

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION OF)
LEISURE DEVELOPMENT COMPANY FOR AP-)
PROVAL OF CHANGES IN POINT OF DIVER-))
SION AND USE OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. M-202

On January 9, 1969, an application was filed in the office of the Water Resources Director by Leisure Development Company (E.P. Miller) for approval of changes in point of diversion and use theretofore made of water from Crooked River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 586, Volume 1, State Record of Water Right Certificates, in the name of Frank S. Hoffman, describes a right allowed by decree of the court in the Crooked River adjudication, which includes the use of not to exceed 1.27 cubic feet per second of water under a priority date of April 24, 1909, for irrigation of a certain 101.4 acres of land, being 4.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 20.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17; 22.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.3 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 16.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18; 10.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 21.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 16 South, Range 16 East, W.M.; and the use of not to exceed 0.17 cubic foot per second of water under a date of priority of 1893 for irrigation of a certain 13.1 acres of land, being 9.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 18.

The point of diversion of record for the aforesaid right is located 1620 feet South and 420 feet West from the Northeast Corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 16 South, Range 16 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the use theretofore made of water from Crooked River under a date of priority

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of 1893, severing the right from the said 9.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, and, without loss of priority, hereafter use the subject 0.17 cubic foot per second of water for maintenance of Upper and Lower Rainbow Lake Reservoirs constructed under the provisions of Reservoir Permit No. R-7711, for the purpose of recreation within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 16 South, Range 16 East, W.M.

The applicant herein also proposes to change from the aforesaid point of diversion and, without loss of priority, hereafter divert water for irrigation of the said lands in Section 18 from a point located North 16 degrees 21 minutes East, a distance of 300 feet from the Center Corner of Section 18, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 16 South, Range 16 East, W.M.; and divert water for irrigation of said lands in Sections 17 and 20, and for maintenance of said recreation reservoirs, from a point located South 64 degrees 30 minutes East, a distance of 3145 feet from the Northwest Corner of Section 20, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 16 South, Range 16 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 February 24 and March 3 and 10, 1969.

On June 2, 1969, a protest in the name of Ochoco Irrigation District was filed against approval of the subject application on the grounds that the construction and operation of a diversion dam within the channel of Crooked River at the proposed new point of diversion, as described in the application as filed, would interfere with the operation of the said District under their water rights from Crooked River and Prineville Reservoir. Subsequently, the applicant amended the application to eliminate the proposed construction or operation of any dam within the channel of Crooked River for diversion of water for the subject water rights,

and the Ochoco Irrigation District, on the basis of the amendment, withdrew its protest against approval of the application.

The watermaster for the Watermaster District within which the subject water rights are located has filed a statement to the effect that the proposed changes in point of diversion and use heretofore made of water may be made without injury to existing water rights.

No other objections having been filed and it appearing that the proposed changes in point of diversion and use heretofore made of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion and use heretofore made of water from Crooked River, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject rights.

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 and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

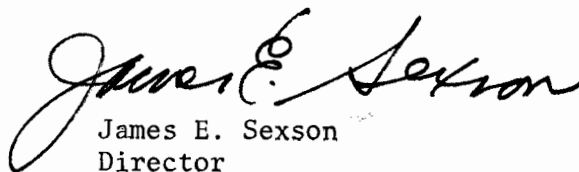
The water rights described by the certificate issued in the name of Frank S. Hoffman and recorded at page 586, Volume 1, State Record of Water Right Certifi-

cates, in their entirety, are for use of not to exceed 1.38 cubic feet per second of water from Crooked River under a priority date of 1893 for irrigation of a certain 110 acres of land, and for the use of not to exceed 1.99 cubic feet per second of water from Crooked River under a date of priority of April 24, 1909, for irrigation of a certain 159 acres of land. Of the said rights, the use of not to exceed 1.21 cubic feet per second for irrigation of a certain 96.9 acres under a priority date of 1893 is involved in pending transfer application No. 3351 in the name of Joyce Stearns Barney for changes in place of use and point of diversion. The remainder of the said right under a priority date of 1893 is involved herein. Also, the right for use of not to exceed 1.27 cubic feet per second for irrigation of a certain 101.4 acres under a priority date of April 24, 1909, is involved herein. The remainder of said right under a priority date of April 24, 1909, being for the use of not to exceed 0.72 cubic foot per second for irrigation of a certain 2.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 16 South, Range 15 East, W.M.; 12.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 13.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17; 11.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18; 13.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 16 South, Range 16 East, W.M., is appurtenant to the applicant's lands and is the subject of the following statement contained within the application: "The balance of the lands in the fields involved, shown as irrigated on the Rice Map and listed in Certificate No. 586 have not been irrigated in the past 5 years or more, if ever, and the Water Resources Director is hereby authorized to clear his records of same."

NOW, THEREFORE, it is FURTHER ORDERED that the right for use of 0.72 cubic foot per second of water from Crooked River under a priority date of April 24, 1909, for irrigation of a certain 2.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 16 South, Range 15 East, W.M.; 12.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 13.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17; 11.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18; 13.2

acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 16 South, Range 16 East, W.M., being a portion of the right described by the certificate issued in the name of Frank S. Hoffman and recorded at page 586, Volume 1, State Record of Water Right Certificates, be, and the same hereby is, canceled.

Dated at Salem, Oregon this 18th day of January, 1979.


James E. Sexson
Director