

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION)
OF BROOKS RESOURCES CORP.FOR)
APPROVAL OF CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5005

On March 22, 1982, an application was filed in the office of the Water Resources Director by Brooks Resources Corp. for approval of changes in place of use and point of diversion of water from Crooked River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Crook County, Oregon, entered April 13, 1914, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Crooked River and Its Tributaries, a water right was established in the name of Deschutes Fine Wool Company, tabulated in Volume 1, page 332, Order Record of the Water Resources Director, for use of the waters of Crooked River for irrigation of, among other lands, a certain 5.2 acres in SW 1/4 NE 1/4, Section 23, Township 14 South, Range 14 East, WM, with dates of priority of 1904 and 1910, as evidenced by the certificate recorded at page 638, Volume 1, State Record of Water Right Certificates.

The aforesaid lands have supplemental rights under Certificate 6313, and Permit 25991.

Water for the said right is diverted from Diversion Point 1, located 1,750 feet south and 1960 feet west from the Northeast Corner of Section 23, being within the SW 1/4 NE 1/4 of Section 23, Township 14 South, Range 14 East, WM.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof 4.2 acres in NE 1/4 NW 1/4 of Section 23 from Diversion Point 1 as noted above; and 1.0 acre in NW 1/4 NW 1/4 of Section 23 from Diversion Point 2, located 1600 feet south and 4040 feet west from the Northeast Corner of Section 23, being within the SW 1/4 NW 1/4 of Section 23, Township 14 South, Range 14 East, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 April 1, 8 and 15, 1982.

Robert F. Main Jr., Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

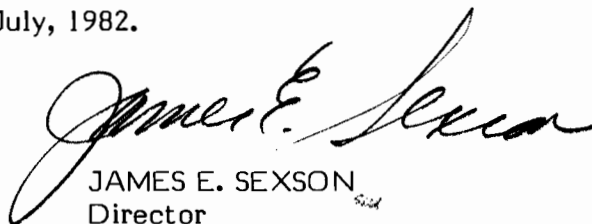
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate recorded at page 638, Volume 1, 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 proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 2nd day of July, 1982.


JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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