

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION
OF DOROTHY B. SIMS FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM CROOKED RIVER

ORDER APPROVING
TRANSFER NO. 3286

On July 25, 1975, Dorothy B. Sims filed an application in the office of the Water Resources Director 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 Low Line Ditch Company and recorded at Page 36478, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.7 cubic feet per second of water from Crooked River for the irrigation of, among other lands, 7.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 22.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 14 South, Range 14 East, W.M., with a date of priority of 1903. These lands are irrigated from a point of diversion located 1000 feet North and 1000 feet West from the Southeast corner of Section 24, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 14 South, Range 14 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 270 feet North and 190 feet West from the Northwest corner of Section 28, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 14 South, Range 14 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 April 27, 1976, 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 March 4, 11 and 18, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Bruce 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 objection 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 1000 feet North and 1000 feet West from the Southeast corner of Section 24, being within the $SE\frac{1}{4} SE\frac{1}{4}$ of Section 24, Township 14 South, Range 14 East, W.M.

To a point to be located 270 feet North and 190 feet West from the Northwest corner of Section 28, being within the $SE\frac{1}{4} SE\frac{1}{4}$ of Section 20, Township 14 South, Range 14 East, W.M.

for the irrigation of 7.1 acres in $NE\frac{1}{4} NW\frac{1}{4}$, 22.1 acres in $NW\frac{1}{4} NW\frac{1}{4}$ and 5.0 acres in $SW\frac{1}{4} NW\frac{1}{4}$, Section 28, Township 14 South, Range 14 East, W.M., with a priority date of 1903, 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, 1977.

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 0.43 cubic foot per second.

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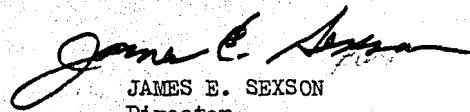
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 the certificate of water right heretofore issued to Low Line Ditch Company and recorded at Page 36478, Volume 28, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Dorothy B. Sims confirming the change in point of diversion.

Dated at Salem, Oregon, this 25th day of May, 1976.


JAMES E. SEXSON
Director