

3590

DON ORLANDO OF

3590

STATUS OF APPLICATION

Change in place of use & point of diversion
 Date filed 3-16-77
 Date of hearing Nov 29, 1978
 Place of hearing Burns
 Date of order 11-29-78 Vol. 31, page 463
 Date for application of water 10-1-80 ^{Ext.} 10-1-81 10-1-82
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Trout Creek
 Trib. of _____ County of Harney
 Use irrigation
 Quantity of water _____ No. of acres 5⁰
 Name of ditch Unnamed
 Date of priority 1884
 In name of Henrietta C. Bates & Thomas E. Walter ^(page 91) ^(page 97A)
Trout Creek Adjudication, Vol. 3, page 27A
 App. No. _____ Per. No. _____ Cert. No. 0
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3-16-77	\$45.00	59097
9-18-78	50 ⁰⁰	6151
TOTAL . . .		
	Cert. Fee	

Burns Times-Herald \$34.06 pd 12/1/78 ck# 2752

FEES REFUNDED

Date	Amount	Check No.
10-31-78	15 ⁹⁴	2757

Ex 20 -
 POU 10 -
 POD 15 -
 PON 34⁰⁰
 79⁰⁶

REMARKS

Card for C NOV 20 1981

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHICKED TO RECORDS		
Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decree-safe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Per. Folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chainindex	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cross Ref.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Power Claim	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Book Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

This order is issued to confirm changes in PLACE OF USE and POINT OF DIVERSION approved by an order of the Water Resources Director entered November 29, 1978, at Special Order Volume 31, Page 463, approving Transfer Application 3590.

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

OCT 10 2008

Issued _____


Phillip C. Ward, Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HARNEY COUNTY

IN THE MATTER OF THE APPLICATION OF)
DON S. ORLANDO FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3590

On March 16, 1977, an application was filed in the office of the Water Resources Director by Don S. Orlando of Orlando Trout Creek Ranch for approval of changes in place of use and point of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Harney County, dated February 23, 1916, in the matter of Edwin B. Hill, et al vs. the American Land and Livestock Co., et al, a right was adjudicated to Henrietta C. Bates (also tabulated in the names of C. E. Thomas and L. W. Walter) for the use of water from South Branch Trout Creek, with a date of priority of 1884 for irrigation of 5.0 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 39 South, Range 35 East, W.M.

The authorized point of diversion is located 200 feet North and 1320 feet West from the East Quarter 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.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 39 South, Range 35 East, W.M., from a point of diversion on Trout Creek located 290 feet North and 500 feet East from the Southwest Corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 39 South, Range 36 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 5, 12 and 19, 1978.

Mr. William H. Beal, Watermaster, 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

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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, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the diversion of water at the new point of diversion shall be limited to the water available at the old point of diversion on the South Branch of Trout Creek under the subject water right, pursuant to the provisions of the said decree, 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 therefrom ...".

It is FURTHER ORDERED that the diversion of water at the new point of diversion 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.

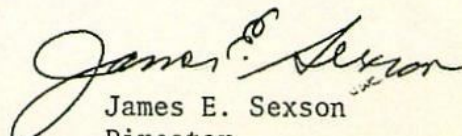
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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, 1980.

Dated at Salem, Oregon this 29th day of November, 1978.


James E. Sexson
Director

2064

Burns Times-Herald

AFFIDAVIT OF PUBLICATION

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

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 Water Right Transfer Application No. 3590.

Three 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: Publish October 5, 12 & 19, 1978 ok

Subscribed and sworn to before me this 23 day of October, 1978.

Diana L. Buck
Notary Public for Oregon

(My commission expires Aug. 8, 1982)

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 _____

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3590

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Don S. Orlando of Orlando Trout Creek Ranch for approval of changes in place of use & point of diversion from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Harney County, dated Feb. 23, 1916, in the matter of Edwin B. Hill et al vs. the American Land & Livestock Co. et al, a right was adjudicated to Henrietta C. Bates (also tabulated in the names of C.E. Thomas & L.W. Walter) for the use of water from So. Branch Trout Cr., with a date of priority of 1884 for irrigation of 5.0 ac in S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36, T 39S, R 35E, WM.

The authorized point of diversion is located 200 ft N & 1320 ft W from the E $\frac{1}{4}$ Corner of Sec 31, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 31, T 39S, R 35E, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use & point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 5.0 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 25, T 39S, R 35E, WM, from a point of diversion on Trout Cr. located 290 ft N & 500 ft E from the SW Corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 30, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 30, T 39S, R 36E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Burns, Oregon, on November 29, 1978, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing: one copy/to be served on Don S. Orlando, 20780 Boyce Lane, Saratoga, CA 95070; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE 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 29th day of September, 1978.

James E. Sexson
Director

Publish October 5, 12 and 19, 1978.

Burns Times-Herald

AFFIDAVIT OF PUBLICATION

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

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
Water Right Transfer Application No.
3590.

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: Publish October 5, 12 & 19, 1978 *ok*

Subscribed and sworn to before me this 23 day of

October, 1978

Deanna L. Buck

Notary Public for Oregon

(My commission expires Aug. 8, 1982)

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 _____

NOTICE OF WATER RIGHT TRANSFER APPLICATION

NO. 3590

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Don S. Orlando of Orlando Trout Creek Ranch for

FOR SALE—Two horses: one mare, 6 years; one gelding, 14

after 5 only. 29-1-p

FREE—to good home. Malamute/Shepherd puppies at 635 S. Egan,

Owners. 28-ttc

PLAN TO ATTEND—the regular sale at the new Eastern Oregon Livestock Auction, Vale, Oregon, every Friday. Whether you are selling, buying or a spectator, you are important to us. For sale or market information, call Eastern Oregon Livestock Auction, 503-473-3213, Don and Viny Hancock,

LIVESTOCK & PETS

Thursday. 29-1-c

or 572 W. Tyler, Burns, after 573-6272 and can't take her along. 573-6272 offspring. Her people are leaving home for self and valuable (in about two weeks). Needs good

TO GIVE AWAY—Sheltie/Border Collie, pure mix expectant mother (about two weeks). Needs good

TO GIVE AWAY—Cow dog, four months old. Call after 2:30. 573-6831. 29-1-c

RECEIVED

OCT 25 1978

WATER RESOURCES DEPT.
SALEM, OREGON

