

3733 City of Sisters

3733

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in Use POD  
Date filed 7-21-77  
Date of hearing October 27, 1977  
Place of hearing Bend  
Date of order 10-28-77 Vol. 29, page 501  
Date for application of water 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received DEC 19 1977  
Certificate issued AUG 19 1992 Vol. 37, page 45032  
67706

Name of stream Squaw Creek  
Trib. of \_\_\_\_\_ County of Deschutes  
Use Irr. to Municipal  
Quantity of water \_\_\_\_\_ No. of acres 10 of 73  
Name of ditch \_\_\_\_\_  
Date of priority 1885  
In name of Edwin C. Wyman  
Squaw Cr. Adjudication, Vol. 1, page 479  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. V.2. p 864  
Certificate cancelled \_\_\_\_\_  
Notation made on record by OIL Cert.

| Date                 | Amount        | Receipt No.            |
|----------------------|---------------|------------------------|
| 7-21-77              | \$45.00       | 62633                  |
| 8-1-77               | 50.00         | 62855                  |
| TOTAL                |               |                        |
| 2-8-78               | \$2 Cert fee  | 1018                   |
| 10-21-77             | \$2 Cert. Fee | Transferred from 62633 |
| The Bulletin \$36.67 |               | 10/21/77 OK 1687       |

FEES REFUNDED

| Date     | Amount | Check No. |
|----------|--------|-----------|
| 10-21-77 | \$6.33 | 1688      |
| Recd     |        | 95 -      |
| Exam     | 20     |           |
| POD      | 15     |           |
| USE      | 15     |           |
| Cert     | 2      |           |
| PON      | 36.67  |           |
|          |        | 88.67     |

REMARKS

CARD FOR C DEC 26 1979

| INDEX CARDS:        |              | Entered | Checked |
|---------------------|--------------|---------|---------|
| ✓                   | Name         | lg      |         |
| ✓                   | Stream       | lg      |         |
| ✓                   | Pt. of Div.  |         |         |
| ✓                   | Calendar     | lg      |         |
| CHECKED TO RECORDS: |              |         |         |
| ✓                   | Twp. & Rgn.  | lg      |         |
| ✓                   | Deed-vault   | lg      |         |
| ✓                   | Deed-safe    | lg      |         |
| ✓                   | Cert. of W/R |         |         |
| ✓                   | Pat. holder  |         |         |
| ✓                   | Chundex      |         |         |
| ✓                   | Cross Ref.   |         |         |
| ✓                   | Power Claims |         |         |
| ✓                   | Abstracts    | lg      |         |

STATE OF OREGON

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 E. C. WYMAN  
of 30 N. La Salle Street, Chicago  
State of Illinois has a right to the use of  
the waters of Squaw Creek, tributary of the Deschutes River  
(Decree says Pole Creek via Smith & Wilt Ditch)  
for the purpose of the irrigation of <sup>63</sup> ~~75~~ acres of land

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 <sup>STATE WATER BOARD</sup> ~~Board~~ of the State of Oregon, in Volume 1, at page 471; that the priority of the right hereby confirmed dates from 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 purpose, and shall not exceed <sup>1.26</sup> ~~1.46~~ cubic feet per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered 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:

3 acres in the NE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>; 32<sup>1</sup>/<sub>2</sub> acres in the NW<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>; 32<sup>1</sup>/<sub>2</sub> acres in the SW<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>; 5 acres in the SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>; Section Eight (8) Township Fifteen (15) South, Range Ten (10) East of Willamette Meridian, in Crook County, Oregon.

3.0 acres NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
32.5 acres NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
22<sup>1</sup>/<sub>2</sub> 32.5 acres SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
5.0 acres SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
Sec 8

T 15 S, R 10 E, WM.

~~63 ac~~

~~1.26 cfs~~

T # 3733

~~10 ac~~  
0.20 cfs

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 864, Volume 2, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct 28, 1977, approving transfer application No. 3733.

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

By JOHN H. LEWIS  
State Engineer, President

Attest:

M. F. MESS

Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 864

T-3733

45032

*Re sent  
on 12/12/92*

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF SISTERS  
SISTERS, OREGON 97759

*PO Box 39*

confirms the right to use the waters of POLE CREEK, a tributary of SQUAW CREEK, for MUNICIPAL USE.

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 471. The date of priority is 1885.

The use is limited to 0.20 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

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.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 19, T 15 S, R 10 E, W.M.; 1540 FEET SOUTH 36 DEGREES WEST FROM THE NE CORNER OF SECTION 19.

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  
SW 1/4  
SW 1/4 SE 1/4  
SECTION 4

E 1/2 SW 1/4  
W 1/2 SE 1/4  
SE 1/4 SE 1/4  
SECTION 5

E 1/2 NE 1/4  
SECTION 8

NE 1/4  
NW 1/4  
SECTION 9

TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

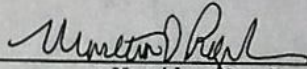
This certificate is issued to confirm a change in USE, PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 28, 1977, and together with Certificate 45032, supersedes Certificate 864, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

SEE NEXT PAGE

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed  
AUGUST 19, 1992.



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67706.

T-3733.DJ

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF )  
CITY OF SISTERS FOR APPROVAL OF )  
CHANGES IN POINT OF DIVERSION AND )  
USE OF WATER FROM POLE CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3733

On July 21, 1977, an application was filed in the office of the Water Resources Director by City of Sisters for changes in point of diversion and use heretofore made of water under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 864, Volume 2, State Record of Water Right Certificates, in the name of E. C. Wyman, describes a right which includes the use of not to exceed 0.20 cubic foot per second from Pole Creek for irrigation of 10.0 acres in S $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 8, Township 15 South, Range 10 East, W.M., with a date of priority of 1885.

The authorized diversion of water for the said right is through the Smith and Wilt Ditch, from a point located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, Township 15 South, Range 10 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion and use heretofore made and, without loss of priority, to hereafter use the water appropriated for municipal use through its municipal water supply system in SW $\frac{1}{4}$  and SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4; SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5; E $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 8 and N $\frac{1}{2}$  of Section 9, from a point of diversion located 14 chains South and 12 chains West from the Northeast corner of Section 19, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, all within Township 15 South, Range 10 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the

Bend B

U29  
P501-303

Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of September 1, 8 and 15, 1977.

Mr. Bruce Estes, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion and use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in point of diversion and use heretofore made 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 Pole Creek, 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 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 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 E. C. Wyman and recorded at page 864, Volume 2, State Record of Water Right Cer-

tificates, 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 28th day of October, 1977.

/s/ James E. Sexson  
Director

(Copy of notice to  
be pasted here)

**NOTICE OF WATER  
RIGHT TRANSFER  
APPLICATION NO.  
3733**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by the City of Sisters, Oregon for approval of changes in point of diversion and use heretofore made of water from Pole Creek.

The certificate recorded at page 864, Volume 2, State Record of Water Right Certificates, in the name of E.C. Wyman, describes a right which includes the use of not to exceed 0.20 cubic foot per second from Pole Creek for irrigation of 10.0 acres in S $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 8, Township 15 South, Range 10 East, WM, with a date of priority of 1885.

The authorized diversion of water for the said right is through the Smith & Wilt Ditch, from a point located within the

NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 17, T 15 S, R 10 E, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion and use heretofore made and, without loss of priority, to hereafter use the water appropriated for municipal use through its municipal water supply system, in SW $\frac{1}{4}$  and SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 4; SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 5; E $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec 8 and N $\frac{1}{2}$  of Sec 9, from a point of diversion located 14 chains S and 12 chains W from the NE corner of Sec 19, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 19, all within T 15 S, R 10 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Bend, Oregon, on October 27, 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 the City of Sisters, Oregon 97759 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 25th day of August, 1977.

James E. Sexson  
Director

230, 236, 242c

## Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES, — ss.

I, Sharon Hansen, being first duly sworn, depose and say that I am the General Manager, Advertising Manager, Principal Clerk of the Publisher, of The Bulletin, a newspaper of general circulation printed and published at Bend in the aforesaid county and state as defined by ORS 193.010 and ORS 193.020, that Notice of Water Right

Transfer Application No. 3733

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: September 1, 8 and 15, 1977

Sharon Hansen

Subscribed and sworn to before me this 15th day of September, 19 77.

Margot McWilliams  
Notary Public for Oregon

(My Commission Expires September 8, 1978)

No. ....

In the ..... Court of the

STATE OF OREGON  
for the  
COUNTY OF DESCHUTES

RECEIVED

SEP 28 1977

WATER RESOURCES DEPT  
SALEM, OREGON

**Affidavit of Publication**

Filed ....., 19.....

By ..... Clerk.

Deputy.

From the Office of

Attorney for .....

536-2508, LaPine.

BIG GENTLE mare, sale for any age  
\$450. Six year old buckskin  
gelding - \$650. Redmond 548-  
3435.

BRAND NEW 4 horse trailer, \$2150  
cash. 382-1450 or 382-1495.

ONE TON Ford horse truck. Excep-  
tionally good condition. \$1,200.  
382-7190 evenings.

TWO HORSE trailer, double axle,  
\$1,000. Redmond 548-1310  
evenings.

THREE REGISTERED polled  
herefords; bred cow and calf,  
yearling heifer. Excellent 4-H or  
FFA projects. Four year AQHA  
gelding started for experienced  
rider; 2 year appendix filly. Both  
are gentle. 382-8120 evenings.

HEREFORD HEIFER, 15 months, 382-  
7833.

ONE HALF Holstein milk cow with or  
without calf. Also one cow and  
calf. Call 548-2812.