

2971 Chapin
Box 175, Mitchell Star Route
Prineville, Or 97754

2971

STATUS OF APPLICATION

Change in point of diversion
Date filed 2-7-74
Date of hearing April 12, 1979
Place of hearing Prineville
✓ Date of order 5-9-79 Vol. 32, page 80
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued SEP 3 1982 Vol. 45, page 51178
FEB 11 1987 51 55564

DESCRIPTION OF WATER RIGHT

Name of stream Ochoco Creek
Trib. of _____ County of Crook
Use irrigation & stock
Quantity of water _____ No. of acres 40[±]
Name of ditch _____
Date of priority 1880
In name of Mrs. L. Rose Lawson
Crooked River Adjudication, Vol. 1, page 325
App. No. _____ Per. No. _____ Cert. No. 602
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-7-74</u>	<u>\$ 15.00</u>	<u>38562</u>
<u>1-3-79</u>	<u>65.00</u> <u>< 2.00 ></u>	<u>8319</u>
TOTAL . . .		
<u>4-13-79</u>	<u>2 Cert. Fee</u>	<u>Trans. fee 8319</u>

Central Oregonian \$26.00 pd 4-30-79 ck #3324

FEES REFUNDED

Date	Amount	Check No.
<u>4-30-79</u>	<u>22.00</u>	<u>3325</u>

Exam Fee 15.00
POD 15.00
30.00
R.R. cert fee 2.00
32.00
PON 26.00
55.00

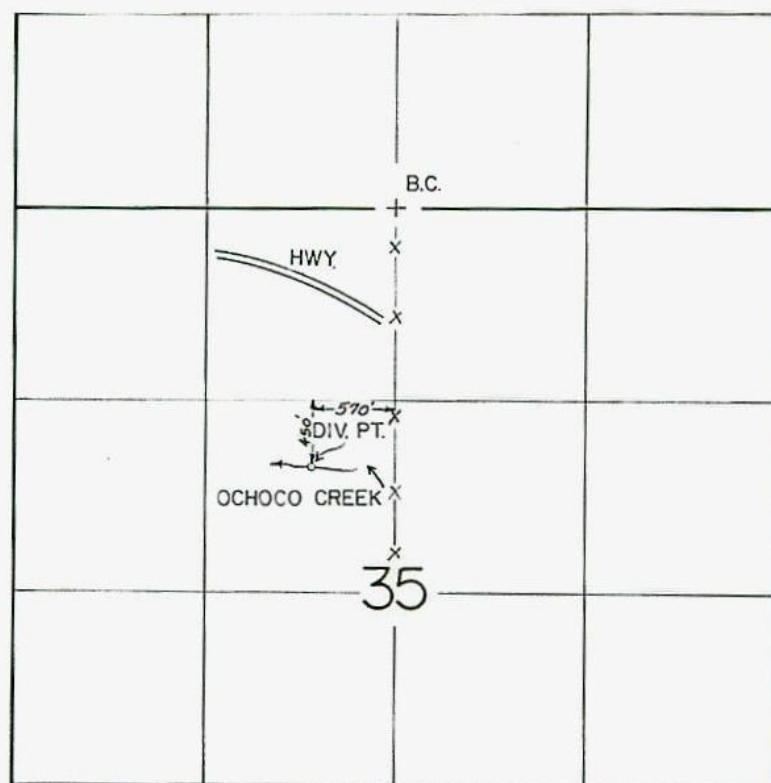
REMARKS

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
✓ Name	<u>leg</u>	___
✓ Stream	<u>leg</u>	___
✓ Pl. of Div.	<u>leg</u>	___
✓ Calendar	<u>leg</u>	___
CHECKED TO RECORDS:		
✓ Twp. & Rge.	<u>leg</u>	___
✓ Decree-vault	<u>leg</u>	___
✓ Decree-sale	<u>leg</u>	___
✓ Cert. of W/R	<u>leg</u>	___
Per. Folder	___	___
Chainindex	___	___
Cross Ref.	___	___
Power Claim	<u>leg</u>	___
✓ Abstracts	<u>leg</u>	___

Mrs. L. Rose Lawson

T.14 S., R.17 E., W.M.



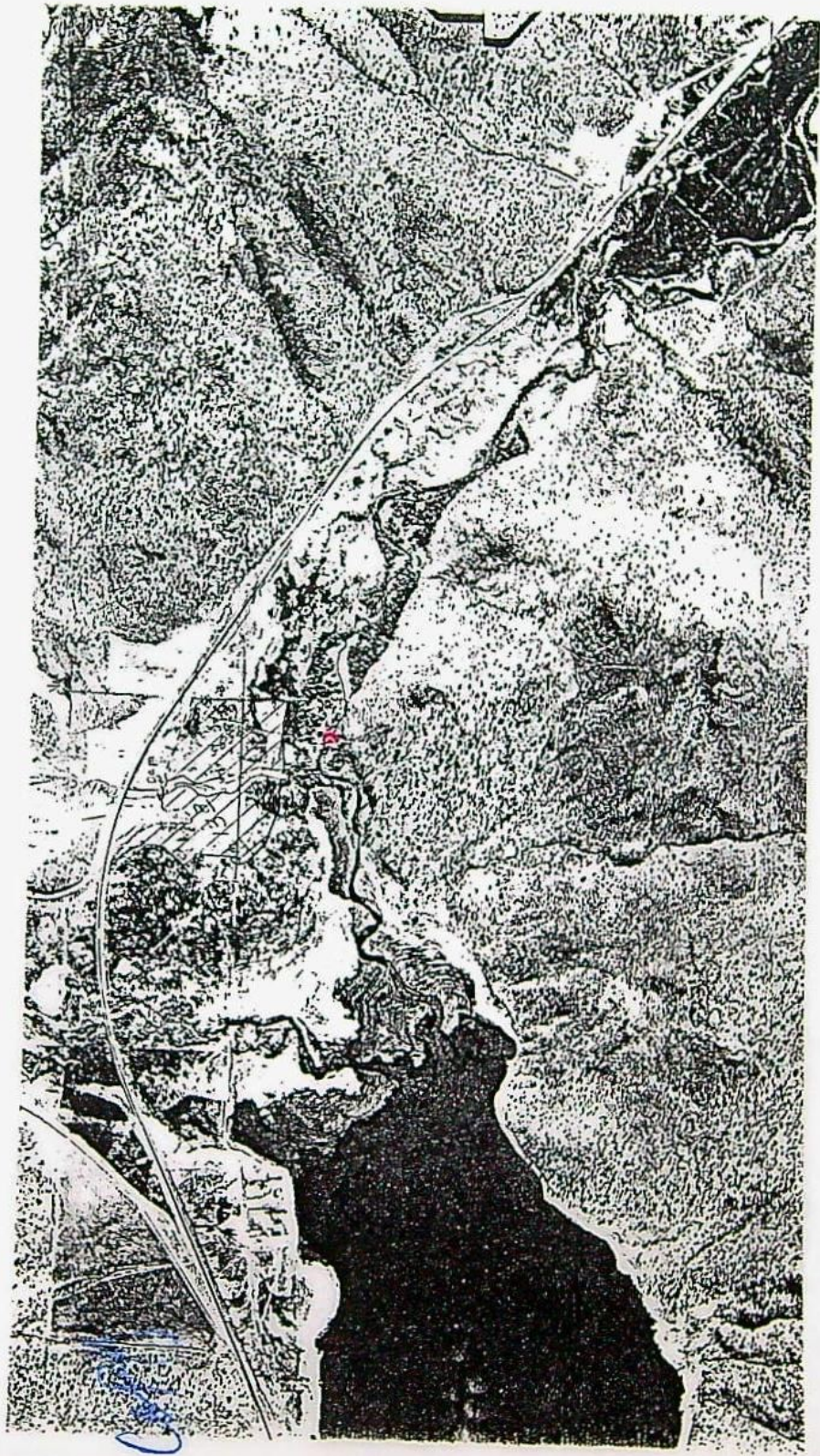
SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Transfer No. 2971 Permit No.
IN NAME OF

.....**DAPHNE ROSE GUMPERT**.....

Surveyed AUG. 8 1985, by B.W. BISHOP.....



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAPHNE ROSE HUNT FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM OCHOCO CREEK)

ORDER APPROVING
TRANSFER NO. 2971

On February 7, 1974, an application was filed in the office of the Water Resources Director by Daphne Rose Hunt for approval of a change in point of diversion of water from Ochoco Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 602, Volume 1, State Record of Water Right Certificates, in the name of Mrs. L. Rose Lawson, describes a right which includes the use of water for stock use and not to exceed 0.5 cubic foot per second from Ochoco Creek for irrigation of a certain 10.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 30.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 14 South, Range 17 East, W.M., with a date of priority of 1880.

The authorized point of diversion for said right is located 350 feet South and 350 feet East from the Northwest Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 14 South, Range 17 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 700 feet South and 300 feet West from the Northeast Corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 14 South, Range 17 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 21 and 28; and March 7, 1979.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

132, p 80

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

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

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:

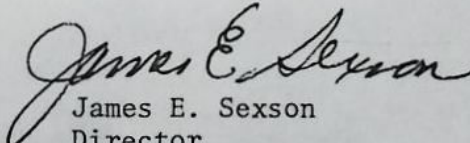
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 602, Volume 1, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 9th day of May, 1979.


James E. Sexson
Director

Affidavit of Publication

STATE OF OREGON,)
COUNTY OF CROOK,)

I, James O. Smith, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the CENTRAL OREGONIAN, printer or his foreman of the CENTRAL OREGONIAN, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Prineville, in the aforesaid

county and state; that the Notice
a printed copy of which is hereto annexed, was publish-

ed in the entire issue of said newspaper for three
successive and consecutive weeks in the following issues

Issue date February 21, 1979

Issue date February 28, 1979

Issue date March 7, 1979

Issue date _____

Issue date _____

The fee charged for the above publication was

\$ 26.00

James O. Smith
Publisher

Subscribed and sworn to before me this 7th

day of March, 19 79

Beverly B. Thomas
Notary Public for Oregon

My Commission expires July 13, 1982

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 2971

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Daphne Rose Hunt for approval of a change in point of diversion of water from Ochoco Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 602, Volume 1, State Record of Water Right Certificates, in the name of Mrs. L. Rose Lawson, describes a right which includes the use of water for stock use and not to exceed 0.5 cubic foot per second from Ochoco Cr. for irrigation of a certain 10.0 ac in NE 1/4 NW 1/4 & 30.0 ac in SE 1/4 NW 1/4 of Sec 35, T 14S, R 17E, WM, with a date of priority of 1880.

The authorized point of diversion for said right is located 350 ft S & 350 ft E from the NW Corner of the SW 1/4 SW 1/4 of Sec 36, being within the SW 1/4 SW 1/4 of Sec 36, T 14S, R 17E, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 700 ft S & 300 ft W from the NE Corner of the SE 1/4 NW 1/4 of Sec 35, being within the SE 1/4 NW 1/4 of Sec 35, T 14S, R 17E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Prineville, Oregon, on April 12, 1979, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing: One copy to be served on Daphne Rose Hunt, Mitchell Star Rt, Box 175, Prineville, OR 97754; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a hearing will be furnished by the Water Resources Dept upon request.

Dated at Salem, Oregon this 14th day of February, 1979.

James E. Sexson
Director
84,86,88c

RECEIVED

APR 3 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That MRS. L. ROSE LAWSON
of Prineville State of Oregon has a right to the use of
the waters of ~~Ochoco and~~ Mill Creek,
a tributary of Ochoco Creek
for the purpose of the irrigation of ~~170~~⁶⁰ acres of land, and stock and domestic use,

and that said right has been confirmed by decree of the Circuit Court of the State of
Oregon for Crook County, and the said decree entered of record at Salem,
in the Order Record of the ~~State Water Board~~ of the State of Oregon, in Volume 1, at
page 449; that the priority of the right hereby confirmed dates from the year 1968
~~for the irrigation of 60 acres from Ochoco Creek; and from 1969 for the irrigation~~
~~of 49 acres from Mill Creek;~~

error

that the amount of water to which such right is entitled and hereby confirmed for the
purposes aforesaid, is limited to an amount actually beneficially used for said pur-
poses, and shall not exceed a reasonable amount for domestic and stock use, and
~~2.85~~^{0.75} cubic feet per second for irrigation, the total quantity being limited to
four acre feet per acre during each year. The use hereunder shall conform to any
reasonable rotation system ordered by the proper state officer.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows:

~~19 acres in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$; 30 acres in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$; 30 acres in the
SW $\frac{1}{4}$ of NW $\frac{1}{4}$; 30 acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$; Section Thirty-five (35), Township
Fourteen (14) South Range Seventeen (17) East of Willamette Meridian, in Crook
County, Oregon.~~

30.0 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$.

30.0 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35

T. 14 S., R. 17 E., W.M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 602, Volume 1, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on May 9, 1979, approving transfer application No. 2971.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

Water Board
~~of Crook~~ affixed this 21st day
of September 1974.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest:

M. F. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 602.

SEP 3 1982

51178

POD: SE 1/4 NW 1/4 Sec 35, T. 14S., R. 17E., W. 1M; 450 S. & 570 W. from NE Cor. SE 1/4 NW 1/4 Sec 35.

pc

STATE OF OREGON
WATER DIVISION NO. 2 COUNTY OF CROOK
CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

DAFNE
Mitchell Star Rt. - Box 175 of Prineville State of Oregon 9-7754 has a right to the use of the waters of Ochoco and Mill Creeks, trib. Crooked River for the purpose of the irrigation of 40 acres of land, and stock and domestic use.

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 1, at page 449; that the priority of the right hereby confirmed dates from the year 1969 for the irrigation of 60 acres from Ochoco Creek; and from 1880 for the irrigation of 40 acres from Mill Creek;

that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.5 cubic foot per second, for irrigation, the total quantity being limited to four acre feet per acre during each year. The use hereunder shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

10 acres in the NE 1/4 of NW 1/4; 30 acres in the NW 1/4 of NW 1/4; 30 acres in the SE 1/4 of NW 1/4; Section Thirty-five (35), Township Fourteen (14) South Range Seventeen (17) East of Willamette Meridian, in Crook County, Oregon.

10.0 ac NE 1/4 NW 1/4
30.0 ac SE 1/4 NW 1/4

Section 35

T. 14S. R. 17E. W. 1M

Sec 35, T. 14S., R. 17E., W. 1M; Ochoco Dist. - Box 175 NW 1/4 Sec 35

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered May 9th, 1979, and together with certificate of water right recorded at page 51178, Volume 45, State Record of Water Right Certificates, supersedes Certificate 602.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

(SEAL OF STATE WATER BOARD)

By: JOHN H. LEWIS
State Engineer, President

Attest: M. F. MERS
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 602.
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