

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
 OF STEARNS LAND COMPANY FOR THE)
 APPROVAL OF A CHANGE IN POINT OF)
 DIVERSION OF WATER FROM CROOKED)
 RIVER.)

O R D E R

APPROVING APPLICATION

On June 8, 1953, Stearns Land Company of Prineville, 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.

On February 3, 1943, the State Engineer entered an order approving an application of Ruby Claypool for a change in place of use and point of diversion of water from Crooked River wherein the water rights appurtenant to 2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 13 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 14 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 32 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 15 South, Range 16 East, W. M. with a date of priority of 1900 were transferred to 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 15 South, Range 16 East, W. M., and to change the point of diversion for the irrigation of the lands to which the water was transferred, together with 25 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 18, from the Biggs, Rice & Baldwin ditch to that of the Stearns ditch. The point of diversion of the Biggs, Rice & Baldwin ditch is located 150 feet south and 115 feet east from the southeast corner of the SW $\frac{1}{4}$, Section 36, Township 15 South, Range 15 East, W. M., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 16 South, Range 15 East, W. M., and the point of diversion of the Stearns ditch is located 50 feet north and 20 feet west from the southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 1, Township 16 South, Range 15 East, W. M.

The Stearns Land Company, owner of the lands to which the water was transferred, together with the 25 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 15 South, Range 16 East, W. M., proposes to change the point of diversion from the head of the Stearns ditch back to the head of the Biggs, Rice and Baldwin ditch.

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 three weeks, being the issues of June 18 and 25 and July 2, 1953. The time for hearing as fixed in the notice, namely: August 12, 1953, was not less than thirty days after the last publication of the notice.

From a report submitted by R. L. Schee, Watermaster, it appears 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 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 50 feet north and 20 feet west from the southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 1, Township 16 South, Range 15 East, W. M.,

To a point located 150 feet south and 115 feet east from the southeast corner of the SW $\frac{1}{4}$, Section 36, Township 15 South, Range 15 East, W. M., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 16 South, Range 15 East, W. M.,

for the irrigation of 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 15 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,

2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 15 South, Range 16 East, W. M., with a date of priority of 1900, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

Dated at Salem, Oregon this 24th day of August 1953.

Noted on Decree
Vol. 1 p 335
Cert. 650

Chas. E. Stricklin
CHAS. E. STRICKLIN,
State Engineer