

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION )  
OF VICTOR B. LIVINGSTON FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM CROOKED )  
RIVER. )  
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O R D E R

APPROVING APPLICATION

On August 18, 1952, Victor B. Livingston of Redmond, Oregon, filed an application for the approval of a change in point of diversion of water from Crooked River, pursuant to the provisions of Section 116-606, O. C. L. A.

In the Crooked River adjudication proceedings the Peoples Irrigation Company was adjudicated a water right for the irrigation of, among other lands, 210 acres with a date of priority of 1904 and 800 acres with a date of priority of 1910, of which 40 acres are in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 14 South, Range 14 East, W. M. These lands are irrigated through the Peoples Irrigation ditch, the point of diversion of said ditch being located 744.2 feet south and 321 feet east from the northwest corner of the SW $\frac{1}{4}$ , Section 8, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 8, Township 15 South, Range 16 East, W. M.

The applicant, owner of the 40 acres above described, proposes to irrigate said land through the Low Line Ditch Company ditch, the point of diversion of said ditch being located 260 feet north and 238 feet east from the southwest corner of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 23, Township 14 South, Range 14 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Central Oregonian, a newspaper printed and having general circulation in Crook County, Oregon, for a period of at least three weeks and

not less than one publication each week, beginning with the issue of September 18, 1952 and ending with the issue of October 2, 1952. The time fixed for hearing in the notice was not less than 30 days after the last publication of said notice.

Mr. R. L. Schee, Watermaster of District No. 11, Prineville, Oregon, has filed a statement to the effect that the proposed change in point of diversion of water from Crooked River may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water from Crooked River may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Crooked River, to-wit:

From a point located 744.2 feet south and 321 feet east from the northwest corner of the SW $\frac{1}{4}$ , Section 8, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 8, Township 15 South, Range 16 East, W. M.,

To a point to be located 260 feet north and 238 feet east from the southwest corner of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 23, Township 14 South, Range 14 East, W. M.,

for the irrigation of 7.4 acres with a date of priority of 1904 and 32.6 acres with a date of priority of 1910, all within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 14 South, Range 14 East, W. M., be and the same hereby is approved.

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:

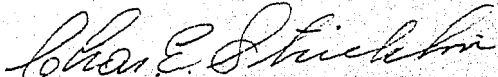
That the pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled;

That the location of the pumping plant and channel to convey the water to the pump and the plans for the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Crook County, Oregon, and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work required to be done in connection with the proposed change in point of diversion of water shall be completed on or before October 1, 1953 or within such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 28th day of November, 1952.

*Noted on Decree  
Vol. 1 p. 332  
Cert. 638  
File # L-42*

  
CHAS. E. STRICKLIN  
State Engineer