

ASPEN VALLEY RANCH

3596

STATUS OF APPLICATION

Change in POD

Date filed 3-21-77

Date of hearing 8-2-77

Place of hearing Prineville

Date of order 9-22-77 Vol. 29, page 360

Date for application of water 10-1-79

Proof mailed

Proof received

Certificate issued DEC 29 1989 Vol. _____, page 53825

DESCRIPTION OF WATER RIGHT

Name of stream Crooked River

Trib. of County of Crook

Use irrigation

Quantity of water No. of acres 90 -

Name of ditch Post

Date of priority

In name of

..... Adjudication, Vol., page

App. No. 5032 Per. No. 3003 Cert. No. 3708

Certificate cancelled

Notation made on record by

to survey 1/80

OLC cert

FINIS

REMARKS:

CARD FOR C DEC 26 1979

FEES PAID

Date	Amount	Receipt No.
3-21-77	\$ 85.00	59185
TOTAL . . .		
	No Cert. Fee	

Pd. 8/31/77 Central Oregonian Ch. # 1449 (27.00)

FEES REFUNDED

Date	Amount	Check No.
8-31-77	^B 23.00	1448

Recd 85⁰⁰

Exam 20

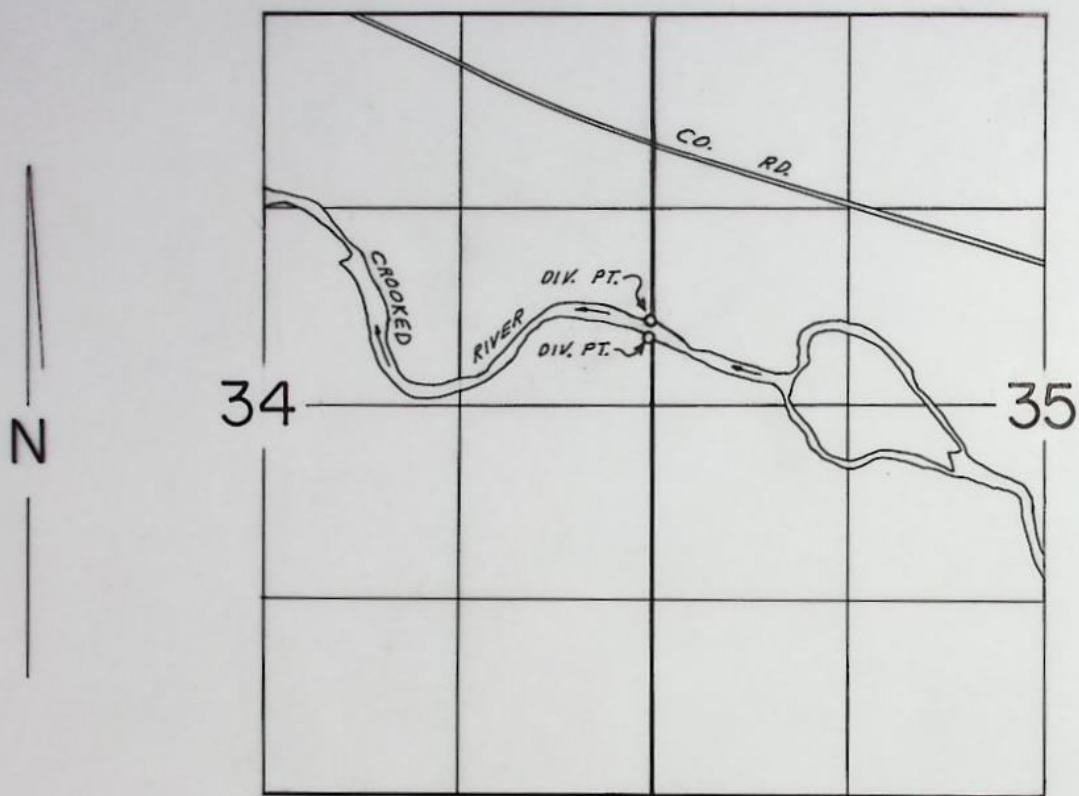
POD 15 (35⁰⁰)

PON (27⁰⁰)

Refund \$ 23⁰⁰ ✓

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	lg	
<input checked="" type="checkbox"/>	Stream	lg	
<input type="checkbox"/>	Pt. of Div.		
<input checked="" type="checkbox"/>	Calendar	lg	
<input type="checkbox"/>	CHECKED TO RECORDS:		
<input type="checkbox"/>	Twp. & Rge.		
<input type="checkbox"/>	Deed result		
<input type="checkbox"/>	Deed date		
<input checked="" type="checkbox"/>	Cert. of W/R		
<input checked="" type="checkbox"/>	Pat. Number		
<input type="checkbox"/>	Chainex		
<input type="checkbox"/>	Cross Ref.		
<input checked="" type="checkbox"/>	Power Claim		
<input type="checkbox"/>	Abstracts	lg	

T.16S., R.19E., W.M.



DIV. PTS. LOC. 2100' S. & 10' W. AND 2200' S. & 10' W.
BOTH FROM THE NE COR. SEC. 34

SCALE: 1" = 1320'

FINAL PROOF SURVEY

UNDER

TRANSFER 3596

IN NAME OF

ASPEN VALLEY RANCH

Surveyed AUG. 3 1988, by B. BISHOP

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION OF)
APSEN VALLEY RANCH FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM CROOKED RIVER)

ORDER APPROVING
TRANSFER NO. 3596

On March 21, 1977, an application was filed in the office of the Water Resources Director by Aspen Valley Ranch for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3708, Volume 5, State Record of Water Right Certificates, in the name of Joseph R. Post, describes a right for the use of not to exceed 1.13 cubic feet per second from Crooked River for irrigation of 16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 25.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 17.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 32.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 16 South, Range 19 East. W.M., with a date of priority of July 8, 1916.

Water for the said right is diverted, through the Post Ditch, from a point located 1060 feet South and 260 feet East from the West quarter corner of Section 36, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 16 South, Range 19 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 2000 feet South and 10 feet West from the Northeast corner of Section 34, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 16 South, Range 19 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 June 8, 15 and 22, 1977.

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

1127
P.360-361

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water available at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 1.13 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Joseph R. Post and recorded at page 3708, Volume 5, State Record of Water Right Certificates, is canceled, 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 22nd day of September, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

This is to Certify, That

JOSEPH R. POST

of ^{Post} ^{State of} ^{Oregon}, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of ^{Crooked River} ^{for the purpose of} ^{irrigation} a tributary of ^{Deschutes River} under Permit No. 3003 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 447, on the 15th day of November, 1922; that the priority of the right hereby confirmed dates from July 8, 1916

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 1.13 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands 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: 16 acres in the Northeast quarter of Northeast quarter; 25 acres in the Northwest quarter of Northeast quarter; 32 acres in the Southeast quarter of Northeast quarter and 17 acres in the Southwest quarter of Northeast quarter of Section Thirty-four, Township Sixteen South, Range Nineteen East of Willamette Meridian, in Crook County, Oregon. Containing in all 90 acres.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 15th day of November, 1922.

(Seal of State Water Board)

STATE WATER BOARD

By PERCY A. CUPPER
State Engineer, President

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificate, Volume 5, page 3708.

Affidavit of Publication

RECEIVED

JUN 27 1977

WATER RESOURCES DEPT
SALEM, OREGON

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 June 8, 1977

Issue date June 15, 1977

Issue date June 22, 1977

Issue date _____

Issue date _____

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3596

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Aspen Valley Ranch for approval of a change in point of diversion from Crooked River.

The certificate recorded at Page 3708, Vol. 5, State Record of Water Right Certificates, in the name of Joseph R. Post, describes a right for the use of not to exceed 1.13 cubic feet per second from Crooked River for irrigation of 16.0 acres in NE 1/4 NE 1/4, 25.0 acres in NW 1/4 NE 1/4, 17.0 acres in SW 1/4 NE 1/4 and 32.0 acres in SE 1/4 NE 1/4 of Sec. 34, T. 16 S., R. 19 E., W.M., with a date of priority of July 8, 1916.

Water for the said right is diverted through the Post Ditch from a point located 1060 ft. S. and 260 ft. E. from the W 1/4 corner of Sec. 36, being within the NW 1/4 SW 1/4 of Sec. 36, T. 16 S., R. 19 E., W.M.

The applicants herein, owner of the lands above described, propose to change the point of diversion, without loss of priority, to a point located 2000 ft. S. and 10 ft. W. from the NE corner of Sec. 34, being within the SE 1/4 NE 1/4 of Sec. 34, T. 16 S., R. 19 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Prineville, Oregon, on Aug. 2, 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 Aspen Valley Ranch, Post, Oregon 97752, 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 24th day of May, 1977.

JAMES E. SEXSON
Director
10, 12, 14

The fee charged for the above publication was

\$ 27.00

James O. Smith
Publisher

Subscribed and sworn to before me this 22nd

day of June, 19 77

Sueley B. Thomas
Notary Public for Oregon

My Commission expires July 13, 1978