

3351

### STATUS OF APPLICATION

Change in ..... point of diversion & POW  
Date filed ..... 1-20-76  
Date of hearing ..... Mar 13, 1979  
Place of hearing ..... Prineville  
Date of order ..... 3-26-79 Vol. 31, page 717  
Date for application of water ..... 10-1-80  
Proof mailed ..... APR 4 1984 7-16 - 84  
Proof received .....  
Certificate issued ..... AUG 14 1984 Vol. 47, page 521

Summary  
4-79

**DESCRIPTION OF WATER RIGHT**

Name of stream Crooked River  
Trib. of \_\_\_\_\_ County of Crab  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority 1893, Apr 24, 1909  
~~In~~ name of Frank S. Hoffman  
Crooked River Adjudication, Vol. 1, page 324  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 586  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
1-20-76	35.00	51130
1-20-76	45.00 p.d.n.	51131
2-15-79	4-	9148
TOTAL . . .		
	Cert. Fee	

Central Oregonian #39.00 pd 2-14-79 ck #3085

**FEES REFUNDED**

Date	Amount	Check No.
	Exam 20-	
	POD 15-	
	POU 10-	
	<u>45</u>	
	PON 39	
	<u>84</u>	

## REMARKS

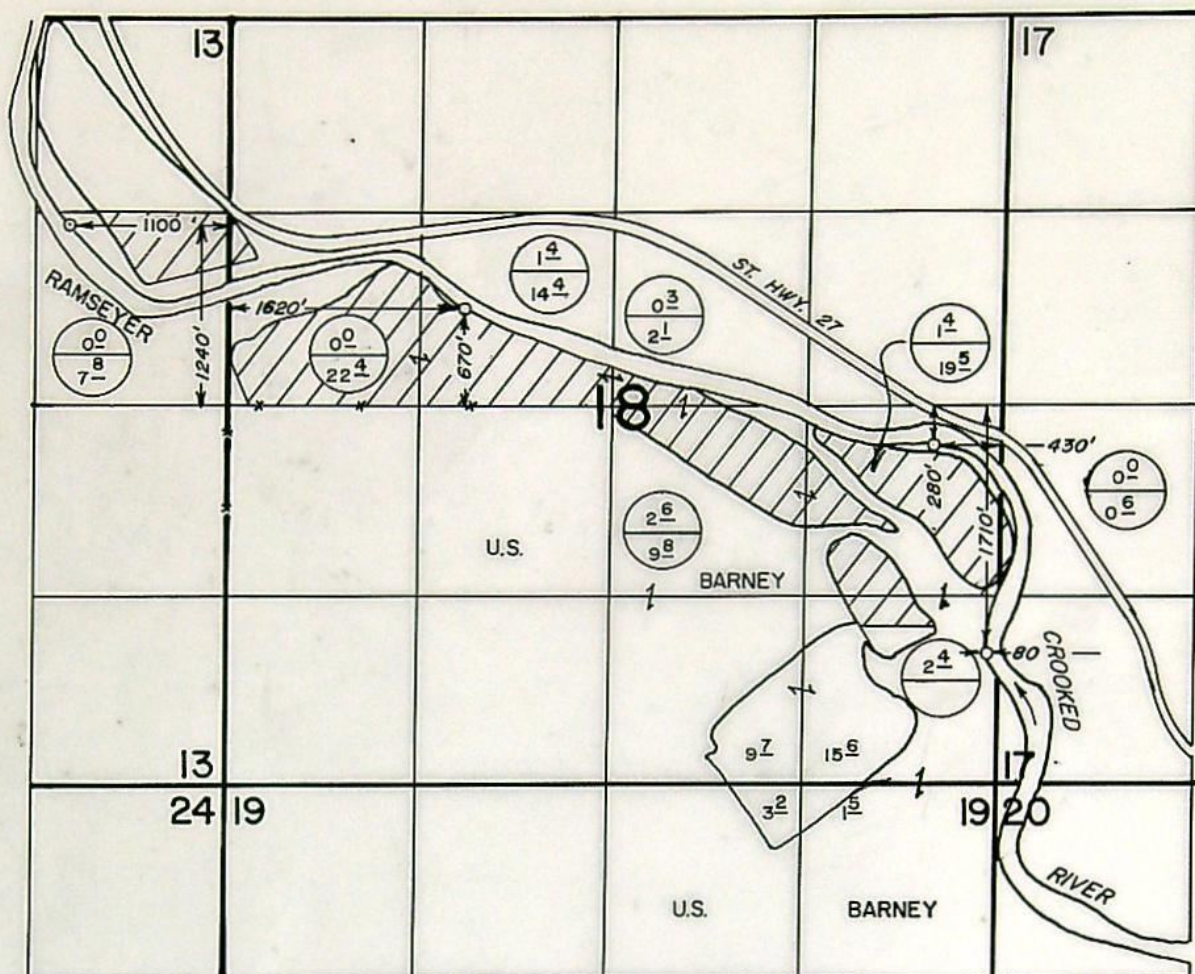
See M-202



Form 130 sent MAY 10 1984

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



# T.16S. R.15 & 16E. W.M.



 LAND MOVED BY TRANSFER  
 LAND UNDER SAME RIGHT, NOT DISTURBED

## FINAL PROOF SURVEY UNDER

TRANSFER 3351

Application No. .... Permit No. ....  
IN NAME OF

..... JOYCE STEARNS BARNEY *et al*

Surveyed MAR. 13, 1980, by L.H. NUNN



PERMIT D- 586  
CERT. 586

I\* FOR 110 AC I\* FOR 159 AC  
PRIORITY PRIORITY  
12/31/1893 4/24/1909

UNABLE TO SEPRATE  
ACREAGE BY DATE

15.0 AC SENE  
SEC 13

T. 16S R. 15E

20.0 AC NWSW  
35.0 AC SWSE  
SEC. 17

36.0 AC SWNE  
36.0 AC SWNW  
38.0 AC SENW  
32.0 AC NESE  
10.0 AC NWSE

SEC 18

24.0 AC NENW  
23.0 AC NWNW  
SEC. 20

T. 16S R. 16E

CONFIRMING RIGHT  
A POB + USE  
APP. T 1468  
PER. D - 586  
CERT. 586  
I\* FOR 96.9 AC  
PRIORITY 12/31/1893

12.8 AC SENE  
SEC 13  
T. 16S RISE  
2.8 AC NWSW  
1.0 AC SWSW  
SEC 17

2.4 AC SWNE  
26.4 AC SWNW  
15.8 AC SENW  
20.9 AC NESE  
12.4 AC NWSE  
2.4 AC SESE  
SEC 18

T. 16S 16E

Not - CANCELLED

TWO PODS LISTED  
SP. OR. V. 31, P. 717  
1. NW 1/4 SEC 20  
2. SE 1/4 SEC 27

REMAINING RIGHT

APP. T- 1468  
PER. D - 586

CERT. 67548

IR FOR 44.0 ACRES

PRIORITY 4/24/1909

22.8 AC SWNE  
4.1 AC NESE  
0.3 AC SWNW  
16.6 AC SENW  
0.2 AC NWSE  
SEC 18

T. 16S R 16E

CANCELLED

CONFIRMING RIGHT  
A POB + POD

PRIORITY  
12/31/1893

PLACE OF USE  
IR FOR 96.6 AC

APP. T- 3351

PER D - 586

CERT 52182

POD 1. 2940'S + 450'W FROM  
NE CORNER SEC 18 (NESE)

POD 2. 1670'S + 4210'W FROM  
NE CORNER SEC 18 (SW NW)

POD 3. 1150'S + 1320'W FROM NW  
CORNER SEC 13 16S 15E IN NE 1/4 NE 1/4

PODS DO NOT AGREE WITH  
MAP SUBMITTED WITH T-6962

12.8 AC SENE  
SEC 13  
T. 16S R. 15E

2.8 AC SENE  
1.0 AC SW SW  
SEC 17

2.4 AC SW NE  
26.4 AC SW NW  
15.8 AC SE NW  
20.9 AC NE SE  
12.4 AC NW SE  
2.4 AC SE SE  
SEC 18  
T. 16S 16E

CONFIRMING RIGHT

APP. T- 6568

PER CD - 586

CERT -

IL FOR 44 ACRES

PRIORITY 4/24/1909

22.8 AC SWNE

4.1 AC NESE

0.3 AC SW NW

16.6 AC SENW

0.2 AC NWSE

SEC 18

T. 16S R 16E

POD 1

445'N, + 2550'E FROM W 1/4  
CORNER SECTION 18

POD 2

20'N, + 1250'E FROM CENTER  
SEC 18

POD 3

50'N + 2550'E FROM CENTER  
SECTION 18

IN T. 16S 16E

T- 6962

NO DATE OF ORDER AS OF  
OCTOBER 1998

INTENT TO CHANGE POB  
AND RETAIN PODS



POD PSU

1. Name Joyce Stearns Barney ✓ Address P.O. Box 683 Prineville Or 97754

3. Amount of Water \_\_\_\_\_ Priority Date 1893 -

5. Proposed Point of Diversion 3 rods (see attached sheet)

6. ~~Place of Use~~ - S  $\frac{1}{2}$  1020' W from NE cor Sec. 13, w/in NE NE Sec. 13, T 16S, R 15E  
W 1/2

[illegible]



REPORT ON INSPECTION UNDER TRANSFER  
OF WATER RIGHT FOR CHANGE IN:

POD

POL

USE

Add'l POD

Transfer NO. 3357

County Crook

Old Certificate NO. 586

1. Name Joyce Stearns Barney

Address P.O. Box 683 Prineville, OR 97754

2. Source of Supply Crooked River, Trib of

3. Use irrigation

4. Amount of Water  Priority Date 1893 + 4-24-09

5. Proposed Point of Diversion see attached sheet

6. Completion Date October 1, 1980

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
16S	16E	17	NW 1/4 SW 1/4	2.8 acres
			SW 1/4 SW 1/4	1.0 "
		18	SW 1/4 NW 1/4	26.4 "
			SE 1/4 NW 1/4	14.4 "
			NE 1/4 SE 1/4	19.5 "
			NW 1/4 SE 1/4	16.9 "
			SE 1/4 SE 1/4	1.0 "
			SW 1/4 NE 1/4	2.1 "
	15E	13	SE 1/4 NE 1/4	12.8 "
				96.9 TOTAL

Crooked Riv. 16S-16E  
3-13-80 LWN



T-3351

POINTS OF DIVERSION

T 16S, R 16 EWM

P.O.D. #1. 2,940' S, <sup>450'</sup>~~200'~~ W from NE corner Sec. 18 in the NE 1/4 SE 1/4

P.O.D. #2. 1,670' S, <sup>420'</sup>~~3960'~~ W from NE corner Sec. 18 in the SW 1/4 NW 1/4

T 16S, R 15 EWM

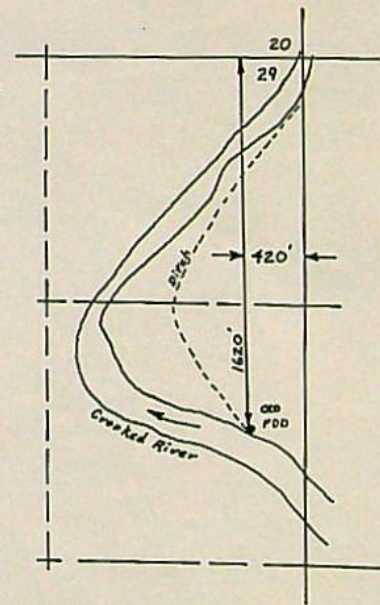
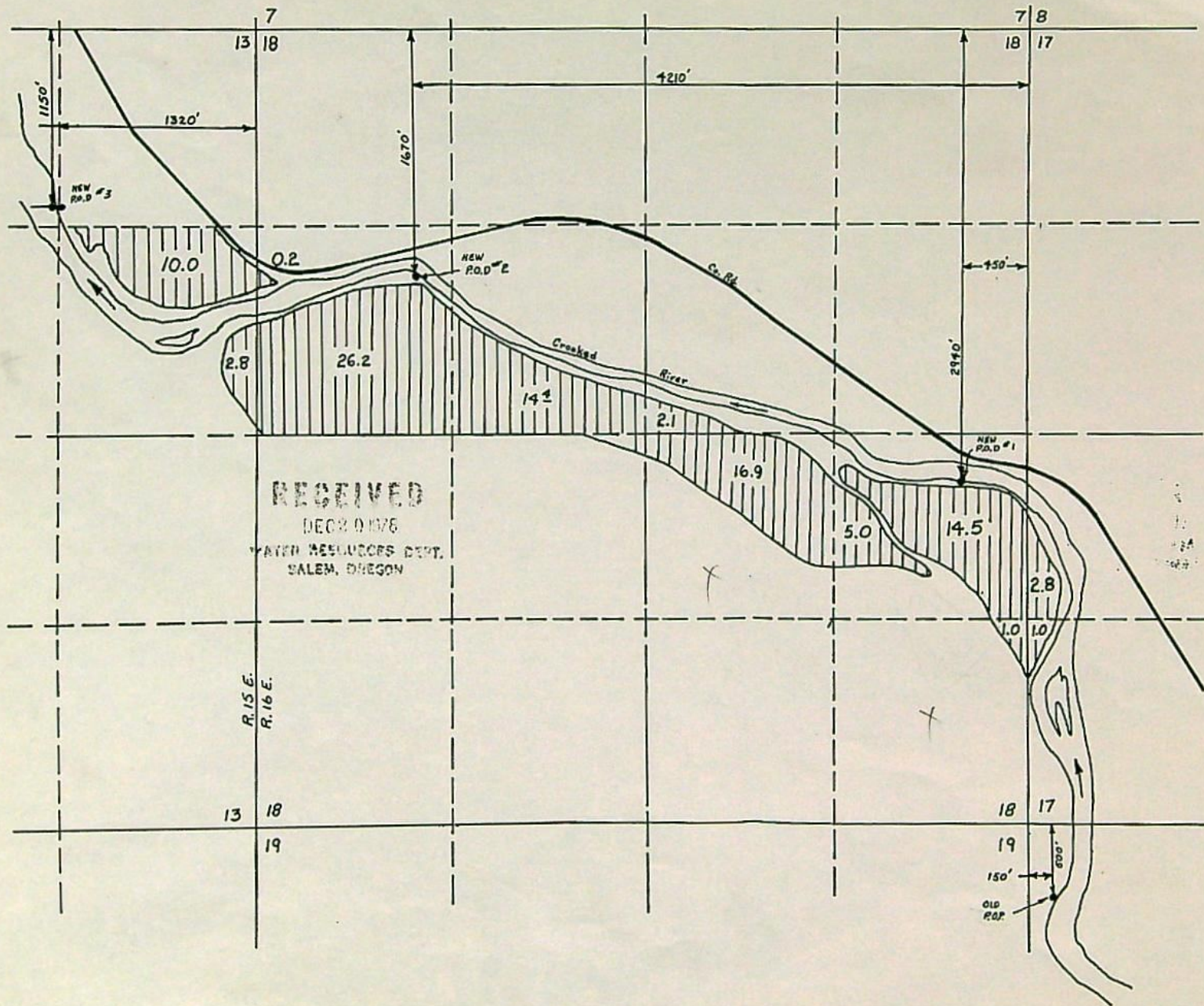
P.O.D. #3. 1,150' S, <sup>1320'</sup>~~1070'~~ W from NE corner Sec. 13 in the NE 1/4 NE 1/4

P.O.D. # 3 . Land in the NE 1/4 NE 1/4, Sec. 13, T 16S, R 15 EWM is leased from Warren Storkman. His new transfer of POD is used to irrigate lands on right side of river, but also wish to be able to irrigate from POD #2 also on these lands under POD #3.

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DEC 20 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

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SALEM, OREGON







T# 3351

Barney, Joyce Stearns

Info: Mrs. Barney

Source: Crooked Riv

Dive: #1 pump from the river at about the right point

#2 - pump from river about 500' upstream

#3 - a channel (appears to be dug with a back-hoe) which follows an old river channel and ends in a pump hole. Pump from the hole

Pumps: @ #1 GE 75Hp @ 3555  
Cornell CDD 5x4

@ #2 GE 75Hp @ 1770  
Cornell CDD 5x4

@ #3 GM Diesel 4cy  
Gould Splitcase 5x4

Pipes & heads: Mrs. Barney did not know the number of heads being run, but I did see sprinklers in all fields this past summer.

Ties: Crooked Riv. Photo 165-16E

3-13-80  
Larry H. Funn  
Field Engineer



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JUN 25 1984

TRANSFER NO. 3351

WATER RESOURCES DEPT  
SALEM, OREGON

COUNTY: Crook

PROOF OF APPROPRIATION OF WATER

1. NAME: Ann Ramseyer and Joyce Stearns Barney
2. ADDRESS: P.O. Box 683-<sup>445</sup>
3. SOURCE OF SUPPLY: Crooked River  
Tributary of Deschutes River
4. AMOUNT OF WATER: 1.21 cubic feet per second
5. PRIORITY DATE: 1893
6. USE: Irrigation
7. LOCATION OF POINTS OF DIVERSION: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 13, T.16 S., R.15 E., W.M., 1,240 feet North and 1,100 feet West from E $\frac{1}{4}$  Corner Section 13; SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 18, T.16 S., R.16 E., W.M., 670 feet North and 1,620 feet East from W $\frac{1}{4}$  Corner Section 18, 280 feet South and 430 feet West, 1,710 feet South and 80 feet West, both from E $\frac{1}{4}$  Corner Section 18.
8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

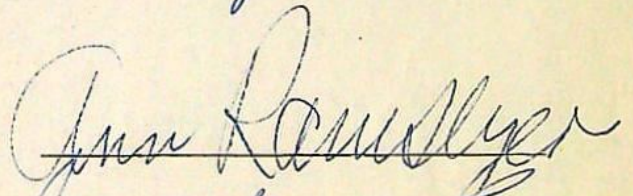
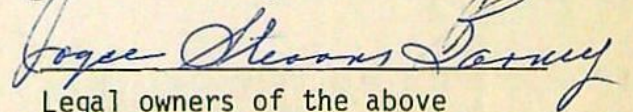
12.8 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$   
Section 13  
Township 16 South, Range 15 East, WM

2.8 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$   
1.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 17

2.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$   
26.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$   
15.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$   
20.9 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$   
12.4 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$   
2.4 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 18  
Township 16 South, Range 16 East, WM

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of place of use and change in point of diversion approved by the order of the Water Resources Director entered March 26, 1979; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of June, 1984  
1984.

  
  
Legal owners of the above  
described lands



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

Transfer No. 3351

County CROOK

PROOF OF APPROPRIATION OF WATER

Ann Ramseyer &

1. Name Joyce Stearns Barney 2. Address PO Box 683

3. Source of Supply Crooked River

Tributary of Deschutes River

4. Amount of water 1.21 cfs 5. Priority date 1893

6. Use irrigation of 96.9 acres

7. Location of point of diversion: SE<sup>1</sup>NE<sup>4</sup> Sec 13, T16S R15E WM, 1240' N & 1100' W from E<sup>1</sup>/<sub>4</sub> cor Sec 13; SE<sup>1</sup>NW<sup>4</sup>, NE<sup>1</sup>SE<sup>1</sup>, SE<sup>1</sup>SE<sup>1</sup>, Sec 18, T16S R16E WM, 670' N & 1620' E from W<sup>1</sup>/<sub>4</sub> cor Sec 18 280' S & 430' W, 1710' S & 80' W both from E<sup>1</sup>/<sub>4</sub> cor Sec 18

8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

12.8 acres SE<sup>1</sup>NE<sup>4</sup>  
Sec 13  
T16S R15E WM  
2.8 NW<sup>1</sup>SW<sup>4</sup>  
1.0 SW<sup>1</sup>SW<sup>4</sup>  
Sec 17  
2.4 SW<sup>1</sup>NE<sup>4</sup>  
26.4 SW<sup>1</sup>NW<sup>4</sup>  
15.8 SE<sup>1</sup>NW<sup>4</sup>  
20.9 NE<sup>1</sup>SE<sup>1</sup>  
12.4 NW<sup>1</sup>SE<sup>1</sup>  
2.4 SE<sup>1</sup>SE<sup>1</sup>  
Sec 18  
T16S R16E WM

map 89.7  
96.9

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of place of use & change in point of diversion approved by the order of the WRD entered March 26, 1979; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 84.

\_\_\_\_\_  
Legal Owners of the above described lands



**RECEIVED**  
MAR 30 1979  
WATER RESOURCES DEPT  
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use & point of diversion from Crooked River

PURSUANT TO TRANSFER APPLICATION NO. 3351

I, Joyce L. Barney, hereby certify that completion  
of works and use of water to the extent intended within the provisions  
of the order of the Water Resources Director approving said water  
right transfer application was accomplished by 3-28, 1979

3-28-79  
Date

Joyce L. Barney  
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

de.  
ly







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DEC 20 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

T-3351

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OCT 23 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

Joyce Stearns Barney, as Trustee of the Trust established by the Last  
I, Will and Testament of Harry I. Stearns  
(Name of applicant)

of P O Box 683, Prineville  
(Mailing address) (City)

State of Oregon, 97754, 447-5983, do hereby make application for change  
(Zip Code) (Phone number)

in point of diversion and place of use  
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Frank S. Hoffman  
(If not, give name)

2. Was your water right determined by Decree of Court? yes If so, give title of proceedings  
(Yes or No)

Vol. 1, page 324 number of certificate 586

3. Was your water right acquired by Water Right Permit?                      If so, give number  
(Yes or No)

of permit                      Number of certificate                     

NOTE: If the entire right of record is not directly involved in the requested change, only that part  
of the right that is directly involved should be considered in answering the balance of the  
questions on this form.

4. The source of water is Crooked River

5. What is the date of priority of your water right? 1893 - 1909  
500 S 150' E 400' W NW

6. The authorized point of diversion is located 1620 ft. S and 420 ft. W from the NE  
Sec 20 NW NW (N. or S.) 20 16S or W.) 16E  
corner of Sec 29 being within the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 29 Tp. 16S R. 16E W. M.,  
(No. N. or S.) (No. E. or W.)

in the county of Crook The name of the ditch used is                     

NOTE: Answer question if the application is for change in point of diversion.

"See Added Sheet"

7. The proposed point of diversion is located                      ft.                      and                      ft.                      from the                       
(N. or S.) (E. or W.)

corner of                      being within the                       $\frac{1}{4}$                        $\frac{1}{4}$  of Section                      Tp.                      R.                      W. M.,  
(No. N. or S.) (No. E. or W.)

in the county of                      The name of the ditch to be used is



8. The use to which the water is applied is Irrigation  
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
16S	16E	17	NW 1/4 SW 1/4 20.0	6.8
			SW 1/4 SW 1/4 35.0	2.0
		18	SW 1/4 NW 1/4 36.0	24.3
			SE 1/4 NW 1/4 38.0	19.1
			NE 1/4 SE 1/4 32.0	22.4
			NW 1/4 SE 1/4 10.0	10.0
			SW 1/4 NE 1/4 36.0	2.1
	15E	13	SE 1/4 NE 1/4 15.0	10.2
				96.9 Total

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes  
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irrigation  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	BEFORE CHNGS	ONLY POD CHNG	POD & POU Number Acres To Be Irrigated	TOTAL AFTER CHNGS
16S	16 E	17	NW 1/4 SW 1/4	2.8	2.8		2.8
			SW 1/4 SW 1/4	1.0	1.0		1.0
		18	SW 1/4 NW 1/4	26.9	26.9		26.9
			SE 1/4 NW 1/4	14.4	14.4		14.4
			NE 1/4 SE 1/4	27.0	19.5	-8.1	19.5
			NW 1/4 SE 1/4	9.8	9.8	+7.1	16.9
			SE 1/4 SE 1/4	0		+1.0	1.0
			SW 1/4 NE 1/4	2.1	2.1		2.1
	15 E	13	SE 1/4 NE 1/4	12.8	12.8		12.8
							96.9 Total

(If more space required, attach separate sheet)

SEE #13



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MAR 9 1978

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SALEM, OREGON

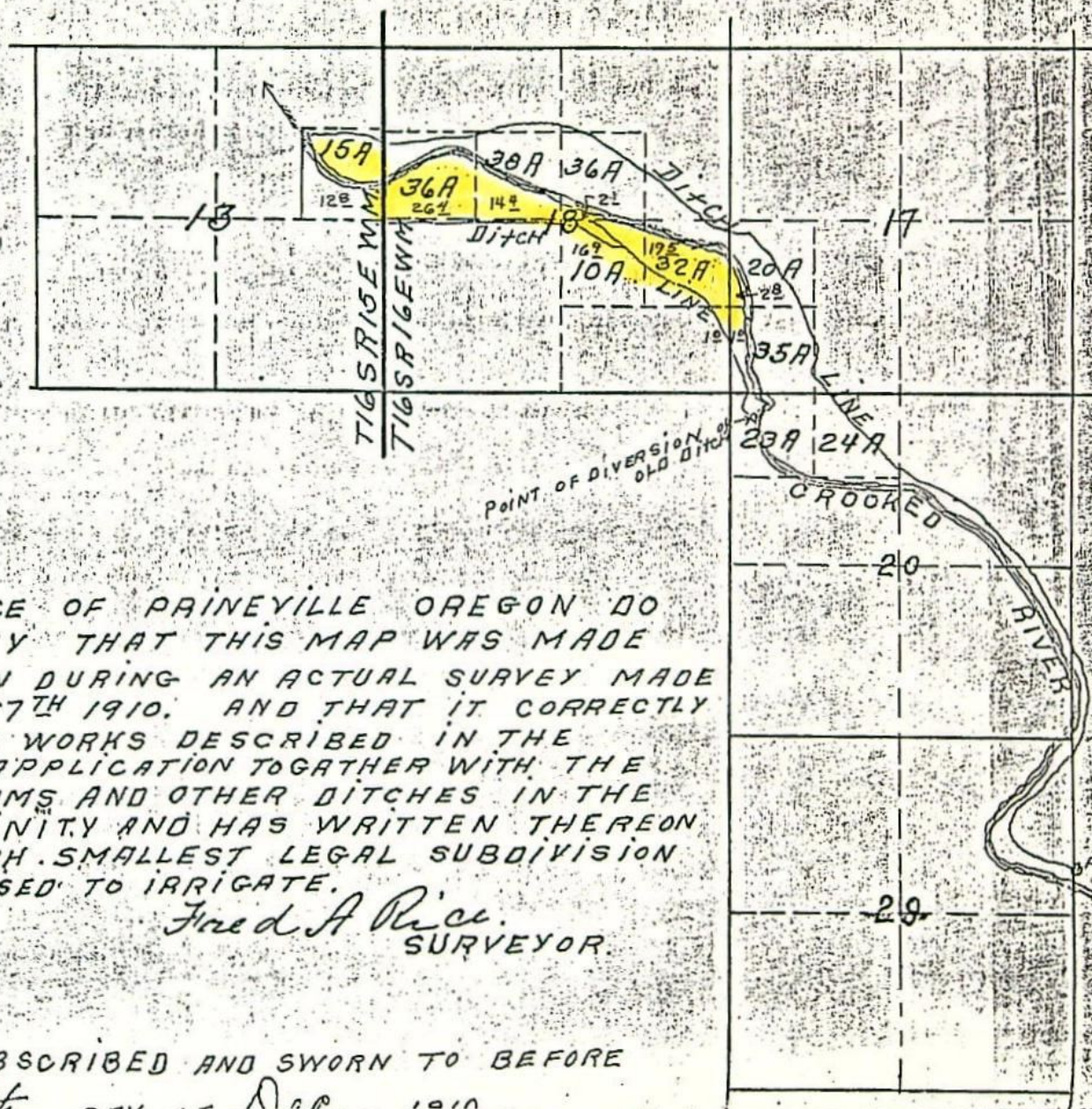
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JUN 27 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

# MAP OF F S HOFFMAN DITCH

Scale 40 CHAINS = 1 Inch.



I FRED A RICE OF PRINEVILLE OREGON DO  
HEREBY CERTIFY THAT THIS MAP WAS MADE  
FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE  
BY ME ON NOV 17TH 1910. AND THAT IT CORRECTLY  
REPRESENTS THE WORKS DESCRIBED IN THE  
ACCOMPANYING APPLICATION TOGETHER WITH THE  
LOCATION OF STREAMS AND OTHER DITCHES IN THE  
IMMEDIATE VICINITY AND HAS WRITTEN THEREON  
THE AREA IN EACH SMALLEST LEGAL SUBDIVISION  
WHICH IT IS PROPOSED TO IRRIGATE.

Fred A Rice.  
SURVEYOR.

SUBSCRIBED AND SWORN TO BEFORE  
ME THIS 6th DAY OF Dec., 1910

M. R. Elliott.  
NOTARY PUBLIC.



T-3351

POINTS OF DIVERSION

T 16S, R 16 EWM

P.O.D. #1. 2,940' S, <sup>450'</sup>~~200'~~ W from NE corner Sec. 18 in the NE 1/4 SE 1/4

P.O.D. #2. 1,670' S, <sup>4210'</sup>~~3960'~~ W from NE corner Sec. 18 in the SW 1/4 NW 1/4

T 16S, R 15 EWM

P.O.D. #3. 1,150' S, <sup>1320'</sup>~~1070'~~ W from NE corner Sec. 13 in the NE 1/4 NE 1/4

P.O.D. # 3 . Land in the NE 1/4 NE 1/4, Sec. 13, T 16S, R 15 EWM is leased from Warren Storkman. His new transfer of POD is used to irrigate lands on right side of river, but also wish to be able to irrigate from POD #2 also on these lands under POD #3.

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SALEM, OREGON

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OCT 23 1978

WATER RESOURCES DEPT.  
SALEM, OREGON



14. Reasons for the proposed changes are ..... Ditches have been damaged and sprinkler  
irrigation is now being used.

15. Construction work will be completed on or before ..... April 1<sup>st</sup> 1979

16. The water will be completely applied to the proposed use on or before ..... April 1, 1979

Remarks ..... The lands on the left side of Crooked River which were  
covered by 1909 water have not been used and should be canceled.

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE  
BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF  
USE, AS THE CASE MAY BE.

#### AFFIDAVIT OF APPLICANT

I, Joyce Stearns Barney, 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 16 day of October, 1978

Joyce Stearns Barney  
(Name of applicant)

Subscribed and sworn to before me this 16 day of October, 1978

[Notarial Seal]

William R. Vandenberg  
NOTARY PUBLIC FOR OREGON

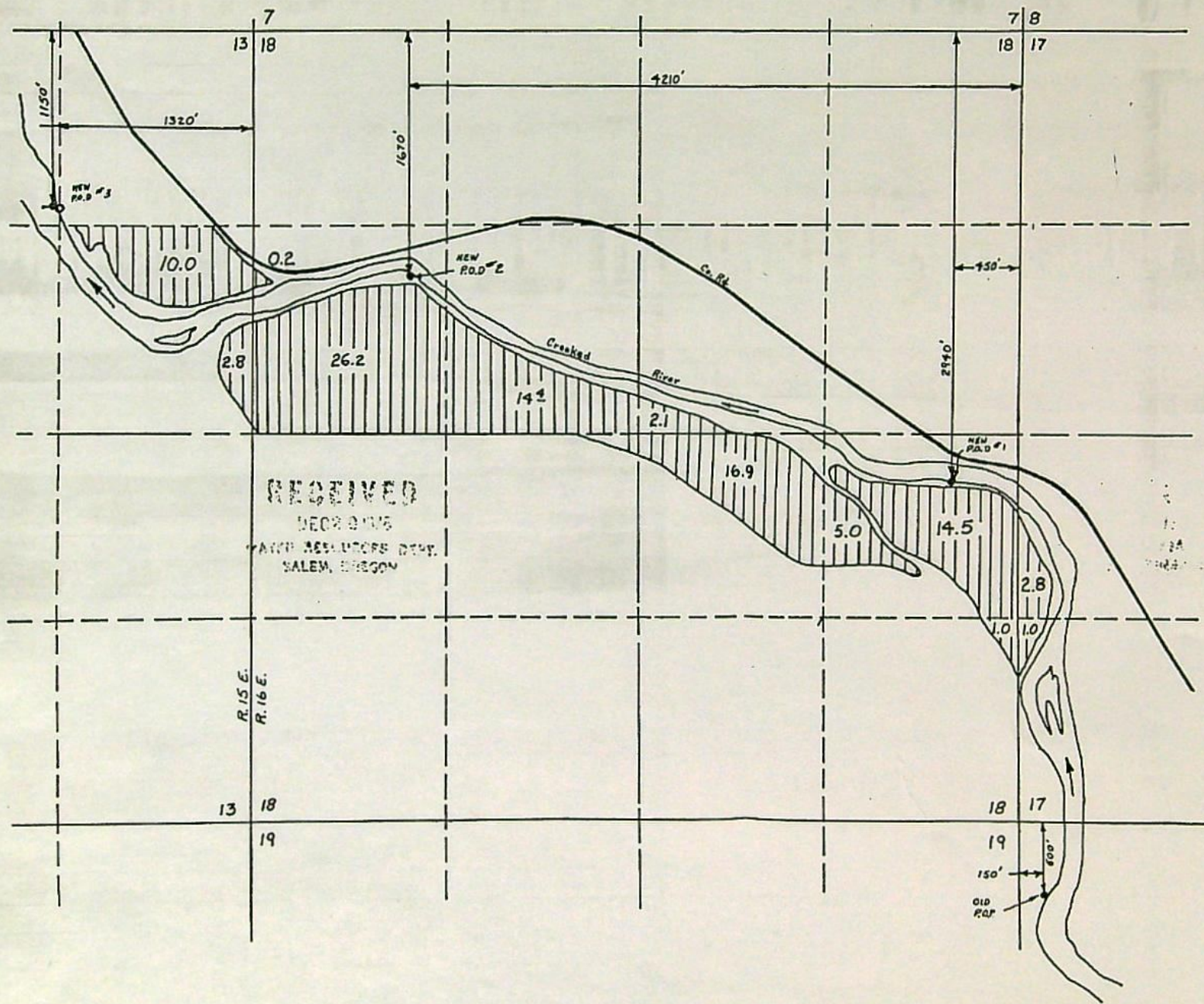
My commission expires 3-28-82

THIS APPLICATION PREPARED BY:

Diane Clark  
FROM INFORMATION FURNISHED BY  
THE APPLICANT.

*This map was done with the best info  
that I could find*









## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: May 30, 1979FROM: \*\* Robert F. Main, Jr., WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 3351IN THE NAME OF Joyce Stearns Barney, Trustee

In my opinion the proposed changes in place of use & point of diversion of water from  
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right. Crooked River

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which  
serves this right.

If for change in point of diversion, is there any intervening point of diversion  
between the authorized and the proposed points of diversion? yes  
(yes or no)

In my opinion, the order approving the subject transfer application should include  
the following in regard to the appropriator installing suitable measuring devices  
in the diversion works:

- X (1) PRIOR to the diverting of water at the new point of diversion . . .  
\_\_\_\_\_ (2) When in the judgment of the watermaster it becomes necessary . . .

\* The approval of this transfer application would result in injury to other water  
rights because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*

Bob Main  
Watermaster's signature or initials

RECEIVED

JUN 4 1979

WATER RESOURCES DEPT.  
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 January 17, 1979

Issue date January 24, 1979

Issue date January 31, 1979

Issue date.....

Issue date.....

The fee charged for the above publication was

\$ 39.00

James O. Smith  
Publisher

Subscribed and sworn to before me this 31st

day of January, 19 79

Beverly B. Thomas  
Notary Public for Oregon

My Commission expires July 13, 1982

## NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3351

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Joyce Stearns Barney, Trustee, for approval of changes in place of use and point of diversion from Crooked River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 586, Volume 1, State Record of Water Right Certificates, in the name of Frank S. Hoffman, describes a right which includes the use of not to exceed 1.21 cubic feet per second from Crooked River for irrigation of a certain 12.8 ac in SE 1/4 NE 1/4 of Sec 13, T 16S, R 15E, WM; 2.8 ac in NW 1/4 SW 1/4 & 1.0 ac in SW 1/4 SW 1/4 of Sec 17; 2.1 ac in SW 1/4 BE 1/4, 26.4 ac in SW 1/4 NW 1/4, 14.4 ac in SE 1/4 NW 1/4, 27.6 ac in NE 1/4 SE 1/4 and 9.8 ac in NW 1/4 SE 1/4 of Sec 18, T 16S, R 16E, WM, with a date of priority of 1893.

The points of diversion of record for the said right are located (1) 500 ft S & 150 ft E from the NW Corner of Sec 20, being within the NW 1/4 NW 1/4 of Sec 20, T 16S, R 16E, WM; and (2) 1620 ft S & 420 ft W from the NE Corner of Sec 29, being within the SE 1/4 NE 1/4 of Sec 29, T 16S, R 16E, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use for a portion of said right by severing the right from a certain 8.1 ac in NE 1/4 SE 1/4 of said Sec 18, and, without loss of priority, to irrigate in lieu thereof a certain 7.1 ac in NW 1/4 SE 1/4 and 1.0 ac in SE 1/4 SE 1/4 of said Sec 18.

The applicant also proposes to change from the aforesaid points of diversion and, without loss of priority, to irrigate all of the lands under the aforesaid right from three points of diversion located:

(a) 2940 ft S & 450 ft W from the NE Corner of Sec 18, being within the NE 1/4 SE 1/4 of Sec 18, T 16S, R 16E, WM;

(b) 1670 ft S & 4210 ft W from the NE Corner of Sec 18, being within the SW 1/4 NW 1/4 of Sec 18, T 16S, R 16E, WM;

(c) 1150 ft S & 1320 ft W from the NE Corner of Sec 13, being within the NE 1/4 NE 1/4 of Sec 13, T 16S, R 15E, WM.

All persons interested are notified hereby that a hearing will be held at the Crook County Courthouse at Prineville, Oregon, on March 13, 1979, 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 served on Joyce Stearns Barney, P. O. Box 683, 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 protest will be furnished by the Water Resources Dept. upon request.

Dated at Salem, Oregon this 12th day of January, 1979.

James E. Sexson  
Director  
74,76,78c





STATE OF OREGON

INTEROFFICE MEMO

TO: Transfer Files No. M-202, 3351 and  
Application Files No. R-45702, 45703

DATE: August 24, 1978

FROM: Jim Carver *Jim C.*

SUBJECT:

On August 23, 1978, a meeting was held in the office of Emile P. Bachand at 310 North Court, Prineville, Oregon, attended by Emile P. Bachand, as engineer and authorized representative for E. P. Miller (Leisure Development Company), Mrs. Joyce Stearns Barney, Duane Clark, Assistant Watermaster, and James W. Carver, Jr., in regard to the above referenced applications.

Mrs. Barney and Mr. Bachand confirmed that it is agreeable to all parties that the lands involved in transfer application No. 3351, in the name of Joyce Stearns Barney, deal with all of the 1893 priority and part of the 1909 priority under the Hoffman right described by certificate 586 and that the lands involved in transfer application No. M-202, in the name of Leisure Development Company (E. P. Miller), deal only with the 1909 priority.

Both parties also are agreeable to including a statement on their respective transfer applications authorizing cancellation of the difference between the total of acres described by the Hoffman certificate and the total of acres actually being irrigated, which are involved in the two transfers.

Transfer application No. 3351 and the supporting sketch map were handed to Mrs. Barney at the meeting and she turned them over to the assistant watermaster, who is assisting her in further completion of the application and map.

Transfer application No. M-202 and water right applications No. R-45702 and 45703 were handed to Emile Bachand for further completion; the water right applications being endorsed so that in order to retain their present dates of priority, they must be received in the office of the Water Resources Director on or before October 23, 1978.

The assistant watermaster is in possession of aerial photography which shows the extent of lands which have continued to be irrigated under the Hoffman right. Mr. Bachand stated that he has made surveys on the lands and has data in his files which he will make available to the assistant watermaster for use in correctly showing the location of section lines and section sub-division lines on a map to be prepared from the aerial photographs to correctly show the lands involved in the above referenced applications, said map to be used to support the said applications.

During the meeting, Mr. Bachand handed Mr. Carver copies of Leisure Development Company's deeds to the properties involved in the applications filed in the name of Miller, which copies have been placed in file No. M-202.

lcj.



378 3066

July 14, 1977

Reference: 3351

Joyce Barney  
Stearns Cattle Company  
P.O. Box 683  
Prineville, OR 97754

Mr. Edward Miller's engineer contacted us regarding completion of Mr. Miller's applications for his pond, change in use of water and change in point of diversion.

Mr. Howard Dietrich had submitted an application for you for approval of a change in point of diversion for lands described in the right involved in Mr. Miller's application. Mr. Dietrich asked that any questions be addressed to you.

Based on the information I have, the irrigated land under the right is all north and east of the river. Also based on the information I have, most of this is Miller property. I am writing to Mr. Miller's engineer for maps and records needed to complete his application. I can then be more definite in outlining what is needed to complete your application. The map Mr. Dietrich sent is too small of a scale to make any determination. I will write as soon as I get the information so there will be no conflict in the two applications.

Sincerely

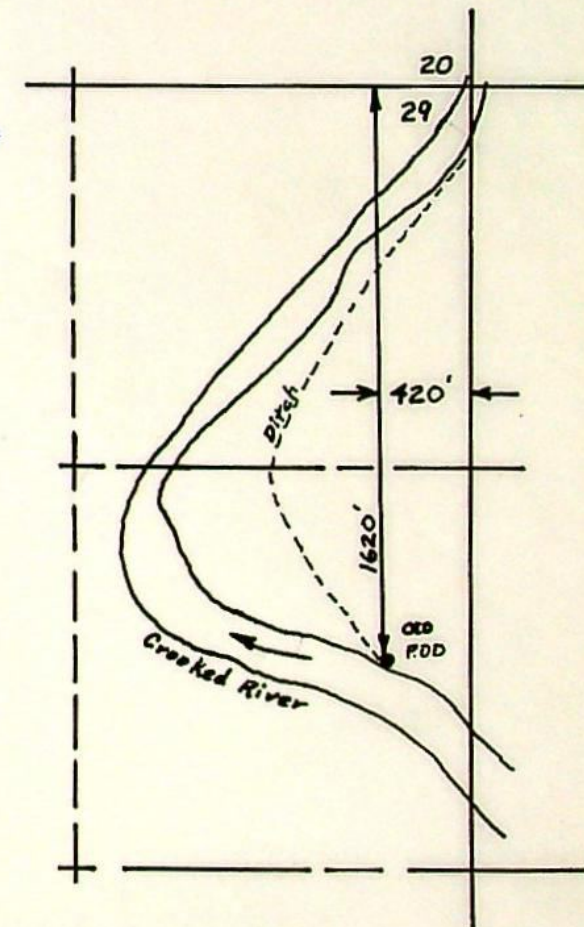
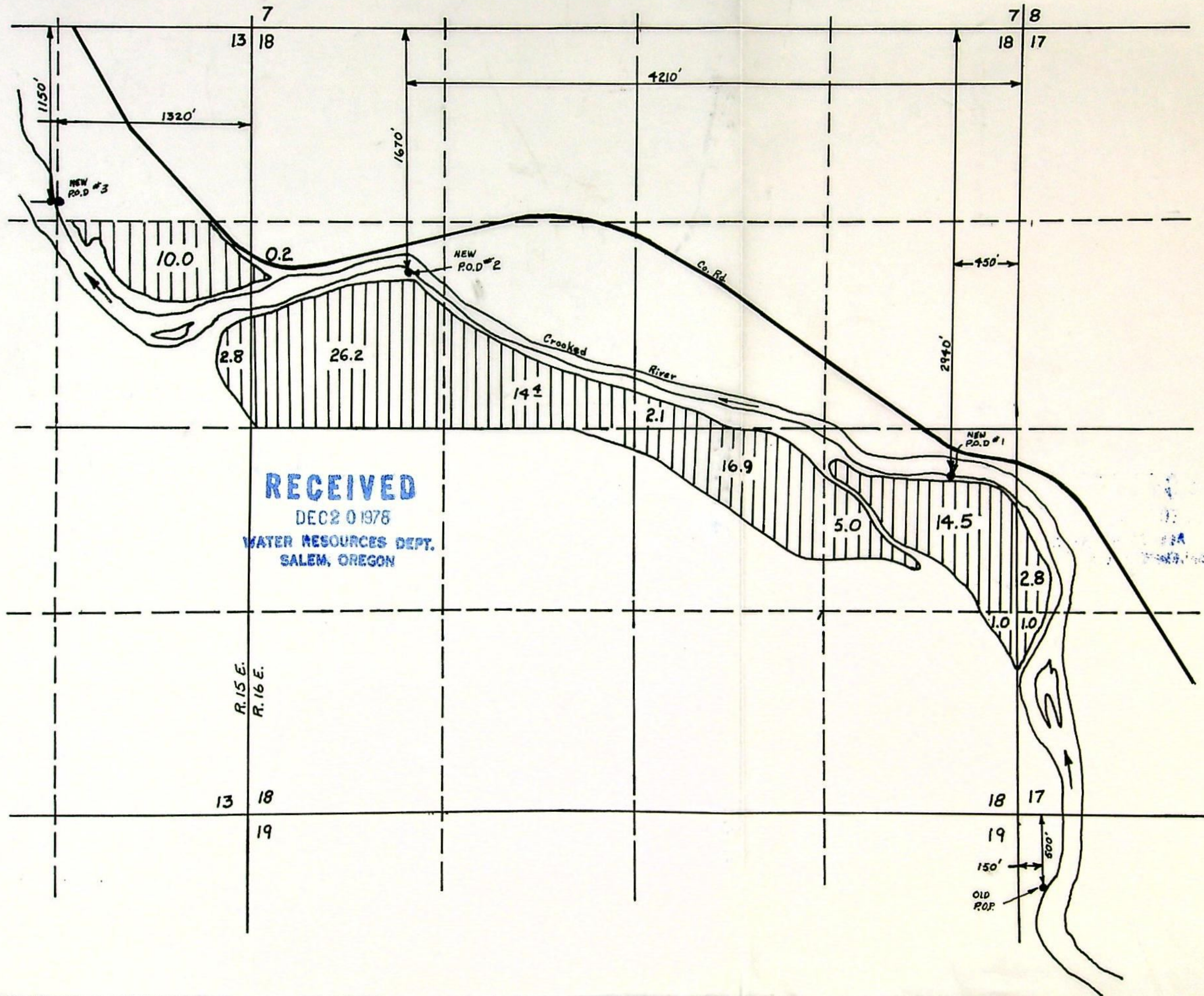
Trevor Jones

cc: Bruce Estes, Watermaster, District No. 11

TJ:vp



T. 16 S. R. 15-16 E. W.M.





BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION OF )  
LEISURE DEVELOPMENT COMPANY FOR AP- )  
PROVAL OF CHANGES IN POINT OF DIVER- )  
SION AND USE OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. M-202

On January 9, 1969, an application was filed in the office of the Water Resources Director by Leisure Development Company (E.P. Miller) for approval of changes in point of diversion and use theretofore made of water from Crooked River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 586, Volume 1, State Record of Water Right Certificates, in the name of Frank S. Hoffman, describes a right allowed by decree of the court in the Crooked River adjudication, which includes the use of not to exceed 1.27 cubic feet per second of water under a priority date of April 24, 1909, for irrigation of a certain 101.4 acres of land, being 4.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 20.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17; 22.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.3 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 16.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 4.1 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 0.2 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 18; 10.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 21.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, Township 16 South, Range 16 East, W.M.; and the use of not to exceed 0.17 cubic foot per second of water under a date of priority of 1893 for irrigation of a certain 13.1 acres of land, being 9.3 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.3 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 18.

The point of diversion of record for the aforesaid right is located 1620 feet South and 420 feet West from the Northeast Corner of Section 29, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 16 South, Range 16 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the use theretofore made of water from Crooked River under a date of priority

131, P537



of 1893, severing the right from the said 9.3 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.3 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 18, and, without loss of priority, hereafter use the subject 0.17 cubic foot per second of water for maintenance of Upper and Lower Rainbow Lake Reservoirs constructed under the provisions of Reservoir Permit No. R-7711, for the purpose of recreation within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, NE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, Township 16 South, Range 16 East, W.M.

The applicant herein also proposes to change from the aforesaid point of diversion and, without loss of priority, hereafter divert water for irrigation of the said lands in Section 18 from a point located North 16 degrees 21 minutes East, a distance of 300 feet from the Center Corner of Section 18, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 18, Township 16 South, Range 16 East, W.M.; and divert water for irrigation of said lands in Sections 17 and 20, and for maintenance of said recreation reservoirs, from a point located South 64 degrees 30 minutes East, a distance of 3145 feet from the Northwest Corner of Section 20, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, Township 16 South, Range 16 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 24 and March 3 and 10, 1969.

On June 2, 1969, a protest in the name of Ochoco Irrigation District was filed against approval of the subject application on the grounds that the construction and operation of a diversion dam within the channel of Crooked River at the proposed new point of diversion, as described in the application as filed, would interfere with the operation of the said District under their water rights from Crooked River and Prineville Reservoir. Subsequently, the applicant amended the application to eliminate the proposed construction or operation of any dam within the channel of Crooked River for diversion of water for the subject water rights,

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and the Ochoco Irrigation District, on the basis of the amendment, withdrew its protest against approval of the application.

The watermaster for the Watermaster District within which the subject water rights are located has filed a statement to the effect that the proposed changes in point of diversion and use heretofore made of water may be made without injury to existing water rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion and use heretofore made of water from Crooked River, as described herein, without loss of priority, are approved.

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

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 the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

The water rights described by the certificate issued in the name of Frank S. Hoffman and recorded at page 586, Volume 1, State Record of Water Right Certifi-



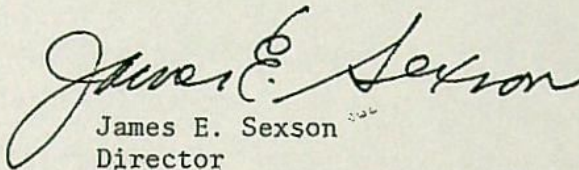
cates, in their entirety, are for use of not to exceed 1.38 cubic feet per second of water from Crooked River under a priority date of 1893 for irrigation of a certain 110 acres of land, and for the use of not to exceed 1.99 cubic feet per second of water from Crooked River under a date of priority of April 24, 1909, for irrigation of a certain 159 acres of land. Of the said rights, the use of not to exceed 1.21 cubic feet per second for irrigation of a certain 96.9 acres under a priority date of 1893 is involved in pending transfer application No. 3351 in the name of Joyce Stearns Barney for changes in place of use and point of diversion. The remainder of the said right under a priority date of 1893 is involved herein. Also, the right for use of not to exceed 1.27 cubic feet per second for irrigation of a certain 101.4 acres under a priority date of April 24, 1909, is involved herein. The remainder of said right under a priority date of April 24, 1909, being for the use of not to exceed 0.72 cubic foot per second for irrigation of a certain 2.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 13, Township 16 South, Range 15 East, W.M.; 12.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 13.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17; 11.1 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 3.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18; 13.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, Township 16 South, Range 16 East, W.M., is appurtenant to the applicant's lands and is the subject of the following statement contained within the application: "The balance of the lands in the fields involved, shown as irrigated on the Rice Map and listed in Certificate No. 586 have not been irrigated in the past 5 years or more, if ever, and the Water Resources Director is hereby authorized to clear his records of same."

NOW, THEREFORE, it is FURTHER ORDERED that the right for use of 0.72 cubic foot per second of water from Crooked River under a priority date of April 24, 1909, for irrigation of a certain 2.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 13, Township 16 South, Range 15 East, W.M.; 12.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 13.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17; 11.1 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 3.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18; 13.2



acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, Township 16 South, Range 16 East, W.M., being a portion of the right described by the certificate issued in the name of Frank S. Hoffman and recorded at page 586, Volume 1, State Record of Water Right Certificates, be, and the same hereby is, canceled.

Dated at Salem, Oregon this 18th day of January, 1979.

  
James E. Sexson  
Director