

WEBERG

3671

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in POU & POD
 Date filed 5-12-77
 Date of hearing Nov 30, 1977
 Place of hearing Prineville
 Date of order 12-1-77 Vol. 30, page 140
 Date for application of water 10-1-79

Name of stream N. F. Trout Cr.
 Trib. of _____ County of Crook
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of F. M. Smith & Son
Crooked River Adjudication, Vol. 1, page 337
 App. No. _____ Per. No. _____ Cert. No. 660
 Certificate cancelled _____
 Notation made on record by _____

Date	Amount	Receipt No.
5-12-77	\$ 95.00	60462
TOTAL . . .		
10/28/77	\$2 Cert. Fee	60462
Central Oregonian Rd 10/28/77 \$27.65 CR #1741		

FEES REFUNDED

Date	Amount	Check No.
10/28/77	\$20.35	1742
Exam	20-	
POU	10-	
POD	15-	
cert	2-	
PON	27.65	
	74.65	

Proof mailed _____
 Proof received DEC 19 1977
 Certificate issued 8/28/15 Vol. 37, page 45031
90586

to survey 3/80

REMARKS

CARD FOR C DEC 26 1979

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
Name	<u>leg</u>	_____
Stream	<u>leg</u>	_____
Pt. of Div.	<u>leg</u>	_____
Calendar	<u>leg</u>	_____
CHECKED TO RECORDS:		
Twp. & Rge.	<u>leg</u>	_____
Decree-vault	<u>leg</u>	<u>leg</u>
Decree-safe	<u>leg</u>	_____
Cert. of W/R	<u>leg</u>	_____
Per. Folder	_____	_____
Chaindex	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
Abstracts	<u>leg</u>	_____

STATE OF OREGON
COUNTY OF CROOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MELVIN WEBERG & CO.
178301 WEBERG RD
PAULINA, OR 97751

confirms the right to use the waters of NORTH FORK TROUT CREEK, A TRIBUTARY OF TROUT CREEK, for IRRIGATION of 15.6 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1885.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.2 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	25 E	WM	4	NW SE	POD 4 - 700 FEET SOUTH AND 480 FEET EAST FROM C1/4 CORNER, SECTION 4
18 S	25 E	WM	4	NW SE	POD 5 - 80 FEET SOUTH AND 50 FEET EAST FROM C1/4 CORNER, SECTION 4

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
18 S	25 E	WM	4	SW NE	1.2
18 S	25 E	WM	4	SE NW	1.7
18 S	25 E	WM	4	NE SE	1.4
18 S	25 E	WM	4	NW SE	6.3
18 S	25 E	WM	4	SE SE	5.0

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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, and shall not exceed 0.2 cubic foot per second.

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 water user is entitled;

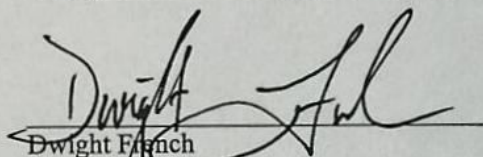
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered December 1, 1977, at Special Order Volume 30, Page 140, approving Transfer Application 3671, and together with Certificate 45031, supercedes Certificate 660, State Record of Water Right Certificates.

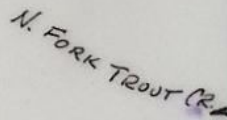
AUG 28 2015

Issued _____.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

T. 17 & 18 S., R. 25 E., W.M.



DIV. PTS. LOC.: #4- 700'S. & 480'E., #5- 80'S. & 50'E.,
BOTH FROM CENTER OF SECTION 4.

SCALE: 1"=1320'

FINAL PROOF SURVEY

UNDER

Transfer No. 3671 
Application No. 55890 Permit No. 42026 
IN NAME OF

MELVIN WEBERG & CO.

Surveyed NOV 2, 1992, by R.M. SUTTERFIELD

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION)
OF MELVIN WEBERG & COMPANY FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3671

On May 12, 1977, an application was filed in the office of the Water Resources Director by Melvin Weberg and Company for approval of changes in place of use and point of diversion from North Fork Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 660, Volume 1, State Record of Water Right Certificates, in the name of F. M. Smith and Son, describes a right which includes the use of water from North Fork Trout Creek for irrigation of a certain 8.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, and 7.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 18 South, Range 25 East, W.M., with a date of priority of 1885.

Water for the lands in Section 3 is diverted at Diversion Point No. 3 located 1000 feet North and 620 feet East from the South Quarter Corner of Section 3, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 3.

Water for the lands in Section 4 is diverted at Diversion Point No. 4 located 1000 feet South and 100 feet East from the Center Corner of Section 4, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4.

The applicant herein, owner of the lands above described, proposes to change the place of use from said lands in Section 3 to irrigate in lieu thereof a certain 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 3.

The applicant also proposes to change the place of use from said lands in Section 4 to irrigate in lieu thereof a certain 5.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 4.

The applicant also proposes to change the point of diversion for the said 5.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 to a point located 340 feet North and 1010 feet West from the Center Corner of Section 4, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 4.

Notice of the application, pursuant to ORS 540.510, 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 October 10, 17 and 24, 1977.

Mr. Bruce A. Estes, Watermaster, 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 point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.20 cubic foot 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:

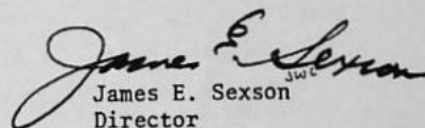
That the diversion works shall include an in line flow meter, a weir or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to F. M. Smith and Son and recorded at page 660, 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 1st day of December, 1977.


James E. Sexson
Director

SUPERSEDED 45031 STATE OF OREGON
CERTIFICATE NO.

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 F H SMITH and SON,
of Paulina State of Oregon has a right to the use of
the waters of Trout and Grindstone Creeks, tributary to Crooked River,

for the purpose of the irrigation of 303 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 1885,

that the amount of water to which such right is entitled and hereby confirmed for the
purpose aforesaid, is limited to an amount actually beneficially used for said pur-
pose, and shall not exceed a reasonable amount for stock and domestic use, and 3.79
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 or-
dered 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:

40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$

40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$

1.0 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 26

40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$

40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$

40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$

40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 27

20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 34

T 17 S, R 24 E, W.M.

20.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3

10.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$

12.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 4

T 18 S, R 25 E, W.M.

Water Board

affixed this 21st

day

of September 19 14.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H LEWIS
State Engineer, President

Attest:

H F LERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 660 .

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

F. M. SMITH & SON

of Paulina, State of Oregon, 97751, has
a right to the use of the waters of Trout and Grindstone Creeks

a tributary of Crooked River for the purpose of
the irrigation of 287.4 acres, 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 WATER RESOURCES DIRECTOR, in Volume 1, at page 449; that the priority of the right thereby confirmed dates from the year 1885

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a reasonable amount for stock and domestic use, and 3.59 c.f.s. for irrigation, the total quantity being limited to 4 acre feet per acre during each year. The use hereunder shall conform to any reasonable rotation system ordered by the proper state officer.

The point of diversion is located in the

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

40.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
1.0 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 26

40.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27

20.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 34

T. 17 S., R. 24 E., W. M.

12.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3

10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
4.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 4
T. 18 S., R. 25 E., W. M.

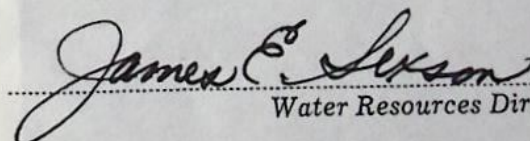
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 660, Volume 1, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Dec. 1, 1977, approving transfer application No. 3671.

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

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date December 19, 1977.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45031

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of

ss.

I CERTIFY, that the within was received

and duly recorded by me in Volume

of Record of Water Right Certificates, at

Page, on the day

of, 19

County Clerk.

SP-32934-690

STATE OF OREGON, }
COUNTY OF CROOK, } ss

MICROFILM INDEXED

44523

I CERTIFY that the within instrument
of writing was received for record on
the 2nd day of Feb. A. D. 19 78
at 9:30 o'clock A. M., and recorded
in Book MF on Page 44523 Records
of Water Rights
of said County.

Grace G. Bannon

County Clerk

By Wanda Helmore Deputy

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 October 10, 1977

Issue date October 17, 1977

Issue date October 24, 1977

Issue date _____

Issue date _____

The fee charged for the above publication was

\$ 27.65

James O. Smith
Publisher

Subscribed and sworn to before me this 24th

day of October, 19 77

Beverly B. Thomas
Notary Public for Oregon

My Commission expires July 13, 1978

RECEIVED

OCT 27 1977

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3471

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Melvin Weberg and Company for approval of changes in place of use and point of diversion from North Fork Trout Creek.

The certificate recorded at page 606, Volume 1, State Board of Water Right Certificates in the name of F.A. Smith and Son, describes a right which includes the use of water from N. Fork Trout Creek for irrigation of a certain 7.6 acres in SE 1/4 NW 1/4 of Section 4, Township 18 South, Range 25 East, W.M., with a date of priority of 1885.

Water for said right is diverted, through the Smith Ditch, from a point located 1000 ft S and 100 ft E from the center of Sec 4, being within the NW 1/4 SE 1/4 of said Sec 4.

The applicant herein, owner of the lands above described, proposes changes in place of use and point of diversion and, without loss of priority, to irrigate a certain 2.0 acres in SW 1/4 NW 1/4 of said Sec 4 from the above described point of diversion and to irrigate a certain 5.6 acres in NW 1/4 NW 1/4 of said Sec 4 from a point of diversion located 340 ft N and 1010 ft W from the center of Sec 4, being within the SE 1/4 NW 1/4 of said Sec 4.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Prineville, Oregon, on November 30, 1977, at 9:30 a.m. All objections to the proposed changes, 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 Melvin Weberg and Co., Paulina, OR 97751, 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 protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 4th day of October, 1977.

James E. Saxon
Director
45.47.49