

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF MILLER TWEEDT FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM CROOKED RIVER)

ORDER APPROVING
TRANSFER NO. 2684

On August 7, 1972, Miller Tweedt filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Crooked River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Otto C. Gray and recorded at page 7108, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.85 cubic feet of water per second from Crooked River for irrigation of, among other lands, 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 16 South, Range 20 East, W.M., and 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 17 South, Range 20 East, W.M., with a date of priority of May 27, 1916.

Certificate of water right issued to Alex Tweedt and recorded at page 6108, Volume 6, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.63 cubic foot per second from Crooked River for the irrigation of, 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 22, 1918.

Certificate of water right issued to Miller Tweedt and recorded at page 36937, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.57 cubic foot per second of water from Crooked River for the irrigation of 13.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 17.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 20 East, W.M., and 0.2 acre in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$),

and 0.1 acre in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 16, 1961.

These lands are irrigated through a ditch from a point of diversion located 210 feet South and 2720 feet East from the NW corner of Section 12, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, Township 17 South, Range 20 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Tweedt-Boston Ditch from a point of diversion to be located 990 feet South and 1730 feet West from the NE corner of Section 2, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 17 South, Range 20 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Prineville, Oregon, on January 16, 1973 at 9:30 a.m. The notice was published in The Central Oregonian, a newspaper printed and having general circulation in Crook County, Oregon, for a period of three weeks in the issues of November 23, 30, and December 7, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Bruce A. Estes, Watermaster of District No. 11, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Crooked River, to-wit:

From a point located 210 feet South and 2720 feet East from NW corner of Section 12, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 17 South, Range 20 East, W.M.

To a point to be located 990 feet South and 1730 feet West from NE corner of Section 2, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 17 South, Range 20 East, W.M.

for the irrigation of 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 16 South, Range 30 East, W.M., and 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 17 South, Range 20 East, W.M., with a date of priority of May 27, 1916, and 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 22, 1918, and 13.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 17.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 20 East, W.M., and 0.2 acre in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 0.1 acre in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 16, 1961, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1.37 cubic feet per second.

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 an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

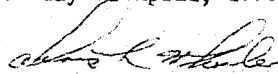
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring

device be installed under the general supervision of said watermaster

It is FURTHER ORDERED that certificate of water right heretofore issued to Otto C. Gray and recorded at page 7108, Volume 7, Stateth Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate of water right be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of th diversion, a certificate of water right shall be issued to Miller Tweedt confirming the change in point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to Alex Tweedt and recorded at page 6108, Volume 6, State Record of Water Right Certificates and certificate of water right heretofore issued to Miller Tweedt and recorded at page 36937, Volume 28, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right shall be issued to Miller Tweedt confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of April, 1973.


CHRIS L. WHEELER
State Engineer