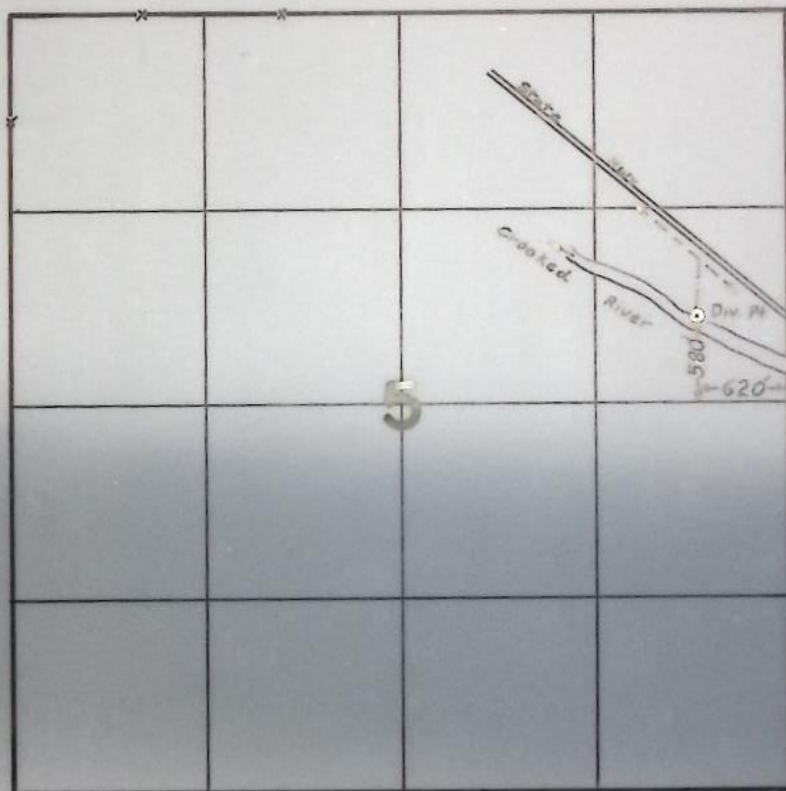


T.17S.R.20E., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2495
Application No. _____ Permit No. _____
IN NAME OF

CLYDE S. WAYLAND

Surveyed JUNE 29 1978, by J. S. DONALDSON

BEFORE THE STATE ENGINEER OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF CLYDE S. WAYLAND FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM CROOKED)
RIVER)

ORDER APPROVING
TRANSFER NO. 2495

On March 3, 1971, Clyde S. Wayland 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 D. Koopman, H. D. Dunham and C. L. Ream and recorded at page 2010, Volume 3, State Record of Water Right Certificates, confirms a right to the use of not to exceed 5.38 cubic feet per second of water from Crooked River for the irrigation of, among other lands, 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 25.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 38.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 34.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 17 South, Range 20 East, W.M., with a date of priority of June 1, 1910. These lands are irrigated from a point of diversion located 30 feet south and 2260 feet east from the W $\frac{1}{4}$ corner of Section 4 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 17 South, Range 20 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 950 feet north and 360 feet west from the E $\frac{1}{4}$ corner of Section 5 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, 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 May 19, 1971, 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 March 25, April 1 and 8, 1971. 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 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 proposed change in point of diversion of water from Crooked River, to-wit:

From a point located 30 feet south and 2260 feet east from the W $\frac{1}{4}$ corner of Section 4 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 17 South, Range 20 East, W.M.

To a point to be located 950 feet north and 360 feet west from the E $\frac{1}{4}$ corner of Section 5 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 17 South, Range 20 East, W.M.

for the irrigation of 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 25.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 38.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 34.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 17 South, Range 20 East, W.M., with a date of priority of June 1, 1910, 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, 1972.

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 1.25 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall

be effective when in the judgement 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 certificate of water right heretofore issued to D. Koopman, H. D. Dunham and C. L. Ream and recorded at page 2010, Volume 3, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate 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 Clyde S. Wayland confirming the change in point of diversion.

Dated at Salem, Oregon, this 24th day of May, 1971.

/s/ CHRIS L. WHEELER
State Engineer

Counted

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN POINT OF DIVERSION OF WATER

477-3263

- New Owner - Alaska-Pacific Lumber Co.
 Transfer No. 2495 ^{1/2 Miller Tweed} ~~(Turn on Drake Cr. Rd. turn at first bldgs
Tweed is 1st place post these)~~ County Crook
1. Name Clyde S. Wayland Address Post, Oregon
2. Source of Supply Crooked River, Trib. of ---
3. Amount of Water 1.25 cfs Priority Date June 1, 1910
4. Use Irrigation of 1002 AC.
5. Proposed Point of Diversion 950 ft. N & 360 ft. W from the E 1/4 corner of Sec. 5
being within the SE 1/4 NE 1/4 of Sec. 5, T. 17 S., R.
20 E., W.M.
6. Place of Use ---

[illegible]

Info: Miller Tweed & Mgr. land is being irrigated from new div. pt. All land is flood irrigated. Water is pumped from river and piped to ditch.

Source: Crooked River

Div: Direct (pump on river)

Pipe: 12" Steel

Lift: +15' river to ditch

0' to -3' ditch to land

(use 0 Pressure?)

(15)(6.61)

15

Pump & Motor: Century 15 hp @ 1750
Pacific. QDD 6" x 5"

ditches: 4' top, 2' bottom, 1' deep
- .2% slope

Crop: Hay & Pasture

tie: PTS 1978-A-2

Steve Donaldson

RECEIVED
APR 26 1971
STATE ENGINEER
SALEM, OREGON

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 3
successive and consecutive weeks in the following issues

Issue date March 25, 1971

Issue date April 1, 1971

Issue date April 8, 1971

Issue date _____

Issue date _____

The fee charged for the above publication was

\$ 25.20

James O. Smith
Publisher

Subscribed and sworn to before me this 8th

day of April, 1971

Beverly 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 Clyde S. Wayland 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 D. Koopman, H. D. Dunham and C. L. Ream and recorded at page 2010, Volume 3, State Record of Water Right Certificates, confirms a right to the use of 5.38 cubic feet per second of water from Crooked River for the irrigation of, among other lands, 3.0 acres in NE1/4 NE1/4, 25.0 acres in NW1/4 NE1/4, 38.0 acres in NE1/4 NW1/4, and 34.0 acres in NW1/4 NW1/4, Sec. 5, T. 17 S. R. 20 E., W.M., with a date of priority of June 1, 1910. These lands are irrigated from a point of diversion located 30 ft. S and 2260 ft. E from the W1/4 corner of Sec. 4 being within the NE1/4 SW1/4 of Sec. 4, T. 17 S., R. 20 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 950 ft. N and 360 ft. W from the E1/4 corner of Sec. 5 being within the SE1/4 NE1/4 of Sec. 5, T. 17 S., R. 20 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Prineville, Oregon, on May 19, 1971, 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 Clyde S. Wayland, 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 15th day of March, 1971.
CHRIS L. WHEELER
State Engineer

46,47,48



**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

RECEIVED
APR 23 1971
STATE ENGINEER
SALEM, OREGON

DESCHUTES COUNTY COURTHOUSE • BEND, OREGON • 97701 • Ph. 382-3531

TOM McCALL
GOVERNOR

April 21, 1971

FILE NO.

CHRIS L. WHEELER
State Engineer

2495

Chris L. Wheeler
State Engineer
1178 Chemeketa St.
Salem, Oregon 97310

Dear Chris:

Attn: Trever

I looked over the Clyde Wayland transfer with him prior to his sending in the application and I see no particular problems with it. He is just eliminating approximately ½ mile of ditch with high losses. He owns the land between the 2 points of diversion and there are no other diversions in that stretch of the river.

I will measure the output of his pump with a portable weir this summer and that will suffice to determine quantity as long as the same pump is used. If I determine the discharge to be too large I will require him to install a narrow section in his discharge pipe. I think provision #2 will be fine.

Sincerely yours,

Bruce A. Estes
Watermaster, Dist. #11

March 17, 1971

2495

Mr. Bruce A. Estes
Watermaster District No. 11
Deschutes County Courthouse
Bend, Oregon 97701

Dear Mr. Estes:

Enclosed is a copy of notice for publication in the March 25, April 1 and 8, 1971, issues of the Central Oregonian.

Would you please advise if, in your opinion, the proposed change in point of diversion may be made without injury to existing rights and which provision for the installation of measuring devices you feel should be incorporated in the order. Thank you.

Very truly yours,

Trevor Jones
Assistant

slv

Enclosure

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, CLYDE S WAYLAND
(Name of applicant)
of Post
(Postoffice), County of CROOK,
State of OREGON, do hereby make application for change IN POINT of
DIVERSION
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is CROOKED RIVER
(Name of stream)
2. The use to which the water is applied is IRRIGATION
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is —
4. The point of diversion is located 30 ft. S and 2260 ft. E from the W 1/4
(N. or S.) (E. or W.)
corner of SECT 4 being within the NE 1/4 SW 1/4
(Section or subdivision)
of Section 4 Tp. 17S R. 20E W. M., in the County of CROOK
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
17S	20E	5	3	25			38	34										

100[±]
part
1.25[±]
5,380[±]
430[±]

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? YES
(If not owner, explain your interest)
7. Has water been used beneficially for the purposes indicated herein during the past 5 years? YES
8. What is the date of priority of your water right? JUNE 1 1910
9. Was your water right acquired by State Engineer's Permit? YES If so, give number
(Yes or No)
of permit 320

10. Do you hold a water right certificate? YES If so, give number of certificate 2010
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name No D. KOOPMAN, H. D. DUNHAM, C. L. BEAM
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 950 ft. N and 360 ft. W from the E 1/4
(N. or S.) (E. or W.)
corner of SEC 5 being within the SE 1/4 NE 1/4 of Section 5 Tp 17 S R. 20 E W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of CROOK The name of the ditch to be used is SPRING HILL

15. Are you the owner of the land on which the proposed point of diversion is to be located? YES

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
MORTGAGE	HAROLD ORR	\$140,000

20. Reasons for the proposed changes ^{is} EXCESSIVE LOSS IN PRESENT DITCH

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of Crook } ss.

I, Clyde S. Wayland, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 2nd day of March, 1971

Clyde S. Wayland
(Name of applicant)

Subscribed and sworn to before me this 2nd day of March, 1971

[Notarial Seal]

Marie A. Christensen
NOTARY PUBLIC FOR OREGON

My commission expires 6-2-72

Remarks _____

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

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

Notice is given hereby that Clyde S. Wayland 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 D. Koopman, H. D. Dunham and C. L. Ream and recorded at page 2010, Volume 3, State Record of Water Right Certificates, confirms a right to the use of 5.38 cubic feet per second of water from Crooked River for the irrigation of, among other lands, 3.0 acres in NE¼ NE¼, 25.0 acres in NW¼ NE¼, 38.0 acres in NE¼ NW¼, and 34.0 acres in NW¼ NW¼, Sec. 5, T. 17 S., R. 20 E., W.M., with a date of priority of June 1, 1910. These lands are irrigated from a point of diversion located 30 ft. S and 2260 ft. E from the W¼ corner of Sec. 4 being within the NE¼ SW¼ of Sec. 4, T. 17 S., R. 20 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 950 ft. N and 360 ft. W from the E¼ corner of Sec. 5 being within the SE¼ NE¼ of Sec. 5, T. 17 S., R. 20 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Prineville, Oregon, on May 19, 1971, 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 Clyde S. Wayland, 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 15th day of March, 1971.

CHRIS L. WHEELER
State Engineer