



M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING

Chris Palmer, P.E., P.L.S.
Cork Palmer, P.E., P.L.S.

254 N. Alder
P.O. Box 61
Burns, Oregon 97720

Phone 573-6451

RECEIVED

JAN 11 1993

WATER RESOURCES DEPT.
SALEM, OREGON

January 7, 1993

Adjudication Section
Oregon Water Resources Department
3850 Portland Road, NE
Salem, OR 97310

RE: Ronald & Melva Mclean - Vested Water Right Application -
JO 1438

Enclosed is the application map and a copy of the application submitted in December of 1992. If you have any questions please call.

Thank you,

CHRIS

Chris Palmer, CWRE
M.A. PALMER & SONS, INC

cc: Ronald & Melva Mclean

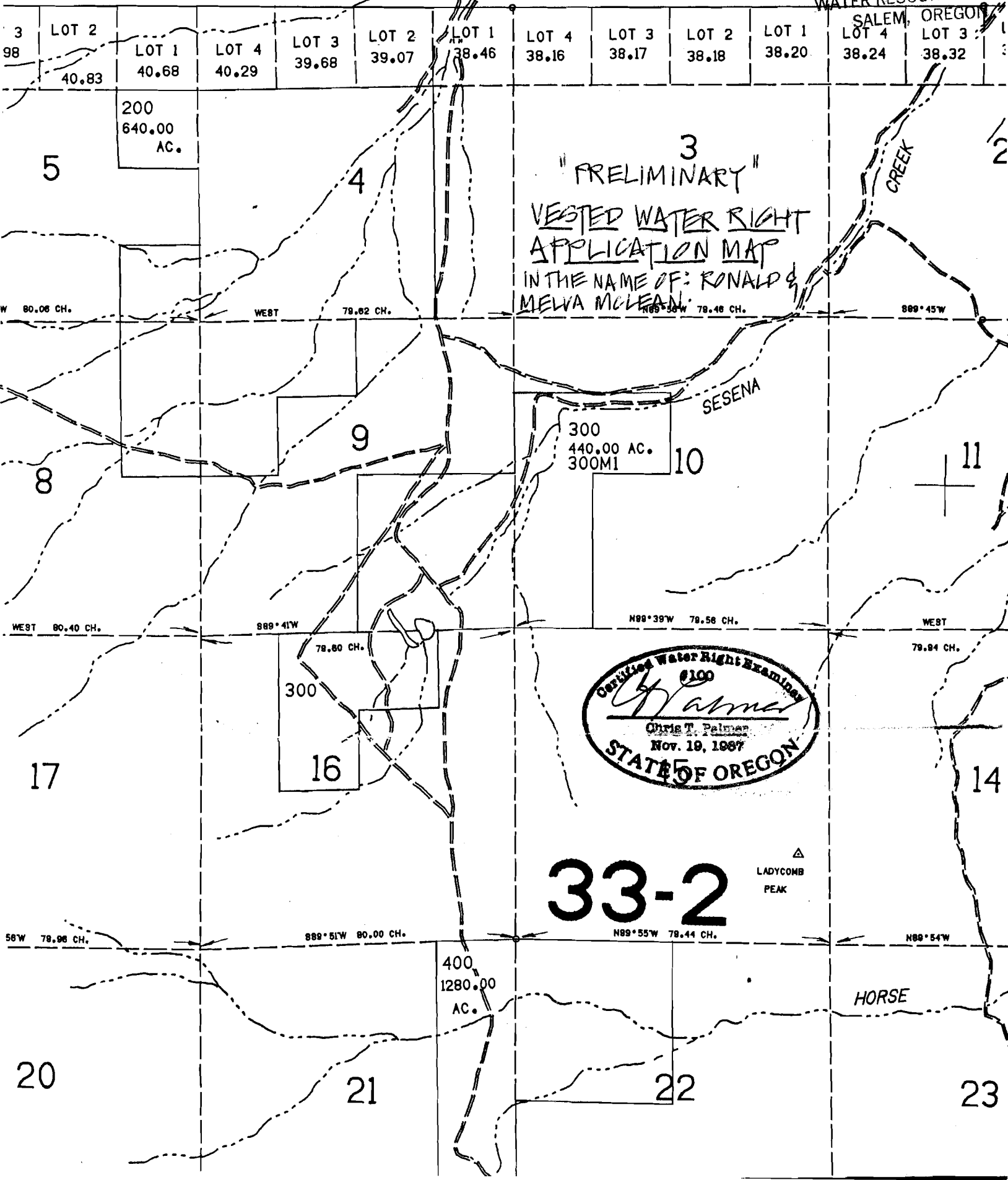
T.39S. R.34E. W.M.
HARNEY COUNTY

RECEIVED

DEC 30 1992

1"-2000'

SEE MAP 38 34 WATER RESOURCES DEP



JAN 11 1993
WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

**SURFACE WATER REGISTRATION STATEMENT
PRE-1909 VESTED WATER RIGHT CLAIM**

1. Name of Registrant: Ronald & Melva Mclean
Mailing Address: 183 W. Adams, Burns, OR 97720
Telephone No: 573-5529
2. Source of water: Springs including Reaux Cr. (Sesena Cr.)
Tributary to: Trout Cr.
3. Purpose(s) for which water is used: Stockwater
(Irrigation, Stockwater, Domestic, Hydroelectric power, Industrial, Etc.)
If irrigation, total number of acres irrigated: -
4. Priority Date
a) Date of first use: 1870
b) Date water use development first initiated: 1870
c) Name of party who initiated development: early stockmen
5. Amount of water claimed: 0.01 cfs, in CFS or GPM
(Water put to beneficial use)
6. Location of place of use:
9, 10, 16 Sections, Township 39S N/S, Range 34E E/W.
____ Sections, Township ____ N/S, Range ____ E/W.
(Attach additional pages if necessary)
7. Usual period of use: Apr / 1 to Nov / 1
month day month day

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP See NAME Mauwaua Lt # 12 UNADJUDICATED AREA ? no/yes?
RECEIPT # 95776 (Trout Cr) S W R NUMBER 561
CHECK ENCLOSURES See PRELIMINARY DATA BASE ENTRY Dut
ACKNOWLEDGEMENT LETTER See ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION See

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

✓ _____ source and trib
_____ diversion point location
_____ conveyances (pipes, ditch, etc.)
✓ _____ place of use
✓ _____ scale
✓ _____ township, range, section
✓ _____ north arrow
✓ _____ CWRE stamp
_____ disclaimer
_____ date survey was performed
_____ P.O.B. of survey
_____ dimensions and capacity of diversion system
✓ _____ "beneficial use" type title
✓ _____ "permanent-quality" paper

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____
FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
ENTER ON PLAT CARDS _____

April 26, 1993

RONALD & MELVA MCLEAN
183 W ADAMS
BURNS OR 97720

Dear MR & MRS MCLEAN,

This will acknowledge that your Surface Water Registration Statement in the name of RONALD & MELVA MCLEAN has been received by our office. The fees in the amount of \$200.00 have been received and our receipt #95776 is enclosed. Your registration statement has been numbered SWR-561.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

J:\WP51\SWR\CLAIMANT\5\SWR-0561.001



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

April 26, 1993

TO: FILE

FROM: DON KNAUER

SUBJECT: SWR'S IN TROUT CREEK , HARNEY COUNTY

On April 23, 1993 Dwight French and I met with Reed Marbut and discussed this subject. He decided to file the claims and treat them the same as any other filing. We will do the processing and in the future figure how to complete the determination. That is, how to go to court, etc.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

March 18, 1993

TO: REED MARBUT

FROM: DON KNAUER

← Dme

SUBJECT: SWR'S IN TROUT CREEK, HARNEY COUNTY

I wrote you a memo on March 8, 1993 in regards to an SWR we received claiming a vested water right in the Trout Creek area of Harney County, I have attached a copy of the memo. We have received another claim by another individual in roughly the same area. The question or questions are the same. As you indicated on the first memo this is interesting and we need to discuss it. I hope you will have time soon so that we can get a reply to these folks.

M:\WP51\SWR\MCLEAN.01

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO
March 8, 1993

TO: REED MARBUT
FROM: DON KNAUER
SUBJECT: SURFACE WATER REGISTRATIONS

On Dec 29, 1992 we received a SWR in the name of Perry Still. The claim is for irrigation of 905 acres with a 1902 priority date. This claim is in the Tumtum Lake area which is located within the TROUT CREEK basin in Harney County which was adjudicated by Harney County Circuit Court. The property under this claim was not listed in the water rights decreed by the court. The State Engineer did not issue certificates following the decree of 1909, 1916, or 1917. The WRD has processed transfers and issued certificates on those transfers in this area. My understanding is that our office considers this an adjudicated area. The lack of involvement by the State Engineer in the actual adjudication and not issuing certificates causes me to wonder exactly what our position should be.

- 1) Should our position be that Trout Creek in Harney County has been adjudicated and therefore we will reject the SWR?
- 2) Should we file the SWR, ask the claimant for more information about the lack of participation in the "adjudication" and then present it to Harney County Circuit Court, if appropriate, as an undetermined vested water right?
- 3) Should we reject the SWR based on the "adjudication" and recommend to the claimant to go to Harney County Circuit Court with his claim?

M:\WP51\SWR\STILL.01

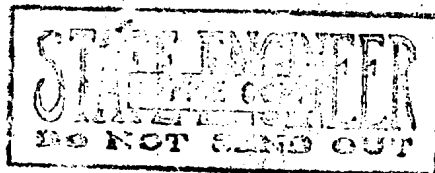
3/10
Very interesting.
This is very interesting
discussion. I'll try
to find the Thur Am (3/11)
before I go to the House committee
Lead

BEFORE THE STATE ENGINEER OF
THE STATE OF OREGON

Harney County

In the Matter of the
Determination of the Relative Rights
to the Use of the Waters of

TROUT CREEK



FOR ACTUAL LOCATIONS OF RIGHTS AS MODIFIED BY TRANSFERS, ETC, SEE MAP BOOK
TITLED "TROUT CREEK - HARNEY COUNTY" IN POSSESSION OF TRANSFER SECTION

T R O U T C R E E K

Harney County

— 0 —

Edwin B. Hill, et al) This proceeding was originally commenced in the Circuit Court
) by Edwin B. Hill as plaintiff against J. E. Rounsevelle, defend-
v.) ant. The Court, in order to have a full and complete deter-
) mination, ordered that all claimants come in either as defendants
The American Land and) or plaintiffs. This, therefore, is a complete adjudication of
Live Stock Company) the rights to the use of the waters of Trout Creek by the Circuit
) Court for Harney County.

Order Record

	Vol.	Page
Decree of Circuit Court, February 23, 1916.....	3-	89
Amended Decree of Circuit Court, March 30, 1917.....	3-	319
Final Decree, Beatty v. Thomsen, March 4, 1909.....	5-	604
Final Decree, American Land & Livestock Company v. Lubinga, March 9, 1909	5-	607
Decree of Circuit Ct., Calderwood & Defenbaugh v. Clarence Young, 6-4-56	15-	520

Note: The Circuit Courts' decree of Feb. 23, 1916 is a complete record of water rights from Trout Creek and its tributaries, except as to the right of Melvin Doan. Mr. Doan was granted a right for an additional 79.55 acres in the Decree of the Court dated March 30, 1917. The two Decrees of Mar. 4, 1909, and March 9, 1909 are bound in this volume for reference only, as the provisions of these decrees were incorporated in the main Decree of February 23, 1916.

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Note: The numbering machine numbers appearing on the right hand margin or lower right hand corner of the various decrees herein, indicate the corresponding page numbers as they appear in the recorded volumes.

— 0 —

Note: There is no provision in our water laws for the issuance of water right certificates in proceedings before the circuit court wherein water rights are adjudicated. Hence no certificates have been issued.

ॐ नमो भगवते वासुदेवाय ॥

Rights for irrigation with priorities of 1909 or earlier were allowed for 4,524.64 acres. This figure is incorrect, however, as the court allowed numerous duplications. The court was cognizant of this fact as it makes definite reference to such duplications in paragraph 33, page 88p of the decree and again at the end of the tabulation in the name of Thomas and Walter, at page 96.

The 12th of September 1902 the party appealed to the Supreme Court (8200.202). Supreme Court affirms the decision of the Circuit Court.

7- 4492.55 acc. amount ✓ -1-10-58-NACarr

STATE OF OREGON
WATER RESOURCES DEPARTMENT
RECEIPT # **95776** 3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX) **RECEIVED OVER THE COUNTER**

RECEIVED FROM: Ronald McLean
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 2422 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>200.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
842.016	WELL DRILL OPERATOR	\$	842.019	\$
	LANDOWNER'S PERMIT	\$	842.024	\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011	POWER LICENSE FEE(FW/WRD)	\$
842.115	HYDRO LICENSE FEE(FW/WRD)	\$

HYDRO APPLICATION

\$

RECEIPT # **95776**

DATED: 12/21/92

BY: C. Engel

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal