

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF RUBY CLAYPOOL FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
AND PLACE OF USE OF WATER)
-----)

O R D E R
APPROVING APPLICATION

On September 23, 1942, Ruby Claypool of Prineville, Oregon, filed an application for approval of a change in point of diversion and place of use of water from Crooked River.

Certificate of water right issued to James Rice and Harold Baldwin and recorded at Page 650, Volume 1, State Record of Water Right Certificates, confirms a right to the use of the waters of Crooked River in the matter of the determination of the relative rights to the use of the waters of Crooked River and its tributaries for the irrigation of 2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 36 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 14 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 32 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 15 South, Range 16 East, W. M., with a date of priority of 1900 through the Biggs, Rice and Baldwin Ditch, the point of diversion of said ditch being located 150 feet south and 115 feet east from the southeast corner of SW $\frac{1}{4}$, Section 36, Township 15 South, Range 15 East, W. M., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 16 South, Range 15 East, W. M.

Ruby Claypool, owner of the above described lands proposes to transfer the water rights appurtenant thereto, excepting 25 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, to other lands; namely, 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 15 South, Range 16 East, W. M., and to convey the water for the irrigation of all said lands including the 25 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ through the Starns Ditch. The point of diversion of

said ditch being located approximately 50 feet north and 20 feet west from the Southeast corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 16 South, Range 15 East, W. M., and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 1.

Notice by publication as provided by Section 116-606 O. C. L. A. was given in the Central Oregonian, a newspaper printed and having general circulation in Crook County for a period of at least three weeks and not less than one publication each week, being the issues of November 5, 12, 19 and 26, 1942.

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

NOW, THEREFORE, it hereby is ordered that the proposed change in point of diversion and place of use of water be and the same hereby is approved and that the water rights hereinbefore described as appurtenant to 2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 28 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 14 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 32 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 15 South, Range 16 East, W. M., be severed therefrom, excepting 25 acres in said SE $\frac{1}{4}$ NW $\frac{1}{4}$, and simultaneously and without loss of priority transferred to 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 15 South, Range 16 East, W. M.

And it is FURTHER ORDERED that the water for the irrigation of said lands, including the 25 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, shall be conveyed through the Stearns ditch, the point of diversion of said ditch being located approximately 50 feet north and 20 feet west from the southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 16 South, Range 15 East, W. M., and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 1.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1944, or such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificate of water right heretofore issued to James Rice and Harold Baldwin and recorded at Page 650, Volume 1, State Record of Water Right Certificates be cancelled, and upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use upon the lands to which the water hereby is transferred, a new certificate of water right shall be issued to Ruby Claypool, or her successor in interest.

Dated at Salem, Oregon, this 3rd day of February, 1943.



CHAS. E. STRICKLIN

State Engineer

*Notation made on
Cert. No. 650 and
Decree, Vol. 1 p 335*

(C-35)