

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION
OF BOSTON RANCHES COMPANY FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM CROOKED
RIVER

ORDER APPROVING
TRANSFER NO. 2685

On August 7, 1972, Boston Ranches Company filed an application in the office of the State Engineer 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 Otto C. Gray and recorded at page 7108, Volume 7, State Record of Water Right Certificates, confirms a right to the use of 2.85 cubic feet per second for the irrigation of, among other lands, 25.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, and 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 35.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 25.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 25.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 16 South, Range 20 East, W.M., with a date of priority of May 27, 1916.

The certificate includes 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 16 South Range 20 East, W.M., but the map submitted with the application and used for the proof of appropriation locates 35.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 16 South, Range 20 East, W.M. The SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34 is above the ditch as located on the map and verified by an aerial photograph.

These lands are irrigated through a ditch from a point of diversion located 210 feet South and 2720 feet East from the NW corner of Section 12, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, Township 17 South, Range 20 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Tweedt-Boston Ditch from a point of

diversion located 990 feet South and 1730 feet West from the NE corner of Section 2, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 17 South, Range 20 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 January 16, 1973 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 November 23, 30 and December 7, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Bruce A. 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 objections 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 210 feet South and 2720 feet East from the NW corner of Section 12, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, Township 17 South, Range 20 East, W.M.

To a point to be located 990 feet South and 1720 feet West from the NE corner of Section 2, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 17 South, Range 20 East, W.M.

for the irrigation of, among other lands, 25.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, and 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 35.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 25.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 25.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 35.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 16 South, Range 20 East, W.M., with a date of priority of May 27, 1916, 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, 1974.

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 2.60 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.

The Order of the State Engineer entered April 19, 1973, approved an application of Miller Tweedt for a change in point of diversion for the irrigation of, among other lands, 14.0 acres, and canceled the certificate recorded at page 7108, Volume 7, State Record of Water Right Certificates.

It is FURTHER ORDERED that no new certificate be issued for the balance of the lands as provided in the order of the State Engineer entered April 19, 1973, approving the application of Miller Tweedt for a change in point of diversion, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and excluding the 14.0 acres involved in the State Engineer's Order entered April 19, 1973 and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Boston Ranches Co. confirming the change in point of diversion.

Dated at Salem, Oregon this 4th day of December, 1973.


CHRIS L. WHEELER
State Engineer