

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOYCE STEARNS BARNEY FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3351

On January 20, 1976, an application was filed in the office of the Water Resources Director by Joyce Stearns Barney, Trustee, 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 586, Volume 1, State Record of Water Right Certificates, in the name of Frank S. Hoffman, describes a right which includes the use of not to exceed 1.21 cubic feet per second from Crooked River for irrigation of a certain 12.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 16 South, Range 15 East, W.M.; 2.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17; 2.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 26.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 14.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 9.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 27.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 16 South, Range 16 East, W.M., with a date of priority of 1893.

The points of diversion of record for the said right are located (1) 500 feet South and 150 feet East from the Northwest Corner of Section 20, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 16 South, Range 16 East, W.M.; and (2) 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 place of use for a portion of said right by severing the right from a certain 8.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 18 and, without loss of priority, irrigating in lieu thereof a certain 7.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 18.

The applicant also proposes to change from the aforesaid points of diversion and, without loss of priority, to irrigate all of the lands under the aforesaid right from three points of diversion located:

- (a) 2940 feet South and 450 feet West from the Northeast Corner of Section 18, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 16 South, Range 16 East, W.M.;
- (b) 1670 feet South and 4210 feet West from the Northeast Corner of Section

18, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 16 South, Range 16 East, W.M.;
(c) 1150 feet South and 1320 feet West from the Northeast Corner of Section 13, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 16 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 January 17, 24 and 31, 1979.

The watermaster for the Watermaster District in which the subject right is located 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 points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points 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.

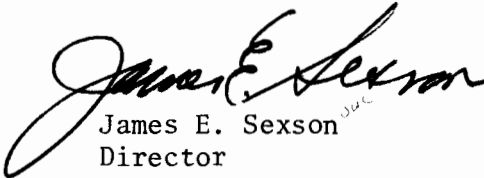
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

The balance of the water right described by the certificate recorded at page 586, Volume 1, State Record of Water Right Certificates, NOT involved herein was included in the order of the Water Resources Director entered January 18, 1979 in the matter of water right transfer application No. M-202; therefore,

It is FURTHER ORDERED that the certificate of water right recorded at page 586, 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 certificate of water right shall be issued to the applicant herein to confirm the changes.

Dated at Salem, Oregon this 26th day of March, 1979.


James E. Sexson
Director