3590

STATUS	OF	APP	LICA	TIO	N

DESCRIPTION OF WATER RIGHT

Change in place & lese & point of diversion	Name of stream Trout Creek
Date filed	Trib. of County of Harney
Date of hearing Nov 29, 1978	Use urrigation
Place of hearing Burns	Quantity of water No. of acres
Date of order 11-29-76 Vol. 31, page 463 Date for application of water 10-1-80 10-1-81 10-1-87	Name of ditch Unnamed
Date for application of water 10-1-80 10-1-81 10-1-82	Date of priority 1884
Proof mailed	Date of priority 1884 (page 97) In name of Henrietta C. Rates & Thomas & Walter
	Trout Creek Adjudication, Vol. 3 , page 274
Certificate issued	App. No
	Certificate cancelled
1 1/2	Notation made on record by

20/25

FEES PAID

Date	_ Amount	Receipt No.
3-16-77	445.00	39097
9-18-78	50 ^{se}	6151
TOTAL		
	Cert. Fee	ψ
Buens Times - Her	ald \$34.06 pa	143/18 de# 2752

FEES REFUNDED

Date	Amount	Check No.
10-31-78	1594	2757
	Ex 20- POU 10-	
	POD 15 -	
	PON 3400	
	79 04	

REMARKS

Card for C HOV 2 0 1989	

INDEX CARDS; Intered Checked

Name
Stream
Ft. of Div.
Calendar
Chi.Card To Records

Twp. & Rge.
Decree-vault
Decree-safe
O. Ce t. of W/R
Per. Folder
Chaindex
Cross Ref.
Pover ClaimAbstracts

L. Book Map

BEFORE THE WATER RESOURCES DEPARTMENT FOR THE STATE OF OREGON

Order of Proper Proof of Changes in Place of))	
Use and Point of Diversion Under))	Final Order
Transfer 3590)	

confirms the right of record to use the waters of the SOUTH BRANCH TROUT CREEK, a tributary of TROUT CREEK for IRRIGATION of 5.0 ACRE.

This right of record was confirmed by decree of the Circuit Court of the State of Oregon for HARNEY County, dated February 13, 1916, in the matter of Edwin B. Hill et al v The American Land and Livestock Company et al. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 89. The date of priority is 1884.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.0 ACRE FEET for each acre irrigated during the irrigation season of each year, if available at the original point of diversion located in the SW¼ NE¼, SECTION 31, T 39 S, R 36 E, WM; 200 FEET NORTH AND 1320 FEET WEST FROM THE E¼ CORNER, SECTION 31, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion on TROUT CREEK is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
39 S	36 E	WM	30	NW NE			1140 FEET SOUTH AND 3610 FEET EAST FROM THE NW CORNER, SECTION 30

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

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
39 S	35 E	WM	25	SW NE			5.0

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 right, pursuant to the provisions of 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 ...".

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 land from which the water right is severed; the S½ SE¼ NE¼ NE¼, Section 36, T 39 S, R 35 E, WM.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or 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 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 1 0 2008

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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 S½ SE¼ NE¾ NE¾ 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 SW4 NE4 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 SW4 NE% 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 NW4 NE% of Section 30, being within the NW4 NE% 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

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

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 S1/2 SE1/4 NE1/4 NE1/4 of Sec 36, T 39S, R 35E, WM.

The authorized point of diversion is located 200 ft N & 1320 ft W from the E1/4 Corner of Sec 31, being within the SW1/4 NE1/4 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 SW1/4 NE1/4 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 NW1/4 NE1/4 of Sec 30, being within the NW1/4 NE1/4 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 DURITCATION

THE PROPERTY OF TODA PORTION
STATE OF OREGON (
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
Water Right Transfer Application No.
3590.
and the same of which is beauto
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 0
¥ ·
Jelung Hellich
Subscribed and sworn to before me this day of
n //
October , 197P.
Amma & Rick
Notary Public for Oregon
(My commission expires <u>lllg.</u> 8, 1982)
No
In the Court of the
STATE OF OREGON
for the
COUNTY OF HARNEY
Filed, 19
Clerk.
Ву
Deputy.
The sea the Office of
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 mare, 6 years; one gelding, 14 a FOR SALE-Two horses: one

after 5 only. Shepherd puppies at 635 S. Egan, FREE-to good home. Malamute/

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

LIVESTOCK & PETS

Thursday. or 572 W. Tyler, Burns, after and can't take her along. 573-6272 offspring. Her people are leaving home for self and valuable (in about two weeks). Needs good Collie, pure mix expectant mother TO GIVE AWAY-Sheltie/Border

months old. Call after 2:30.

RECEIVED

OCT 2 5 1978

WATER RESOURCES DEPT. SALEM, OREGON



Burns Times-Herald

AFFIDAVIT OF PURLICATION

AFFII	DAVII OF TODDIOATION
STATE OF OREGON	() ==
County of Harney) ss. (
sworn, depose and say Herald, a newspaper of and 193.020, printed an	P. Heerwagen , being first duly that I am the publisher of the Burns Times- general circulation, as defined by ORS 193.010 and published at Burns, in the aforesaid County Times-Herald that the Notice of
	Cransfer Application No.
3590.	
Three succ	a printed copy of which is hereto ed in the entire issue of said newspaper for essive and consecutive weeks in the following October 5, 12 & 19, 1978
	4
	(Meling Lanural)
Subscribed and sworn	to before me this 23 day of
October	1922.
Colour	Amora & Rock
_	Notary Public for Oregon
(My commission expire	res <u>Aug. 8, 1982</u>
	No
In the	Court of the
	STATE OF OREGON
	for the
C	OUNTY OF HARNEY
Filed	, 19
r neu	, 19
X	Clerk.
Ву	Deputy.
From the Office of	



Attorney for _