 1976, in Book 101, Page 517, Deed Records.

(Affects Sec. 12 and 13 of Twp. 37 S., R. 32 $\frac{1}{2}$ E., W.M., and Sec. 7 and 18 of Twp. 37 S., R. 32 $\frac{3}{4}$ E., W.M.)

Said option was extended by agreement recorded Sept. 3, 1976, in Book 101, Page 685, and recorded Oct. 3, 1977, in Book 104, page 655, Deed Records.

EASEMENT, including the terms and provisions thereof, to the United States of America, recorded Oct. 19, 1988, Instrument No. 881589, Deed Records.

(Affects the SE $\frac{1}{4}$ of Sec. 12 and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 13, Twp. 37 S., R. 32 $\frac{1}{2}$ E., W.M.)

A RESERVATION, to Grantor, of a perpetual, non-exclusive road easement, for ingress and egress, across the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 27, Twp. 38 S., R. 34 E., W.M., more particularly described in a separate Easement Agreement dated the 1st day of April, 1991, between Grantor and Grantee.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is: \$335,285.00.

Dated this 1st day of April, 1991.

HUMBOLDT LAND AND LIVESTOCK CO.

STATE OF OREGON

County of Malheur

By: James D. McDade

The foregoing instrument was acknowledged before me this 1st day of April, 1991, by James D. McDade, President, of HUMBOLDT LAND AND LIVESTOCK CO., a corporation.

Notary Public for Oregon
My commission expires:

Norm Nelson
NORM NELSON
NOTARY PUBLIC - OREGON
MY COMMISSION EXPIRES 11/22/93

STATE OF OREGON

COUNTY OF

HARNEY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JAMES E. & STELLA CALDERWOOD

of Andrews, State of Oregon, 97710, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Trout Creek

a tributary of Alvord Lake for the purpose of irrigation of 54.9 acres

under Permit No. 19141 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 December 27, 1949 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 0.69 cubic foot 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T. 39 S., R. 37 E., W. M., 50 feet North and 200 feet East from the Center, Section 17

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:

7.4 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	27.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
1.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
10.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
0.9 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 18
	T. 39 S., R. 37 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 26561, Volume 18, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 16, 1978, approving transfer application No. 3474. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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.

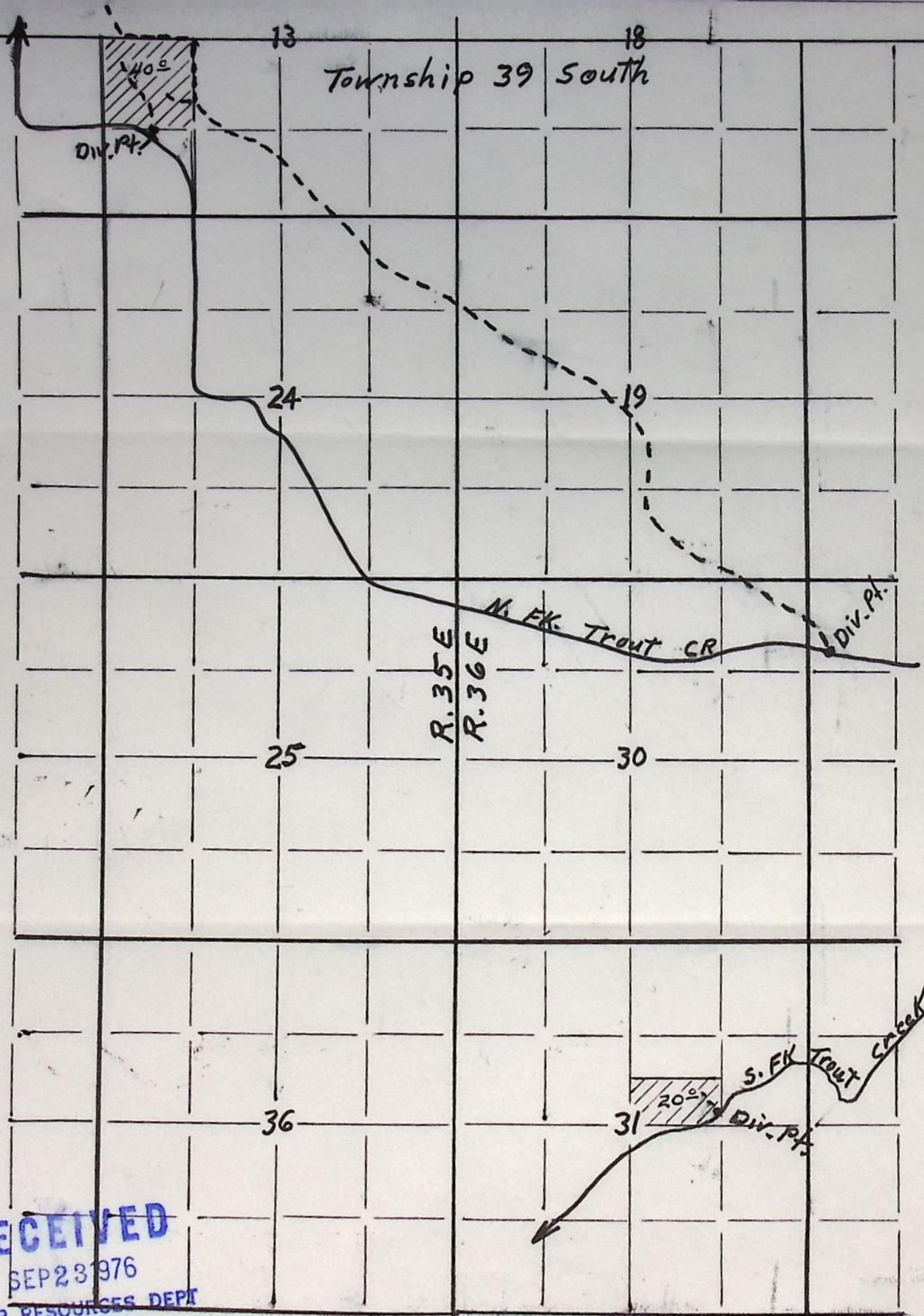
WITNESS the signature of the Water Resources Director, affixed

this date. March 17, 1978

James E. Sexson

Water Resources Director

Township 39 South



RECEIVED
SEP 23 1976
WATER RESOURCES DEPT
SALEM, OREGON

Water Right Cert. 26561, Priority 12-27-49
To be Tranfered in

T-3474

XP

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SEP 23 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3474

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Humbolt Land and Livestock Company
(Name of applicant)

of Fields (Postoffice), County of Harney,

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

and point of diversion.

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

1. The source of present water right is Trout Creek, trib. Alvord Lake
(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 unnamed

4. The point of diversion is located 50 ft. N and 200 ft. E from the center
(N. or S.) (E. or W.)

~~corner of~~ of Sec. 17 being within the SW 1/4 SW 1/4 NE 1/4
(Section or subdivision)

of Section 17 Tp. 39 S R. 37 E W. M., in the County of Harney
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate 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
39S	37 E	7											19.4				16.4	
39S	37 E	18		10.6			13.6											

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

60 ± ac.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? December 27, 1949

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)

of permit 19141

App-24359

Fees Ex 20.00
POD 15.00
POU 17.50
52.50

PON 45.00 deposit

7946

N/P

10. Do you hold a water right certificate? Yes If so, give number of certificate 26561
(Yes or No)

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

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? James E. and Stella Calderwood
(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 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
39 S	35 E	13										40						
39 S	36 E	31			S 1/2 20													

(Attach separate sheet if necessary)

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

* See attached sheet.

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? Yes

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.? _____
(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 This is an exchange of priority with other irrigated lands. See transfers T 2654, T2659.

EX-100
MAILED
JUN 10 1964
RECEIVED

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Lake

} ss.

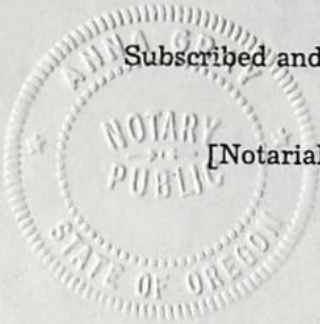
I, Estella Calderwood, say that I am President of Humbolt Land & Livestock Company, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 20th day of September, 1976...

HUMBOLT LAND & LIVESTOCK COMPANY

By: Estella Calderwood
(Name of applicant)

Subscribed and sworn to before me this 20th day of September, 1976.



[Notarial Seal]

Anna Gray
NOTARY PUBLIC FOR OREGON
My Commission Expires: 7/15/77

My commission expires _____

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.

The proposed points of diversion are located, #1: 1,050 ft South and 300 ft East from NW corner Sec. 29 being within NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T.39 S., R.36 E; #2: 1,320 ft North and 700 ft East from SW Corner Sec. 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, T.39 S., R.35 E.; #3: 2,500 ft South and 1,320 ft West from NE Corner Sec. 31, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec.31, T.39 S., R.36 E., W.M.

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SEP 23 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3474

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SEP 28 1983
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
PLACE OF USE & POINT OF DIVERSION FROM TROUT CREEK

PURSUANT TO TRANSFER APPLICATION NO. 3474

Estella Calderwood, President of
I, Humbolt Land & Livestock Company, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by April 1, 1978.

May 23, 1980
Date

Estella Calderwood
Signature

OK
Gij
(Mail to the Water Resources Department, Salem, Oregon 97310.)

RECEIVED
MAY 27 1980
WATER RESOURCES DEPT
SALEM, OREGON

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Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
dy

Burns Times-Herald

AFFIDAVIT OF PUBLICATION

(copy of notice to be pasted here)

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION AND PLACE OF USE FROM TROUT CREEK

Notice is given hereby that Humbolt Land and Livestock Co., has filed an application for the approval of changes in point of diversion and place of use from Trout Creek.

Certificate of water right issued to James E. and Stella Calderwood and recorded at Page 26561, Vol. 18, State Record of Water Right Certificates, confirms a right which includes the use of 0.75 cubic foot per second from Trout Creek for the irrigation of 19.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 16.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; 10.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 13.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 39 S., R. 37 E., W.M., with a date of priority of December 27, 1949.

These lands are irrigated from a point of diversion located 50 ft. N. and 200 ft. E from the center of Sec. 17, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 39 S., R. 37 E., W.M.

The applicant herein, owner of the lands above described, proposes to sever the water right therefrom and, without loss of priority, change the place of use and point of diversion to: (a) irrigation of 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 13, T. 39 S., R. 35 E., W.M. from

Mayonnaise

Save 29¢



Neighborhood

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

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 Application For A Change In Point Of Diversion And Place Of Use From 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: October 14, 21, and 28, 1976

Subscribed and sworn to before me this 3rd day of

November, 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 _____

RECEIVED

NOV - 5 1976

WATER RESOURCES DEPT
SALEM, OREGON

Burns Times-Herald

AFFIDAVIT OF PUBLICATION

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

(copy of notice to be pasted here)

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These lands are irrigated from a point of diversion located 50 ft. N. and 200 ft. E from the center of Sec. 17, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 39 S., R. 37 E., W.M.

The applicant herein, owner of the lands above described, proposes to sever the water right therefrom and, without loss of priority, change the place of use and point of diversion to: (a) irrigation of 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 13, T. 39 S., R. 35 E., W.M., from two points of diversion from North Fork Trout Creek, located (1) 1050 ft. S. and 300 ft. E. from the NW corner of Sec. 29, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 29, T. 39 S., R. 36 E., W.M.; (2) 1320 ft. N. and 700 ft. E. from the SW corner of Sec. 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 13, T. 39 S., R. 35 E., W.M. (b) irrigation of 20 acres in S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31, T. 39 S., R. 36 E., W.M., from a point of diversion from South Fork Trout Creek, located 2500 ft. S. and 1320 ft. W. from the NE corner of Sec. 31, being within SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31, T. 39 S., R. 36 E., W.M.

The proposed changes in place of use and point of diversion as described herein, together with proposed changes described in pending water transfer applications Nos. 2654, 2655, 2656, 2657, 2658 and 2659, also in the name of Humbolt Land and Livestock Co., are intended to accomplish a partial interchange of 1884 and December 27, 1949, priorities.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Burns, Oregon, on December 7, 1976, at 9:30 a.m. All objections to the proposed change, if any thereare, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Humbolt Land and Livestock Co., c-o James Lynch, Attorney at Law, P.O. Box 351, Lakeview, Oregon 97630, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request. Dated at Salem, Oregon, this 5th day of October, 1976.

JAMES E. SEXSON

Director

Publish October 14, 21 and 28, 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 Application For A Change In Point Of Diversion And Place Of Use From

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:

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Subscribed and sworn to before me this 3rd day of

November, 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 _____