

2685

## STATUS OF APPLICATION

Change in Point of Diversion  
 Date filed August 7, 1972  
 Date of hearing Tuesday 16, 1973 9:30 a.m.  
 Place of hearing Prineville  
 Date of order Dec 4, 1973 Vol. 23, page 393  
 Date for application of water 10-1-74  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued NOV 23 1976 Vol. 36, page 42953  
MAR 9 1977 Vol. 36, page 44165

## DESCRIPTION OF WATER RIGHT

Name of stream Crooked River  
 Trib. of \_\_\_\_\_ County of Crook  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 208<sup>2</sup>  
 Name of ditch unnamed  
 Date of priority 5/27/16  
 In name of Otto C. Gray  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 4929 Per. No. 2955 Cert. No. 7108  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## REMARKS

Survey irrigated land when proof is made.

See also T-2684

## FEES PAID

Date	Amount	Receipt No.
<u>8/1/72</u>	<u>25.00</u>	<u>30113</u>
<u>1-8-73</u>	<u>20.00 P.O.D.</u>	<u>30114</u>
<u>1-8-73</u>	<u>10.00 P.O.D.</u>	<u>32010</u>
TOTAL . . .	<u>3.00</u>	
<u>1-8-73</u>	<u>Cert. Fee</u>	<u>32011</u>

## FEES REFUNDED

Date	Amount	Check No.

## INDEX CARDS:

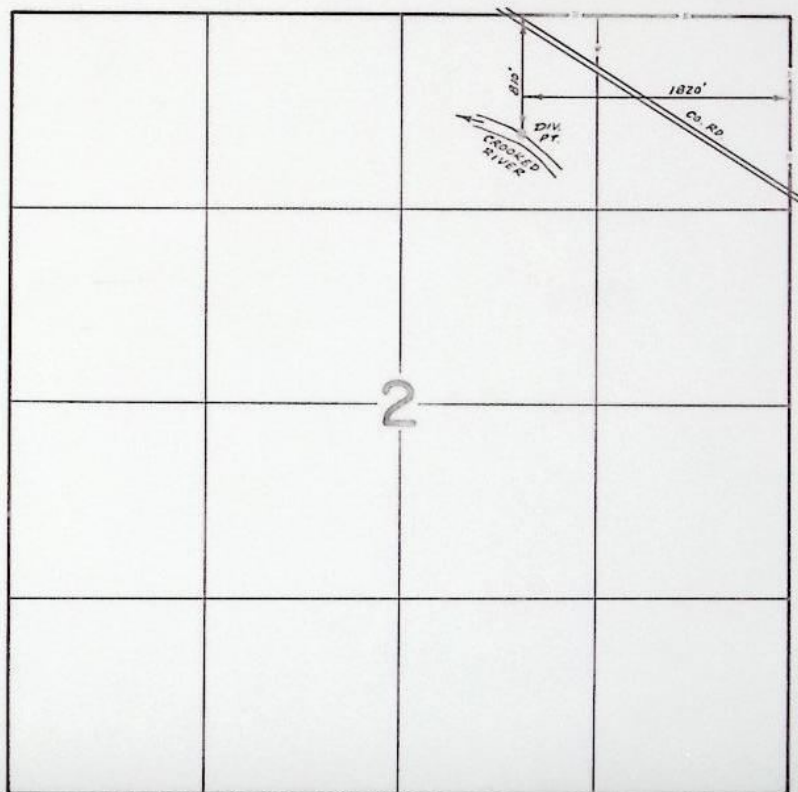
Entered

Checked

TO BE ENTERED WHERE CHECKED

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

T.17S., R.20E., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2685

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_

IN NAME OF

**ALASKA PACIFIC LUMBER CO.**

Surveyed May 13 1975, by D. Norby

## STATE OF OREGON

COUNTY OF CROOK

## CERTIFICATE OF WATER RIGHT

This is to Certify, That 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 6 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 ~~2.65~~ <sup>0.07</sup> cubic ~~feet~~ <sup>feet</sup> 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.

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 $\frac{1}{4}$ SE $\frac{1}{4}$ , 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 33, 2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 35 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 25 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 34, 10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 35, T. 16 S. R. 20 E. W. M. 6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 2, 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 3, T. 17 S. R. 20 E. W. M., in Crook County, Oregon, being a total of 228 acres.

6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$   
Sec 32  
T17S R20E WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 7108, Volume 7, State Record of Water Right Certificates, NOT modified by the provisions of ~~the~~ orders of the Water Resources SE Director entered on 44973 F 11-4, 1972, approving transfer application No. 2684 & 2685

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

affixed this 1st day

of March 7, 1973

RHEA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume

7, page 7108

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION  
OF BOSTON RANCHES COMPANY FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION OF WATER FROM CROOKED  
RIVER

ORDER APPROVING  
TRANSFER NO. 2685

On August 7, 1972, Boston Ranches Company 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 2.85 cubic feet per second for the irrigation of, among other lands, 25.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, and 2.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.0 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 35.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 25.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 25.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 10.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 35.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, Township 16 South, Range 20 East, W.M., with a date of priority of May 27, 1916.

The certificate includes 35.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, Township 16 South, Range 20 East, W.M., but the map submitted with the application and used for the proof of appropriation locates 35.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, Township 16 South, Range 20 East, W.M. The SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34 is above the ditch as located on the map and verified by an aerial photograph.

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 located 990 feet South and 1730 feet West from the NE corner of Section 2, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of 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 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.

To a point to be located 990 feet South and 1720 feet West from the 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, among other lands, 25.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, and 2.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 35.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 25.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 25.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 10.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 35.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, Township 16 South, Range 20 East, W.M., with a date of priority of May 27, 1916, 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 2.60 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.

The Order of the State Engineer entered April 19, 1973, approved an application of Miller Tweedt for a change in point of diversion for the irrigation of, among other lands, 14.0 acres, and canceled the certificate recorded at page 7108, Volume 7, State Record of Water Right Certificates.

It is FURTHER ORDERED that no new certificate be issued for the balance of the lands as provided in the order of the State Engineer entered April 19, 1973, approving the application of Miller Tweedt for a change in point of diversion, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and excluding the 14.0 acres involved in the State Engineer's Order entered April 19, 1973 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 Boston Ranches Co. confirming the change in point of diversion.

Dated at Salem, Oregon this 4th day of December, 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

\$ 40.00

James O. Smith  
Publisher

Subscribed and sworn to before me this 7th

day of December, 1972

Leverly B. Thomas  
Notary Public for Oregon

My Commission expires July 13, 1974

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

Notice is given hereby that Boston Ranch Company 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 2.85 cubic feet per second for the irrigation of, among other lands, 23.0 acres in NE1/4 SE1/4, 10.0 acres in SW1/4 SE1/4, 40.0 acres in SE1/4 SE1/4, Section 33, and 2.0 acres in SW1/4 NW1/4, 1.0 acre in SE1/4 NW1/4, 35.0 acres in NE1/4 SW1/4, 25.0 acres in NW1/4 SW1/4, 25.0 acres in SE1/4 SW1/4, 10.0 acres in NW1/4 SE1/4, and 35.0 acres in SE1/4 SE1/4, Section 34, Township 16 South, Range 20 East, W.M., with a date of priority of May 27, 1916.

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 Boston Ranch Company, Prineville, 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

57,59,61