

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICA-)
TION OF EARL FOREST FOR THE)
APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM)
CROOKED RIVER.)

ORDER
APPROVING APPLICATION

On January 3, 1951, Earl Forest of Route 1, Box 48, Prineville, Oregon, filed an application with the State Engineer for the approval of a change in point of diversion of water from Crooked River, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right issued to the Rim Rock Ranch, Inc., and recorded at page 11840, Volume 11, State Record of Water Right Certificates, confirms a right under Permit No. 11411, recorded at page 11411, Volume 28, State Record of Permits, for the use of 1.31 cubic feet per second of water of Crooked River for the irrigation of 10.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 35.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 14 South, Range 15 East, W. M., with a date of priority of September 11, 1934. The above described lands are irrigated through the Peoples ditch, the point of diversion of said ditch being located 744.2 feet south and 321 feet east from the northwest corner of the SW $\frac{1}{4}$, Section 8, Township 15 South, Range 16 East, W. M.

Earl Forest, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant to be located 1714.2 feet north and 576.5 feet west from the south quarter corner of Section 26, Township 14 South, Range 15 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 court house at Prineville, Oregon, on March 29, 1951, at 10:00 O'clock, A. M. The notice was published in the Central Oregonian, a newspaper printed and having general circulation in Crook County, for a period of three successive weeks, being the issues of January 25 and February 1 and 8, 1951. The date set for the hearing in said notice was not less than 30 days after the last publication of the notice.

An objections of Milt Cain, President of the Crooked River Central Ditch Company, James McCabe, Geo. Sigman, Claude Hudspeth, Bert Winters, George Barrett and Max Montgomery against the approval of the application of Earl Forest was filed with the State Engineer on March 16, 1951, said date of filing being at least ten days prior to the date set for hearing.

The basis of the protest appears to be that if the application is approved, the applicant will divert and use the water tributary to Crooked River below the point of diversion of the Peoples ditch, which water is required for the irrigation of lands under the Central ditch which diverts water from Crooked River a short distance below the pumping plant the applicant proposes to construct.

A hearing was held by the State Engineer at the court house in Prineville, Oregon, beginning at 10:00 O'clock, A. M., on March 29, 1951, at which the applicant, represented by legal counsel, Thomas Boeke, appeared and introduced evidence. Milton Cain, President of the Crooked River Central Ditch Company, was present at the time of hearing, but did not present any evidence.

It appears from a statement of Mr. R. L. Schee, Watermaster of District No. 11, who has been in charge of the distribution of the waters of Crooked River for 24 years, that there is considerable water tributary to Crooked River below the point of diversion of the People's ditch and above the site of the pumping plant which the applicant proposes to construct.

Mr. Schee stated that it would be practical and economically feasible, should the application be approved, to measure the quantity of water the applicant would be entitled to divert at the point of diversion of the Peoples ditch. Both the applicant and Mr. Cain agreed that the quantity to be diverted at the proposed pumping plant shall be limited to the quantity that would be available if the water was diverted and conveyed through the People's ditch.

It appears that the approval of the application, conditioned upon the quantity of water available for diversion by the applicant at the proposed pumping plant, be determined at the point of diversion from Crooked River at the Peoples ditch, will not result in depriving existing rights of water to which they are entitled.

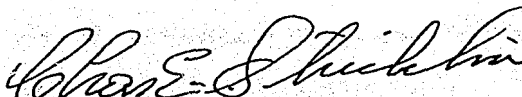
NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from the Peoples ditch which diverts from Crooked River at a point 744.2 feet south and 321 feet east from the northwest corner of the SW $\frac{1}{4}$, Section 8, Township 15 South, Range 16 East, W. M., for the irrigation of 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 35 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 14 South, Range 15 East, W. M., to a pumping plant the point of diversion to be located 1714.2 feet north and 576.5 feet west from the south quarter corner of Section 26, Township 14 South, Range 15 East, W. M., be approved without loss of priority.

It is FURTHER ORDERED that the quantity of water that is to be diverted at the new point of diversion shall be determined at the point of diversion of the Peoples ditch from Crooked River.

It is FURTHER ORDERED that the construction work required to be done in connection with the change in point of diversion of water herein approved shall be completed on or before July 1, 1952, or such extension of time as may be granted by the State Engineer for good cause shown and upon

the completion of such work, satisfactory proof shall be filed with the State Engineer.

Dated at Salem, Oregon, this 3rd day of April, 1951.


CHAS. E. STRICKLIN
State Engineer

Noted on Cert. 11840
File # F-28