

STATUS OF APPLICATION

Change in add'l point of diversion
 Date filed 12-13-76
 Date of hearing 2-22-77
 Place of hearing Prineville
 Date of order 3-17-77 Vol. 28, page 381
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received DEC 19 1977
 Certificate issued 1/19/2007 Vol. 37, page 45029
82333

to survey 10/78

DESCRIPTION OF WATER RIGHT

Name of stream Corant Creek
 Trib. of _____ County of Crook
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 28552 Per. No. 22333 Cert. No. 32527
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>12-13-76</u>	<u>85.00</u>	<u>57204</u>
TOTAL . . .		
<u>12-13-76</u>	<u>2.00</u> Cert. Fee	<u>57205</u>

FEES REFUNDED

Date	Amount	Check No.
<u>2-8-77</u>	<u>\$16.50</u>	<u>1104</u>

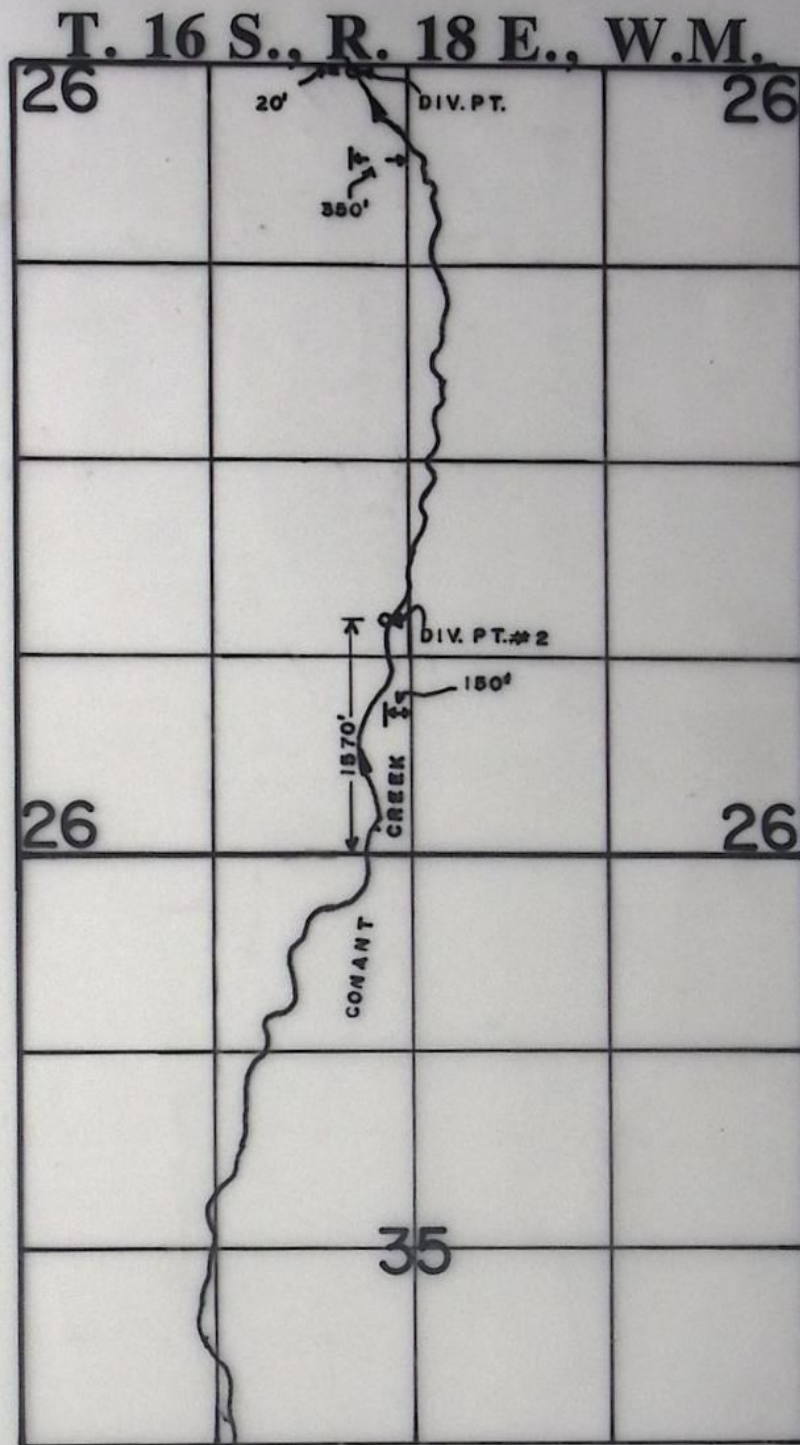
*Paid newspaper
Central Oregonian
Ch. # 1103 \$33.50*

Fees Ex 20-
Pd 15-
35

REMARKS

INDEX CARDS:		Entered	Checked
<u>WH</u>	Name	<u>✓</u>	_____
<u>WH</u>	Stream	<u>✓</u>	_____
<u>WH</u>	Pt. of Div.	<u>✓</u>	_____
<u>WH</u>	Calendar	<u>✓</u>	_____
CHECKED TO RECORDS:			
<u>0</u>	Twp. & Rge.	_____	_____
_____	Decree-vault	_____	_____
_____	Decree-safe	_____	_____
<u>✓</u>	Cert. of W/R	<u>✓</u>	_____
<u>✓</u>	Per. Folder	<u>✓</u>	_____
_____	Chaindex	_____	_____
_____	Cross Ref.	_____	_____
<u>✓</u>	Power Claim	<u>✓</u>	_____
<u>✓</u>	Abstracts	<u>✓</u>	_____

TO BE ENTERED WHERE CHECKED



FINAL PROOF SURVEY

UNDER

TRANSFER NO. 3499
IN NAME OF

JOHN & DOLLY BEOLETTO

Surveyed NOV 3, 1992, by R.M.SUTTERFIELD

SCALE: 1"=1320'

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN & DOLLY BEOLETTO
122808 CONANT BASIN ROAD
PRINEVILLE, OREGON 97754

confirms the right to use the waters of CONANT CREEK, a tributary of CROOKED RIVER, for IRRIGATION of 43.8 ACRES.

This right was perfected under Permit 22333. The date of priority is JUNE 22, 1953. This right is limited to 0.52 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: SE 1/4 SW 1/4, SECTION 26, T 16 S, R 18 E, W.M.; 850 FEET NORTH AND 2300 FEET EAST FROM THE SW CORNER, SECTION 26).

The points of diversion (POD) are located as follows:

POD 2: NE 1/4 SW 1/4, SECTION 26, T 16 S, R 18 E, W.M.; 1570 FEET NORTH AND 150 FEET WEST FROM THE SOUTH 1/4 CORNER, SECTION 26.

NEW POD: NE 1/4 NW 1/4, SECTION 26, T 16 S, R 18 E, W.M.; 20 FEET SOUTH AND 350 WEST FROM THE NORTH 1/4 CORNER, SECTION 26.

The quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points of diversion, and shall not exceed 0.52 cubic foot per second from any combination thereof.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NE 1/4	0.1 ACRE
SW 1/4 NE 1/4	1.2 ACRES
NE 1/4 NW 1/4	6.0 ACRES
SE 1/4 NW 1/4	0.8 ACRE
NE 1/4 SW 1/4	13.2 ACRES
SE 1/4 SW 1/4	8.0 ACRES
NW 1/4 SE 1/4	0.4 ACRE

SECTION 26

NE 1/4 NW 1/4	8.2 ACRES
SW 1/4 NW 1/4	4.0 ACRES
SE 1/4 NW 1/4	1.6 ACRES
NW 1/4 SW 1/4	0.3 ACRE

SECTION 35

TOWNSHIP 16 SOUTH, RANGE 18 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

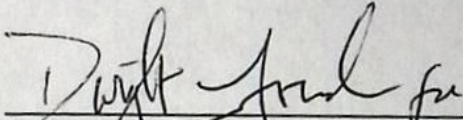
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION AND AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered MARCH 17, 1977, approving Transfer Application T-3499, and together with Certificate 45029 supersedes Certificate 32527, State Record of Water Right Certificates.

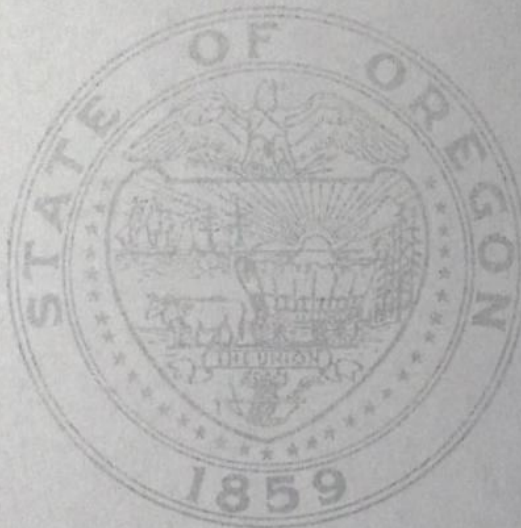
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

JAN 19 2007



Phillip C. Ward, Director
Oregon Water Resources Department



Recorded in State Record of Water Right Certificates numbered 82333

T-3484.JWG

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION }
OF JOHN AND DOLLY BEOLETTO FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM CONANT }
CREEK }

ORDER APPROVING
TRANSFER NO. 3499

On December 13, 1976, John and Dolly Beoletto filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Conant Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 32527, Volume 24, State Record of Water Right Certificates, in the name of John Beoletto, describes an existing right of record which includes the use of not to exceed 0.52 cubic foot per second from Conant Creek for irrigation of 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.8 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 13.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, and 8.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.3 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 16 South, Range 18 East, W.M., with a date of priority of June 22, 1953.

Water for the said right is diverted from two points located (1) 3100 feet South and 1140 feet East and (2) 850 feet North and 2300 feet East from the Southwest corner of Section 26, being within the (1) NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, and (2) SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 16 South, Range 18 East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the point of diversion from said point No. 2 to a point located 1400 feet North and 2500 feet East from the Southwest corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 16 South, Range 18 East, W.M.; and to establish an additional point of diversion

at a point located 100 feet South and 2200 feet East from the Northwest corner of Section 26, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 16 South, Range 18 East, W.M.

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 December 27, 1976, and January 3 and 10, 1977.

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

No objection having been filed and it appearing that the proposed changes 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 requested changes in point of diversion from Conant Creek 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 points of diversion, and shall not exceed 0.52 cubic foot per second from any combination thereof.

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 on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to John Beoletto and recorded at Page 32527, Volume 24, 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 applicants herein.

Dated at Salem, Oregon, this 17th day of March, 1977.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF

CROOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN BEOLETTO

of Star Route, Prineville, State of Oregon, 97754, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Lucky Creek

a tributary of Crooked River
irrigation of 26.1 acres

for the purpose of

under Permit No. 22333 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 June 22, 1953 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 0.65 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 SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T. 16 S., R. 18 E., W. M.

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:

6.8 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
1.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
0.2 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27

6.9 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
2.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
7.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
0.4 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 34

T. 16 S., R. 18 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 32527, Volume 24, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on March 17, 1977, approving transfer application No. 3499. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. December 19, 1977

James E. Sexson

Water Resources Director

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 December 27, 1976

Issue date January 3, 1977

Issue date January 10, 1977

Issue date _____

Issue date _____

The fee charged for the above publication was

\$ 33.50

James O. Smith
Publisher

Subscribed and sworn to before me this 10th

day of January, 19 76

Lester B. Thomas
Notary Public for Oregon

My Commission expires July 13, 1978

NOTICE OF WATER RIGHT
TRANSFER APPLICATION NO. 3499
FOR CHANGE IN
POINT OF DIVERSION

Notice is given hereby that John and Dolly Beoleto have filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Conant Creek.

Certificate of water right recorded at Page 32527, Vol. 24, State Record of Water Right Certificates, in the name of John Beoleto, describes an existing right of record which includes the use of not to exceed 0.52 cubic foot per second from Conant Creek for irrigation of 0.1 acre in NW 1/4 NE 1/4, 1.2 acres in SW 1/4 NE 1/4, 6.0 acres in NE 1/4 NW 1/4, 0.8 acre in SE 1/4 NW 1/4, 13.2 acres in NE 1/4 SW 1/4, 8.0 acres in SE 1/4 SW 1/4 and 0.4 acre in NW 1/4 SE 1/4 of Sec. 26, and 8.2 acres in NE 1/4 NW 1/4, 4.0 acres in SW 1/4 NW 1/4, 1.6 acres in SE 1/4 NW 1/4 and 0.3 acre in NW 1/4 SW 1/4 of Sec. 35, T. 16 S., R. 18 E., W.M., with a date of priority of June 22, 1953.

Water for the said right is diverted from two points located (1) 3100 ft. S. and 1140 ft. E. and (2) 1850 ft. N. and 2300 ft. E. from the SW corner of Sec. 26, being within the (1) NW 1/4 SW 1/4 of Sec. 35, and (2) SE 1/4 SW 1/4 of Sec. 26, T. 16 S., R. 18 E., W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the point of diversion from said point No. 2 to a point located 1400 ft. N. and 2500 ft. E. from the SW corner of Sec. 26, being within the NE 1/4 SW 1/4 of Sec. 26, T. 16 S., R. 18 E., W.M.; and to establish an additional point of diversion at a point located 100 ft. S. and 2200 ft. E. from the NW corner of Sec. 26, being within the NE 1/4 NW 1/4 of Sec. 26, T. 16 S., R. 18 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Prineville, Or., on Feb. 17, 1977, 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 John and Dolly Beoleto, Paulina Star Route, box 2201, Prineville, Or., 97754, and one copy filed with the Water Resources Department, Salem, Oregon, 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS 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 17th day of December, 1976.

JAMES E. SEXSON
Director
67-6971

RECEIVED

JAN 19 1977

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN BOOLETTO

of Star Route, Prineville, 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 Lucky Creek and Conant Creek

a tributary of Crooked River
irrigation of 69.9 acres

for the purpose of

under Permit No. 22333 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 June 22, 1953

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 1.17 cubic feet per second, being 0.65 c.f.s. from Lucky Creek and 0.52 c.f.s. from Conant Creek

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T. 16 S., R. 18 E., W. M.

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:

Lucky Creek
6.8 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
1.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
0.2 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27
6.9 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
2.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
7.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
0.4 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 34
T. 16 S., R. 18 E., W. M.

Conant Creek
0.1 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
6.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
0.8 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
13.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
8.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
0.4 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 26
8.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
4.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
1.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.3 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 35
T. 16 S., R. 18 E., W. M.

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 State Engineer, affixed

this date. November 17, 1965

CHRIS L. WHEELER

State Engineer