

2684

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed August 7, 1972
 Date of hearing January 16, 1973 9:30 a.m.
 Place of hearing Prineville
 Date of order 4-19-73 Vol. 23, page 128
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 23 1976 Vol. 36, page 43953

FEB 28 1979 40
 FEB 28 1979 40
 FEB 28 1979 40

43953
 47486
 47487
 47488

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Crooked River
 Trib. of _____ County of Crook
 Use Irrigation
 Quantity of water _____ No. of acres 967
 Name of ditch unnamed
 Date of priority 5/27/16 3/22/18 3/16/61
 In name of Otto C. Gray; Alex Tweedt; Miller Tweedt
 Adjudication, Vol. _____, page _____
 App. No. 6028 34545 Per. No. 3736 27M Cert. No. 6108 36937

Certificate cancelled _____
 Notation made on record by 10-24-90 VES

FEES PAID

Date	Amount	Receipt No.
<u>8/1/72</u>	<u>25.00</u>	<u>30111</u>
<u>1-12-73</u>	<u>30.00 P.O.N.</u>	<u>30112</u>
<u>1-12-73</u>	<u>22.00 P.O.N.</u>	<u>32065</u>
TOTAL . . .	<u>4.50</u>	<u>32066</u>
<u>1-12-73</u>	<u>Cert. Fee</u>	

FEES REFUNDED

Date	Amount	Check No.

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		
<input checked="" type="checkbox"/>	Stream		
<input checked="" type="checkbox"/>	Pt. of Div.		
<input checked="" type="checkbox"/>	Calendar		
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>WAC</u>	
<input checked="" type="checkbox"/>	Decree-vault		
<input checked="" type="checkbox"/>	Decree-safe		
<input checked="" type="checkbox"/>	Cert. of W/R	<u>X</u>	<u>WAC</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>WAC</u>	<u>WAC</u>
<input checked="" type="checkbox"/>	Chainindex		
<input checked="" type="checkbox"/>	Cross Ref.		
<input checked="" type="checkbox"/>	Power Claim		
<input checked="" type="checkbox"/>	Abstracts		

TO BE ENTERED WHERE CHECKED

see also T-2685

consider in order for recording right

T.17S. R20E. W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2684 Permit No.
IN NAME OF

MILLER TWEEDT

Surveyed Aug. 4. 1977, by D.M. Norby

pay 12⁰⁰ 708

STATE OF OREGON

COUNTY OF CROOK

Superseded by

Cert. No. 439534

CERTIFICATE NO. 44165

Spec. Or. V. 23, p. 128

Spec. Or. V. 23, p. 393

CERTIFICATE OF WATER RIGHT

This is to Certify, That Miller Tweed
OTTO C. GRAY

of Post, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Crooked River

a tributary of Deschutes River for the purpose of Irrigation of 14.0 ac under Permit No. 2955 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 27, 1916;

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 0.17 2.85 cubic feet per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eighth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: 25 acres in NE 1/4 SE 1/4, 10 acres in SW 1/4 SE 1/4, 40 acres in SE 1/4 SE 1/4, Section 33, 2 acres in SW 1/4 NW 1/4, 1 acre in SE 1/4 NW 1/4, 35 acres in NE 1/4 SW 1/4, 25 acres in NW 1/4 SW 1/4, 25 acres in SE 1/4 SW 1/4, 10 acres in NW 1/4 SE 1/4, 35 acres in SE 1/4 SE 1/4, Section 34, 10 acres in SW 1/4 SW 1/4, Section 35, T. 16 S. R. 20 E. W. M. 6 acres in NE 1/4 NE 1/4, Section 2, 4 acres in NE 1/4 NE 1/4, Section 3, T. 17 S. R. 20 E. W. M., in Crook County, Oregon, being a total of 228 acres.

10.0 ac SW SW
Sec 35

T16S R20E1WM

4.0 NENE
Sec 3

T17S R20E1WM

Ch. pt. of Div. for 14.0 acres
Sp. Or. Vol. 23, p. 128
Ch. pt. of Div. for 208.0 acres
Sp. Or. Vol. 23, p. 393

This cert. is issued to confirm a change in point of diversion approved by an order of the WRD entered April 19, 1973 and together w/certs 43953 & 44165 supersedes cert. 7108.

The issuance of this superseding cert does not confirm the status of the water right in reference to ORS 540.610.
The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 1st day
of March, 192 7.

RHEA LUPER
State Engineer.

POD: NW 1/4 Sec 2 T17S R20E1WM, Tweed - Boston ditch -
810' S & 1820' W from the NE cor Sec 2

47486

STATE OF OREGON
COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **MILLER TWEEDT**

of Post ⁹⁷⁷⁵², State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Crooked River

a tributary of Deschutes River for the purpose of irrigation of 32.7 acres

under Permit No. 27191 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 16, 1961

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 0.57 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 42, T. 17 S., R. 20 E., W. M., Tweed - ~~Diversion point located: 210 feet South and 2720 feet East from NW Corner, Section 12. Boston ditch - 810's & 1820' W from the NE cor Sec 2~~

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

13.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
17.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
2.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 35
T. 16 S., R. 20 E., W. M.

0.2 acre Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
0.1 acre Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 2
T. 17 S., R. 20 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered April 19, 1973 and supersedes certificate of water right recorded on Page 36937, Volume 28, SRWRC.

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

page 50 782

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

This is to Certify, That

Miller
~~ALEX~~ TWEEDT

of Post _____, State of Oregon 97752, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Crooked River a tributary of Deschutes River for the purpose of Irrigation of 50.0 ac under Permit No. 3736 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 22, 1918

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 0.63 cubic foot per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation. 4 a.f.

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

Twenty (20) acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Twenty (20) acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and Ten (10) acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Two (2), Township Seventeen (17) South, Range Twenty (20) East of the Willamette Meridian, being a total of 50 acres.

20.0 NW NE
20.0 NE NW
10.0 NW NW
Sec 2
T17S R20E WM

T-2684
A112

The right to the use of the water for irrigation purposes is restricted to the lands or place of

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered April 19, 1913 and supersedes certificate of water right recorded on Page 6108, Volume 6, SRWRC.

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

affixed this _____
of April _____, 1926.

_____ State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 6108.

P.O.D.: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 2 T17S R20E WM, Tweedt - Boston ditch - 810.5 & 1820' W from the NE cor Sec 2

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF MILLER TWEEDT FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM CROOKED RIVER)

ORDER APPROVING
TRANSFER NO. 2684

On August 7, 1972, Miller Tweedt filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Crooked River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Otto C. Gray and recorded at page 7108, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.85 cubic feet of water per second from Crooked River for irrigation of, among other lands, 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 16 South, Range 20 East, W.M., and 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 17 South, Range 20 East, W.M., with a date of priority of May 27, 1916.

Certificate of water right issued to Alex Tweedt and recorded at page 6106, Volume 6, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.63 cubic foot per second from Crooked River for the irrigation of, 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 22, 1918.

Certificate of water right issued to Miller Tweedt and recorded at page 36937, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.57 cubic foot per second of water from Crooked River for the irrigation of 13.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 17.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 20 East, W.M., and 0.2 acre in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$),

and 0.1 acre in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 16, 1961.

These lands are irrigated through a ditch from a point of diversion located 210 feet South and 2720 feet East from the NW corner of Section 12, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, Township 17 South, Range 20 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Tweedt-Boston Ditch from a point of diversion to be located 990 feet South and 1730 feet West from the NE corner of Section 2, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 17 South, Range 20 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Prineville, Oregon, on January 16, 1973 at 9:30 a.m. The notice 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 November 23, 30, and December 7, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Bruce A. Estes, Watermaster of District No. 11, has filed a report to the effect that 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 that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

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

From a point located 210 feet South and 2720 feet East from NW corner of Section 12, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 17 South, Range 20 East, W.M.

To a point to be located 990 feet South and 1730 feet West from NE corner of Section 2, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 17 South, Range 20 East, W.M.

for the irrigation of 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 16 South, Range 30 East, W.M., and 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 17 South, Range 20 East, W.M., with a date of priority of May 27, 1916, and 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 22, 1918, and 13.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 17.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 16 South, Range 20 East, W.M., and 0.2 acre in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 0.1 acre in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 16, 1961, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

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, and shall not exceed 1.37 cubic feet per second.

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 certificate of water right heretofore issued to Otto C. Gray and recorded at page 7108, Volume 7, Stateth Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate of water right be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Miller Tweedt confirming the change in point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to Alex Tweedt and recorded at page 6108, Volume 6, State Record of Water Right Certificates and certificate of water right heretofore issued to Miller Tweedt and recorded at page 36937, Volume 28, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right shall be issued to Miller Tweedt confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of April, 1973.

/s/

CHRIS L. WHEELER
State Engineer

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 Filing Application a printed copy of which is hereto annexed, was publish-

ed in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues

Issue date November 23, 1972

Issue date November 30, 1972

Issue date December 7, 1972

Issue date _____

Issue date _____

The fee charged for the above publication was

\$ 52.00

James O. Smith
Publisher

Subscribed and sworn to before me this 7th

day of December, 1972

Beverly B. Thomas
Notary Public for Oregon

My Commission expires July 3, 1974

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Miller Tweedt has filed an application for the approval of a change in point of diversion of water from Crooked River.

Certificate of water right issued to Otto C. Gray and recorded at page 7108, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.85 cubic feet of water per second from Crooked River for irrigation of, among other lands, 10.0 acres in SW1/4 SW1/4, Section 35, Township 16 South, Range 20 East, W.M., and 4.0 acres in NE1/4 NE1/4, Section 3, Township 17 South, Range 20 East, W.M., with a date of priority of May 27, 1916.

Certificate of water right issued to Alex Tweedt and recorded at page 6108, Volume 6, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.63 cubic foot per second from Crooked River for the irrigation of, 20.0 acres in NW1/4 NE1/4, 20.0 acres in NE1/4 NW1/4 and 10.0 acres in NW1/4 NW1/4 of Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 22, 1918.

Certificate of water right issued to Miller Tweedt and recorded at page 36937, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.57 cubic foot per second of water from Crooked River for the irrigation of 13.2 acres in SW1/4 SW1/4, 17.2 acres in SE1/4 SW1/4, 2.0 acres in SW1/4, SE1/4, Section 35, Township 16 South, Range 20 East, W.M., and 0.2 acre in Lot 2 (NW1/4 NE1/4), and 0.1 acre in Lot 3 (NE1/4 NW1/4), Section 2, Township 17 South, Range 20 East, W.M., with a date of priority of March 16, 1961.

These lands are irrigated through a ditch from a point of diversion located 210 feet South and 2720 feet East from the NW corner of Section 12, being within the NW1/4 of NE1/4 of Section 12, Township 17 South, Range 20 East, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of the Tweedt-Boston Ditch at a point of diversion 990 feet South and 1730 feet West from the NE corner of Section 2, being within the NW1/4 NE1/4 of Section 2, Township 17 South, Range 20 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Prineville, Oregon, on January 16, 1973, 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 Miller Tweedt, Post, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 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 State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 13th day of November, 1972.
CHRIS L. WHEELER
State Engineer