

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF C. S. CONGLETON FOR CHANGE IN)
POINT OF DIVERSION ON BEAVER)
CREEK)

O R D E R

C. S. Congleton filed an application with the State Engineer to change his point of diversion of water from Beaver Creek for the irrigation of 11.5 acres in the $SE\frac{1}{2}SW\frac{1}{2}$, 8 acres $NE\frac{1}{2}SE\frac{1}{2}$ and 11.5 acres $SW\frac{1}{2}SE\frac{1}{2}$, Section 26, and 14 acres $NE\frac{1}{2}NE\frac{1}{2}$, 11.5 acres $NE\frac{1}{2}SW\frac{1}{2}$, 1 acre $NW\frac{1}{2}SW\frac{1}{2}$, and 20.5 acres $SW\frac{1}{2}SW\frac{1}{2}$, Section 34, with date of priority of 1891, being a part of the lands awarded a water right in the name of C. S. Congleton and Henry J. Faulkner by decree of the Court for Crook County dated April 13, 1914; also 15 acres $NE\frac{1}{2}NW\frac{1}{2}$ and 30 acres $NW\frac{1}{2}NW\frac{1}{2}$, Section 35, with date of priority of February 11, 1918, being a part of the lands awarded water rights in the name of C. S. Congleton confirmed by Certificate of Water Right No. 7064; also 4 acres $NW\frac{1}{2}SE\frac{1}{2}$, Section 26, with a date of priority of November 21, 1917, being a part of the lands awarded a water right in the name of C. S. Congleton, confirmed by Certificate of Water Right No. 7063. All of the foregoing lands being within Township 16 South, Range 23 East, W. M.

According to the application, the applicant intends to change his point of diversion for the mentioned lands from North 24° East 1716 feet from the southwest corner of Section 24, Township 16 South, Range 23 East, W. M. to a point downstream located North 45° East 1380 feet from the southwest corner of Section 24, Township 16 South, Range 23 East, W. M.

In compliance with Section 47-712, Oregon Code 1930, notice of such change was duly published. Protests to the approval of the application were filed by Dora Glee Congleton, Fred Gray and Geo. H. Brewster. The matter was set for hearing on Wednesday, 10:00 o'clock A. M. December 20th,

1933 at Prineville, Oregon. At said time and place, both applicant and protestants each represented by attorneys were present, whereupon the protestants agreed to withdraw their protest based upon the following:

"That the proposed allowance of the change in diversion follow the Crooked River decree as to the Faulkner lands in Section thirty-four, belonging to Mr. Congleton and the several permits and certificates in the name of Charles Congleton and specifically mentioned in his application for a change of diversion."

In view of the foregoing, IT IS ORDERED that the protest be dismissed and the application for change in point of diversion in the name of C. S. Congleton be approved.

Dated this 16th day of March, 1934.

*Noted on decree: Vol. 1
pages 320 and 451 and
Cert's. No's. 557, 619,
7063 and 7064
nw*

Transfer # C-5

Chas E. Stricklin
CHAS. E. STRICKLIN,
State Engineer.