

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF CECIL TEAGARDEN FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
AND PLACE OF USE OF WATER FROM)
CROOKED RIVER)

ORDER APPROVING
TRANSFER NO. T-83

On September 6, 1968, Cecil Teagarden filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use 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 Low Line Ditch Company for the use of the waters of Crooked River for stock use and the irrigation of, among other lands, 14.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 14 South, Range 14 East, W.M., with a date of priority of 1903. This right is evidenced by certificate recorded at page 608, Volume 1, State Record of Water Right Certificates. Water for these uses is conveyed to the lands by means of the Low Line Ditch from a point of diversion located 495 feet north and 1870 feet east from the NE corner of Section 26 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 14 South, Range 14 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 14.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 14 South, Range 14 East, W.M. and to convey water to these lands by means of the Calf Ditch from a point of diversion to be located 2240 feet north and 1460 feet west from the SE corner of Section 22 being within the NW $\frac{1}{4}$

SE¼ of Section 22, Township 14 South, Range 14 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 and place of use of water, if any there were, namely: at the county courthouse in Prineville, Oregon, on July 30, 1969, 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 June 5, 12, and 19, 1969. 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 and place of use 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 and place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 14.0 acres in SW¼ SE¼, Section 22, Township 14 South, Range 14 East, W.M., with a date of priority of 1903, be severed therefrom and simultaneously and without loss of priority transferred to 14.0 acres in NW¼ SE¼, Section 22, Township 14 South, Range 14 East, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Crooked River, to-wit:

From a point located 495 feet north and 1870 feet east from the NE corner of Section 26 being within the SE¼ SW¼ of Section 24, Township 14 South, Range 14 East, W.M.

To a point to be located 2240 feet north and 1460 feet west from the SE corner of Section 22 being within the NW¼ SE¼ of Section 22, Township 14 South, Range 14 East, W.M.

for stock use and the irrigation of 14.0 acres in NW¼ SE¼, Section 22, Township 14 South, Range 14 East, W.M., with a date of priority of 1903, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1970.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.18 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

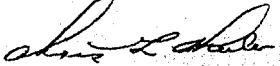
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Low Line Ditch Company and recorded at page 608, Volume 1, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to Cecil Teagarden confirming the extent

to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 6th day of August, 1969.


CHRIS L. WHEELER
State Engineer