

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM H. PLEDGER FOR APPROVAL OF )  
CHANGES IN PLACE OF USE & POINT OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3676

On May 8, 1977, an application was filed in the office of the Water Resources Director by William H. Pledger 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.

The certificate recorded at page 664, Volume 1, State Record of Water Right Certificates, in the name of S. S. Stearns, describes a right which includes the use of not to exceed 3.34 cubic feet per second from Crooked River for irrigation of 32.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 35.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 22.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 24.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 3.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 15 South, Range 15 East, W.M.; 39.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 19.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31; 8.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 8.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, Township 15 South, Range 16 East, W.M., with a date of priority of 1891.

Water for the said right is diverted, through the Swart Canyon Ditch, from a point located 100 feet North and 1500 feet West from the Southeast Corner of Section 1, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, Township 16 South, Range 15 East, W.M.

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 a certain 0.4 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 18.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 26.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30; 22.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 9.1 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 15 South, Range 16 East, W.M.; 38.4 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.7 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 31.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 24.9 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 9.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 5.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 4.4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 15 South, Range 15 East, W.M.; and 8.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 16 South, Range 15 East, W.M., from two points of diversion located (1) 1380 feet South and 20 feet West from the Northeast Corner, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and (2) 350 feet North and 1820 feet West from the Southeast Corner, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , both in Section 36, Township 15 South, Range 15 East, W.M.

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 December 13, 20 and 27, 1979.

Mr. 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 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:

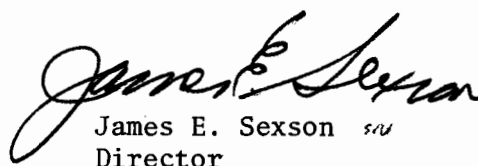
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 664, Volume 1, State Record of Water Right Certificates, is canceled; 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 14th day of February, 1980.

  
James E. Sexson  
Director