

OWNERSHIP UPDATE

3605

STATUS OF APPLICATION

Change in point of diversion & place of use
Date filed 3-28-77
Date of hearing Dec 13, 1978
Place of hearing Prineville
Date of order 12-22-78 Vol. 31, page 513
Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued MAY 21, 2010 Vol. _____, page 86229

to den 12/80

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek, trib of Crooked R.
Trib. of _____ County of Crook
Use irrigation
Quantity of water _____ No. of acres 108²
Name of ditch _____
Date of priority _____
In name of _____
Crooked River Adjudication, Vol. 1, page 316
App. No. _____ Per. No. _____ Cert. No. 529
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3/28/77</u>	<u>5525</u>	<u>59316</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>12-14-78</u>	<u>7.50</u>	<u>2983</u>

Exam 20 -
POU 12 75
POD 15 -
47 75

PON on 3604 & 3605 together

REMARKS

CARD FOR C NOV 4 1980

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒	Name	<u>lg</u>
☒	Stream	<u>lg</u>
☒	Pl. of Div.	<u>lg</u>
☒	Calendar	<u>lg</u>
☒	CHECKED TO RECORD	
☒	Twp. & Rgn.	<u>lg</u>
☒	Decree-vault	<u>lg</u>
☒	Decree-safe	<u>lg</u>
☒	Cert. of W/R	<u>lg</u>
☒	Per. Folder	<u>lg</u>
☒	Chainindex	<u>lg</u>
☒	Cross Ref.	<u>lg</u>
☒	Power Claim	<u>lg</u>
☒	Abstracts	<u>lg</u>

STATE OF OREGON
COUNTY OF CROOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WM.R. MCCORMACK
28833 SE BEAR CREEK RD
PRINEVILLE OR 97754

confirms the right to use the waters of BEAR CREEK, tributary to CROOKED RIVER for IRRIGATION of 150.0 ACRES, DOMESTIC AND STOCK 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 449. The date of priority is 1900.

The amount of water to which this right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually used beneficially for said purposes, and shall not exceed a reasonable amount for domestic and stock use, and 1.88 CUBIC FEET PER SECOND (CFS); BEING 1.35 CFS FOR TRACT 1 AND 0.53 CFS FOR TRACT 2, FOR IRRIGATION.

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
ORIGINAL TRACT 1	19 S	17 E	WM	11	NE SE		80 FEET SOUTH FROM E 1/4 CORNER, SECTION 11
ORIGINAL TRACT 2	19 S	18 E	WM	18		8	630 FEET SOUTH AND 2689 FEET EAST FROM NW CORNER, SECTION 18
# 2 ADDITIONAL TRACT 1	19 S	17 E	WM	2	NW SE		1340 FEET NORTH & 1420 FEET WEST FROM SE CORNER, SECTION 2
# 3 ADDITIONAL TRACT 2	19 S	18 E	WM	7		6	320 FEET NORTH & 820 FEET EAST FROM SW CORNER, SECTION 7

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

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

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

TRACT 1						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
19 S	17 E	WM	2	SW NE		1.4
19 S	17 E	WM	2	SE NW		0.3
19 S	17 E	WM	2	NE SW		0.8
19 S	17 E	WM	2	SE SW		0.9
19 S	17 E	WM	2	NE SE		13.7
19 S	17 E	WM	2	NW SE		30.4
19 S	17 E	WM	2	SW SE		12.4
19 S	17 E	WM	2	SE SE		24.1
19 S	17 E	WM	11	NE NE		17.8
19 S	17 E	WM	11	NW NE		4.6
19 S	17 E	WM	11	SE NE		1.6

TRACT 2						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
19 S	18 E	WM	7		3	3.3
19 S	18 E	WM	7		4	12.7
19 S	18 E	WM	7		6	26.0

The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

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

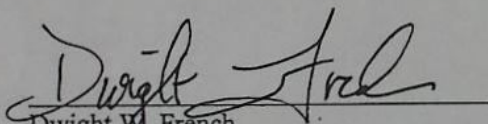
the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

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 PLACE OF USE AND ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered December 22, 1978, at Special Order Volume 31, Page 513, approving Transfer Application 3605, and supersedes Certificate 529, 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 and is subject to all other conditions and limitations contained in said decree.

Issued MAY 21 2010


Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Oregon Water Resources Department

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CROOK COUNTY

IN THE MATTER OF THE APPLICATION)
OF WM. R. McCORMACK FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3605

On March 28, 1977, an application was filed in the office of the Water Resources Director by Wm. R. McCormack for approval of changes in place of use and points of diversion of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 529, Volume 1, State Record of Water Right Certificates, in the name of Henry W. Carlin, describes a right which includes the use of not to exceed 1.88 cubic feet per second from Bear Creek with a date of priority of 1900 for irrigation of a certain 150 acres in tracts No. 1 and No. 2, being 1.35 cubic feet per second for the irrigation of tract No. 1 consisting of 13.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 8.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 21.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2; and 31.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 19 South, Range 17 East, W.M.; and 0.53 cubic foot per second for irrigation of tract No. 2 consisting of 16.0 acres in Lot 4 and 26.0 acres in Lot 6 of Section 7, Township 19 South, Range 18 East, W.M.

The authorized point of diversion for irrigation of tract No. 1 is located 80 feet South from the East Quarter Corner of Section 11, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 19 South, Range 17 East, W.M. The authorized point of diversion for irrigation of tract No. 2 is located 630 feet South and 2689 feet East from the Northwest Corner of Section 18, being within Lot 8 of Section 18, Township 19 South, Range 18 East, W.M.

The applicant herein proposes to change the place of use and establish an additional point of diversion for tract No. 1 and, without loss of priority, to hereafter irrigate a certain 0.9 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 5.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1; 6.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 22.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 2.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 32.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2; 11.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11; and 0.3 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 19 South, Range 17 East, W.M., from the point of diversion as located above for tract No. 1 and from an additional point of diversion located 1570 feet

131, P513

North and 1075 feet West from the Southeast Corner of Section 2, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 19 South, Range 17 East, W.M.

The applicant herein also proposes to establish an additional point of diversion for tract No. 2, without loss of priority, at a point located 125 feet North and 925 feet East from the Southwest Corner of Section 7, being within Lot 6 of Section 7, Township 19 South, Range 18 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 October 23 and 30; and November 6, 1978.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed changes in place of use and points 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 points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective 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 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 additional point of diversion of water established and that said water so trans-

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ferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 529, Volume 1, 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 new certificate of water right shall be issued confirming the changes authorized herein and covering the balance of the right NOT involved in this proceeding.

Dated at Salem, Oregon this 22nd day of December, 1978.

James E. Sexson¹¹⁴
Director

By *Charles L. Wheeler*
Deputy

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 HENRY W. CARLIN
of Roberts State of Oregon has a right to the use of
the waters of Bear Creek, a tributary of Crooked River

for the purpose of the irrigation of 150 acres of land, and domestic and stock 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 1900,

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 a reasonable amount for domestic and stock use, and 1.88 cubic feet per second for irrigation from July 1st to September 15th of each year. 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:

13 acres in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$; 8 acres in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$; 21 acres in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$; 35 acres in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$; Section Two (2): 31 acres in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$; Section Eleven (11): Township Nineteen (19) South Range Seventeen (17) East of Willamette Meridian: 16 acres in Lot 4: 26 acres in Lot 6; Section Seven (7) Township Nineteen (19) South Range Eighteen (18) East of Willamette Meridian, in Crook County, Oregon.

Note:
The limited irrigation season set forth herein is in error and should conform to the season as defined in the Decree. See document filed adjacent to Certificate 845.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State
Water Board
[redacted], affixed this 21st day

of September, 1914.

STATE WATER BOARD
[redacted]

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest:

M. F. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 529

T #3605

RECEIVED

NOV 20 1978

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 October 23, 1978

Issue date October 30, 1978

Issue date November 6, 1978

Issue date _____

Issue date _____

The fee charged for the above publication was

\$ 38.00

James O. Smith
Publisher

Subscribed and sworn to before me this 6th

day of November, 19 78

Beverly B. Thomas
Notary Public for Oregon

My Commission expires July 13, 1982

NOTICE OF WATER RIGHT

TRANSFER APPLICATION NO. 3465

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Wm. R. McCormack for approval of changes in place of use and point of diversion from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 529, Volume 1, State Record of Water Right Certificates, in the name of Henry W. Carlin, describes a right which includes the use of not to exceed 1.88 cubic feet per second from Bear Cr with a date of priority of 1900 for irrigation of a certain 150 ac in tracts No. 1 and No. 2, being 1.35 cfs for irrigation of tract No. 1 consisting of 108 ac in SE 1/4 of Sec 2 and NE 1/4 of Sec 11, T 19S, R 17E, WM, and 0.53 cfs for irrigation of tract No. 2 consisting of 42 ac in Lots 4 and 6 of Sec 7, T 19S, R 18E, WM.

The authorized point of diversion for irrigation of tract No. 1 is located 80 ft S from the E 1/4 Cor of Sec 11, being within the NE 1/4 SE 1/4 of Sec 11, T 19S, R 17E, WM. The authorized p.o.d. for irrigation of tract No. 2 is located 630 ft S and 2689 ft E from the NE Cor of Sec 18, being within Lot 8 of Sec 18, T 19S, R 18E, WM.

The applicant herein proposes to change the place of use and establish an additional p.o.d. for tract No. 1, without loss of priority, to hereafter irrigate a certain 0.9 ac in NW 1/4 SW 1/4, 5.6 ac in SW 1/4 SW 1/4 of Sec 1; 6.2 ac in SW 1/4 NE 1/4, 0.2 ac in SE 1/4 NE 1/4, 25.4 ac in NE 1/4 SE 1/4, 22.4 ac in NW 1/4 SE 1/4, 2.5 ac in SW 1/4 SE 1/4, 32.3 ac in SE 1/4 SE 1/4 of Sec 2; 11.4 ac in NE 1/4 NE 1/4, 0.8 ac in SE 1/4 NE 1/4 of Sec 11; and 0.3 ac in NW 1/4 NW 1/4 of Sec 12, T 19S, R 17E, WM, from the p.o.d. as located above for tract No. 1 and from an additional p.o.d. 1570 ft N and 1075 ft W from the SE Cor of Sec 2, being within the NE 1/4 SE 1/4 of Sec 2, T 19S, R 17E, WM.

The applicant herein also proposes to establish an additional p.o.d. for tract No. 2, without loss of priority, at a point located 125 ft. N and 925 ft E from the SW Cor of Sec 7, being within Lot 6 of Sec 7, T 19S, R 18E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Prineville, Oregon on December 13, 1978, 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 Wm. R. McCormack, Roberts Rt, 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 Department upon request.

Dated at Salem, Oregon this 16th day of October, 1978.

James E. Sexson
Director
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