

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION)
OF NED AND DAN SEVERANCE FOR)
APPROVAL OF CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 4738

On April 10, 1981, an application was filed in the office of the Water Resources Director by Ned and Dan Severance for approval of changes in place of use and point of diversion of water from South Fork 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 W. C. Jacobs, tabulated in Volume 1, page 324, Order Record of the Water Resources Director, for use of the waters of South Fork Crooked River for irrigation of, among other lands, a certain 26.0 acres in SW 1/4 SE 1/4, 3.0 acres in SE 1/4 SE 1/4, Section 1, Township 18 South, Range 22 East, WM; 35.0 acres in SW 1/4 SW 1/4, Section 6; 20.0 acres in NW 1/4 NW 1/4 and 35.0 acres in SE 1/4 NW 1/4, Section 7, Township 18 South, Range 23 East, WM, with a date of priority of 1885, as evidenced by the certificate recorded at page 587, Volume 1, State Record of Water Right Certificates.

Water for the said right is diverted, through the White Sulphur Ditch, from a point located 900 feet North and 600 feet West from the Southeast Corner of the SW 1/4, being within the SE 1/4 SW 1/4 of Section 7, Township 18 South, Range 23 East, WM.

The applicants herein propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 6.0 acres in NE 1/4 NW 1/4, 18.0 acres in NW 1/4 NW 1/4, Section 13; 11.0 acres in NE 1/4 NE 1/4, 25.0 acres in NW 1/4 NE 1/4, 9.0 acres in SW 1/4 NW 1/4, 15.0 acres in SE 1/4 NW 1/4, 9.0 acres in NE 1/4 SW 1/4, 15.0 acres in NW 1/4 SW 1/4, 3.0 acres in SW 1/4 SW 1/4 and 8.0 acres in NW 1/4 SE 1/4, Section 14, Township 17 South, Range 22 East, WM, from a point of diversion located 1,800 feet South and 300 feet West from the Northeast Corner of Section 23, being within the SE 1/4 NE 1/4 of Section 23, Township 17 South, Range 22 East, WM (Percy Davis and Davis and Hertt Ditches).

Bar 71 Ranch, owner of the 35.0 acres in SE 1/4 NW 1/4, Section 7, Township 18 South, Range 23 East, WM, which is included in this application, has submitted a statement that Bar 71 Ranch approves the proposed changes in place of use and point of diversion.

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 May 7 and June 2 and 9, 1981.

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, and shall not exceed 1.49 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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;

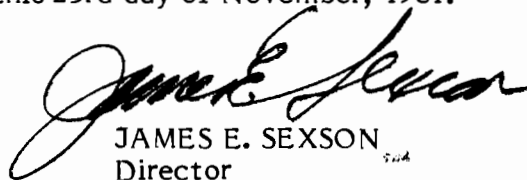
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1983.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 587, 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 applicants herein.

Dated at Salem, Oregon this 23rd day of November, 1981.


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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