

Application No. 1649

Permit No. 823

Certificate No. 2734

Name E. H. Tirrill,

By .....

Address O'Neill, Ore.

Date filed .....

Action suspended until .....

Returned to applicant .....

Date completed .....

Date of approval .....

## CONSTRUCTION

Date for beginning .....

Date for completion .....

Extended to .....

Date for application of water .....

Extended to .....

## PROSECUTION OF WORK

Form "A" filed .....

Form "B" filed .....

Form "C" filed .....

## FINAL PROOF

Blank mailed .....

Proof received .....

Date certificate issued .....

Receipt for recording fee No. ....

## FEE PAID

Date	Amount	Receipt No.
------	--------	-------------

Total .....	.....
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## FEES REFUNDED

[illegible]

## ASSIGNMENTS

Date	To whom	Address	Volume	Page
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## REMARKS





# Oregon

Kate Brown, Governor

S-1649

Water Resources Department  
North Mall Office Building  
725 Summer St NE, Ste A  
Salem, OR 97301  
Phone: 503-986-0900  
Fax: 503-986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

July 26, 2019

BUTLER RANCH INC.  
5294 NW LONE PINE RD  
TERREBONNE, OR 97760

REFERENCE: Transfer Application T-11373

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Laura Wilke, by telephone at (503) 986-0888 or by e-mail at [Laura.K.Wilke@oregon.gov](mailto:Laura.K.Wilke@oregon.gov).

Sincerely,

Ashley N. Mosley  
Water Right Services Support  
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. #11 (via email)  
Linda Lee Miller, CWRE  
John A. Short, Agent  
U.S. Bureau of Reclamation  
Crook County Planning Department

Enclosure





BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-11373, Crook County	)	CHANGES IN PLACE OF USE OF
	)	WATER RIGHTS

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

BUTLER RANCH INC.  
5294 NW LONE PINE RD.  
TERREBONNE, OR 97760

**Findings of Fact**

1. On March 19, 2012, Butler Ranch Inc. filed an application to change the place of use under Certificates 83850 and 2734 and to diminish a portion of Certificate 2734. The Department assigned the application number T-11373.
2. Notice of the application for transfer was published on March 27, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Instream Transfer Application T-11347 was filed on January 27, 2012, by BUTLER RANCH INC. to change the place of use and character of use for a portion of Certificates 87331 and 2734 from irrigation and supplemental irrigation to instream use. The water rights to be changed under Transfer Application T-11347 are appurtenant to some of the same lands to be modified in T-11373. The two transfers are being processed concurrently.
4. On multiple occasions between October 14, 2015, and September 21, 2016, the Department contacted the applicant's agent by telephone and written correspondence (email) to notify and discuss deficiencies in the application. Clarification was requested for the quarter-quarters with remaining rights, and for the certificates involved in the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.



5. Between November 4, 2015, and September 21, 2016, information was received resolving the deficiencies. A September 21, 2016, email confirms that as part of the clarification, it was determined and agreed that Certificate 2734 will be a part of Transfer Application T-11347 and not a part of Transfer Application T-11373. The request to diminish a portion of Certificate 2734 has been withdrawn. In addition, 14.3 acres of supplemental irrigation under Certificate 87331 (supplemental to Certificate 2734) is requested to be added to this transfer and moved to a different primary water right similar to Certificate 2734.
6. On January 11, 2017, the Department mailed a copy of the Draft Preliminary Determination (DPD) proposing to approve Transfer Application T-11373 to the applicant. The DPD cover letter set forth a deadline of February 9, 2017, for the applicant to respond. On February 9, 2017, the agent, on behalf of the applicant, requested additional time to respond to the DPD and provide the additional information requested.
7. On December 18, 2017, Philip and Penelope Knight filed a permanent Transfer Application T-12795 to change the place of use of a portion of Certificate 87331. The 20 acres of irrigation use proposed for transfer to a new place of use under Transfer Application T-12795 is all but 1.7 acres of irrigation use proposed for transfer to instream use under Transfer Application T-11347. The place of use from which Certificate 87331 is proposed to be moved from under Transfer Application T-12795 also involves a portion of Certificate 2734 proposed for transfer under Transfer Application T-11373. Transfer Application T-12795 is being processed concurrently with this transfer application and Instream Transfer Application T-11347.
8. On January 29, 2018, Philip and Penelope Knight filed Temporary Transfer Application T-12834, which proposed to temporarily transfer the same acreage as requested under Permanent Transfer Application T-12795. This temporary transfer was approved by the Department on April 25, 2018, as evidenced by Special Order Volume 107, Page 1180, and is to expire on October 31, 2022. The agent (John Short, Water Right Services) for Permanent Transfer Application T-12795 and Temporary Transfer T-12834 is also the agent for Instream Transfer Application T-11347 and Regular Transfer Application T-11373.
9. Both the Permanent Transfer Application T-12795 and Temporary Transfer Application T-12834 conflict with the proposed actions under Instream Transfer Application T-11347 and Permanent Place of Use Transfer Application T-11373.
10. On February 28, 2018, the Department contacted the agent for both transfer applicants to resolve the conflict between the four transfer applications. On March 16, 2018, the agent submitted a request to amend Instream Transfer Application to transfer 1.7 acres of primary irrigation under Certificate 87331 and 14.3 acres primary irrigation under certificate 2734 to instream use. Based on the amendment to Transfer Application T-11347, no changes need to be made to Transfer Application T-11373. The agent also requested that all three transfers be processed concurrently to avoid any inadvertent transfer issues.
11. Amended application materials were received from the applicant's agent on March 31, 2018.



12. Based upon review of the materials provided, on September 26, 2018, the Department sent an additional deficiency letter to the transfer applicant requesting revisions to the transfer application map (consistent with application mapping requirements under OAR 690-380-3100) and revised application materials to clearly describe the portion of each right to be transferred, including clarification of the existing delivery system. The Department requested that this information be provided by October 25, 2018. On October 9, 2018, the agent (John Short, Water Right Services) for the transfer applicant provided revised application maps and a description of the water rights and delivery system sufficient to meet Department application requirements.
13. However, the revised application maps still needed some modification.
14. On October 22, 2018, the Department sent the applicant's agent a request for additional revisions to the transfer application map, specifically the map showing the place of use from which the portion of Certificate 87331 is being transferred and the remaining portion of that certificate not being transferred. The Department requested that the revised application map be provided to the Department by November 20, 2018.
15. Transfer Application T-11373 proposes to transfer a portion of Certificate 83850 held by the Bureau of Reclamation (BOR). The Department identified, for the portion of Certificate 83850 proposed for transfer, the applicant needed to obtain consent from the U.S. Bureau of Reclamation, the holder of that water right. A request that consent be obtained was sent to the applicant's agent on October 11, 2018. The request identified that the consent should be provided to the Department by November 9, 2018.
16. On December 3, 2018, the Department received notice that the BOR has provided consent to the proposed transfer application.
17. On December 10, 2018, the Department mailed a copy of a revised draft Preliminary Determination proposing to approve Transfer Application T-11373 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of December January 18, 2019, for the applicant to respond. The applicant's agent requested that the Department proceed with issuance of a Preliminary Determination and provided the reports of ownership requested by the Department. However, upon review of the reports of ownership, the Department identified several deficiencies in the reports and additional information necessary to complete review.
18. Revised reports of ownership were received by the department on February 28, 2019. The revised reports were sufficient to demonstrate that the applicant is authorized to pursue the transfer.
19. On May 3, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-11373 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 7, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.



20. The portion of the first right to be transferred is as follows:

**Certificate:** 83850 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-25991)  
**Use:** IRRIGATION of 25.2 ACRES  
**Priority Date:** APRIL 8, 1914  
**Rate:** 0.64 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from Prineville Reservoir. Use of the water requires the existence of a current contract between the landowners and the United States Bureau of Reclamation.  
**Source:** CROOKED RIVER, tributary to the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	22	NE NE	DIRECT DIVERSION NO. 47A - 1300 FEET SOUTH FROM THE NE CORNER OF SECTION 22

**Authorized Place of Use:**

PRIMARY IRRIGATION WITHOUT STORED WATER					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	15	NE SW	15.1
14 S	14 E	WM	15	NE SE	8.8
14 S	14 E	WM	15	NW SE	1.3
Total:					25.2

21. Transfer Application T-11373 proposes to change the place of use of the right to:

PRIMARY IRRIGATION WITHOUT STORED WATER					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	15	NE SE	2.2
14 S	14 E	WM	15	NW SE	0.8
14 S	14 E	WM	15	SE SE	22.2
Total:					25.2

22. The proposed place of use for Certificate 83850 has a pre-existing water right for irrigation under Certificate 87331 that is proposed to be transferred to instream use under Transfer Application T-11347 and is being processed concurrently with this transfer application.

23. The portion of the second right to be transferred is as follows:

**Certificate:** 87331 in the name of CLAUDE BUTLER (perfected under Permit S-17167)  
**Use:** SUPPLEMENTAL IRRIGATION of 14.3 ACRES  
**Priority Date:** JULY 23, 1946  
**Limit/Duty:** 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 irrigated and shall



be further limited to a diversion of not to exceed 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.

Source: CROOKED RIVER, a tributary of the DESCHUTES RIVER

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	22	NW NW	14.3

24. Transfer Application T-11373 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	15	SE SE	14.3

25. Certificate 87331 does not describe the measured distances of the point of diversion, however information is available from the applicant's agent and Certified Water Right Examiner (CWRE) indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	22	NE NE	DIRECT DIVERSION NO. 47A - 1300 FEET SOUTH FROM THE NE CORNER OF SECTION 22

26. Certificate 87331 appears to be a partially deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact No. 23), the total rate and duty for the water right would be exceeded.

However, upon review of the water right record, Certificate 87331 (previously Certificate 22454) was to provide a full 1/40<sup>th</sup> CFS per acre for primary irrigation of lands in Section 15. In addition, water use for irrigation in Section 22 was originally intended to be supplemental to Certificate 2734 (priority date of 1911). Certificate 2734 allows the equivalent diversion of 1/80<sup>th</sup> CFS per acre. Water use under Certificate 87331 could then be used to bring the rate of water that may be applied to supplemental acreage in Section 22 up to a full 1/40<sup>th</sup> CFS per acre with the equivalent of an additional 1/80<sup>th</sup> CFS per acre.

Based upon the current water right record and Final Proof map for Certificate 22454 (preceding certificate to 87331), there are 103.5 acres of primary irrigation and 101.9 acres of supplemental irrigation under Certificate 87331. Certificate 87331 allows the diversion of up to 3.89 CFS for irrigation and supplemental irrigation but does not specify how much water may be used for each type of irrigation.

It appears that up to 2.59 CFS may be used for primary irrigation (a full 1/40<sup>th</sup> CFS per acre for irrigation of 103.5 acres) and up to 1.3 CFS for supplemental irrigation (a full additional 1/80<sup>th</sup> CFS per acre for supplemental irrigation of 101.9 acres).



All acreage proposed for transfer from Certificate 87331 is for supplemental irrigation. The quantity available for transfer is as described in the table below. This rate and duty are also the quantities by which Certificate 87331 shall be reduced if this transfer is approved.

Rate	Duty
0.18 CFS	57.2

*Transfer Review Criteria [OAR 690-380-4010(2)]*

27. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
28. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11373.
29. Consistent with OAR 690-380-2240(5), the priority dates and sources for the primary irrigation right (Certificate 2734) located at the place of use from which the supplemental irrigation right (Certificate 87731) is being moved are similar in reliability to that of the primary irrigation water right (Certificate 82850) to be located at the proposed place of use.
30. The proposed changes, as modified, would not result in enlargement of the rights.
31. The proposed changes, as modified, would not result in injury to other water rights.
32. After proof of completion, any water right Certificate issued to confirm the changes to Certificate 83850 under Transfer Application T-11373 is to remain in the name of the U.S. Bureau of Reclamation.

**Conclusions of Law**

The changes in place of use proposed in Transfer Application T-11373 are with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

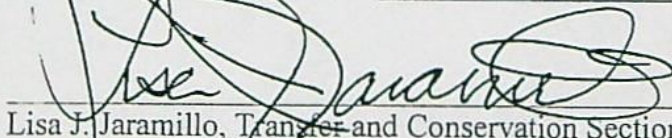
1. The changes in place of use proposed in Transfer Application T-11373 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 83850 and 87331 and any related decree.
3. Water right Certificate 87331 is modified and will be cancelled upon approval of Transfer Applications T-11347, T-11373, and T-12795. A new certificate will be issued describing that portion of the right not affected by this transfer and Transfer Applications T-11347 and T-12795. The rate and volume available for supplemental irrigation at the new place of use will be limited to:



Rate	Annual Volume
0.18 CFS	57.2 AF

4. Water right Certificate 83850 is modified. The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of diversion described in Findings of Fact No. 20 and 25.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. The former place of use of the transferred rights shall no longer receive water under the rights.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred (Certificate 87331) will be issued.
9. After satisfactory proof of beneficial use is received, a new superseding confirming-remaining water right certificate confirming the right transferred (Certificate 83850) in the name of the U.S. Bureau of Reclamation will be issued when the Department determines it is necessary for record keeping.

Dated at Salem, Oregon this JUL 26 2019.

  
 Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
 Thomas M. Byler, Director  
 Oregon Water Resources Department

Mailing date: JUL 29 2019



\*Permit No. 823

CERTIFICATE NO. 2724

APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE OF OREGON

I, E D Firrill

(Name of Applicant)

of O'Neil, County of Crook

(Postoffice)

State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation

No

1. The source of the proposed appropriation is Main channel of Crooked River or  
(Name of stream)

from well in bed.

2. The amount of water which the applicant intends to apply to beneficial use is

2.75 cubic feet per second. or approximately 100 Colorado miners' inches,  
continuous flow.

3. The use to which the water is to be applied is

Irrigation

(Irrigation, power, mining, manufacturing,

domestic supplies, etc.)

4. The point of diversion is located 5 ft. west of a point 1290 ft. south of  
NE corner of Sec. 22 (approx.)  
(Give distance and bearing to section corner)being within the NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Sec. 22, Tp. 14 S  
(Give smallest legal subdivision) (No. N. or S.)R. 14 E, W. M., in the county of Crook  
(No. E. or W.)5. The Ditch to be 1 miles in,  
(Main ditch, canal or pipe line)length, terminating in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Sec. 22, Tp. 14 S, R. 14 E  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is

## DESCRIPTION OF WORKS

## Diversion Works—

7. (a) Height of dam feet, length on top feet, length at bottom  
feet; material to be used and character of constructionWater to be raised by centrifugal pumps with gasoline engines, 55 ft. from river to  
(Loose rock, concrete,  
two excavated reservoirs, each of 217,800 cu. ft. capacity; thence into canals,  
masonry, rock and brush, timber crib, etc., wasteway over or around dam)  
About 8 acres lying under 25 foot level will be watered by pumping directly into  
ditches.(b) Description of headgate  
(Timber, concrete, etc., number and size of openings)

\*A different form of application is provided where an appropriation is to be made by the enlargement of existing works, or where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.



## Canal System—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line).....feet; width on bottom.....feet; depth of water.....feet; grade.....feet fall per one thousand feet.

(b) At.....miles from headgate: Width on top (at water line).....feet; width on bottom.....feet; depth of water.....feet; grade.....feet fall per one thousand feet.

## FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

## Irrigation—

9. The land to be irrigated has a total area of.....160.....acres, located in each smallest legal subdivision, as follows.....

40 ac in NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ,

(Give area of land in each smallest legal subdivision which you intend to irrigate)

40 a. in NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ,

40 a. in NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ,

40 a. in NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 22, Tp. 14 S. R. 14 E. W. M.

(If more space required, attach separate sheet)

## Power, Mining, Manufacturing, or Transportation Purposes—

10. (a) Total amount of power to be developed.....theoretical horsepower.

(b) Total fall to be utilized.....feet.  
(Head)

(c) The nature of the works by means of which the power is to be developed.....

(d) Such works to be located in.....of Sec.....  
(Legal subdivision)

Tp....., R....., W. M.  
(No. N. or S.) (No. E. or W.)

(e) Is water to be returned to any stream?.....  
(Yes or No.)

(f) If so, name stream and locate point of return.....  
....., Sec....., Tp....., R....., W. M.  
(No. N. or S.) (No. E. or W.)

(g) The use to which the power is to be applied is.....

(h) The nature of the mines to be served.....



## Municipal Supply—

11. To supply the city of \_\_\_\_\_,  
 \_\_\_\_\_ County, having a present population of \_\_\_\_\_, and an  
 (Name of) \_\_\_\_\_  
 estimated population of \_\_\_\_\_ in 19\_\_\_\_.

(Answer questions 12, 13, 14, and 15 in all cases)

12. Estimated cost of proposed works, \$ 3,400.00

13. Construction work will begin on or before Grant of permit

14. Construction work will be completed on or before 5 yrs. from grant of permit

15. The water will be completely applied to the proposed use on or before  
 5 yrs. from grant of permit.

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the Board of Control, accompany this application.

E D Tirrill

(Name of applicant)

Signed in the presence of us as witnesses:

(1) Warren Brown \_\_\_\_\_  
 (Name)

Prineville, Oregon  
 (Address of witness)

(2) Asa W. Battles, \_\_\_\_\_  
 (Name)

Prineville, Oregon  
 (Address of witness)

Remarks \_\_\_\_\_

STATE OF OREGON, }  
 County of Marion. } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows: \_\_\_\_\_

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before \_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

State Engineer.



5

Application No. 1649

Permit No. 823

**PERMIT**  
TO APPROPRIATE THE PUBLIC WATERS OF  
THE STATE OF OREGON

Division No. 2 District No.

This instrument was first received in the office  
of the State Engineer at Salem, Oregon, on the  
24 day of August  
1911, at 8:00 o'clock A. M.

Returned to applicant for correction

Corrected application received

Approved

Oct 23 1911

Recorded in Book No. 3 of Permits on  
Page 823

John H Lewis

DFM \$21.00 State Engineer.  
1 map

STATE OF OREGON,  
County of Marion. } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, sub-  
ject to the following limitations and conditions: The appropriation for irrigation purposes  
shall be limited to one-eightieth of one cu. ft. per sec. for each acre  
irrigated.

The priority date of this permit is August 24, 1911

The amount of water appropriated shall be limited to the amount which can be applied to beneficial  
use and not to exceed Two (2.00) cubic feet per second.

Actual construction work shall begin on or before October 23, 1912  
and shall thereafter be prosecuted with reasonable diligence and be completed on or before

Complete application of the water to the proposed use shall be made on or before

October 23, 1915

WITNESS my hand this 23rd day of October, 1911

John H Lewis

State Engineer.



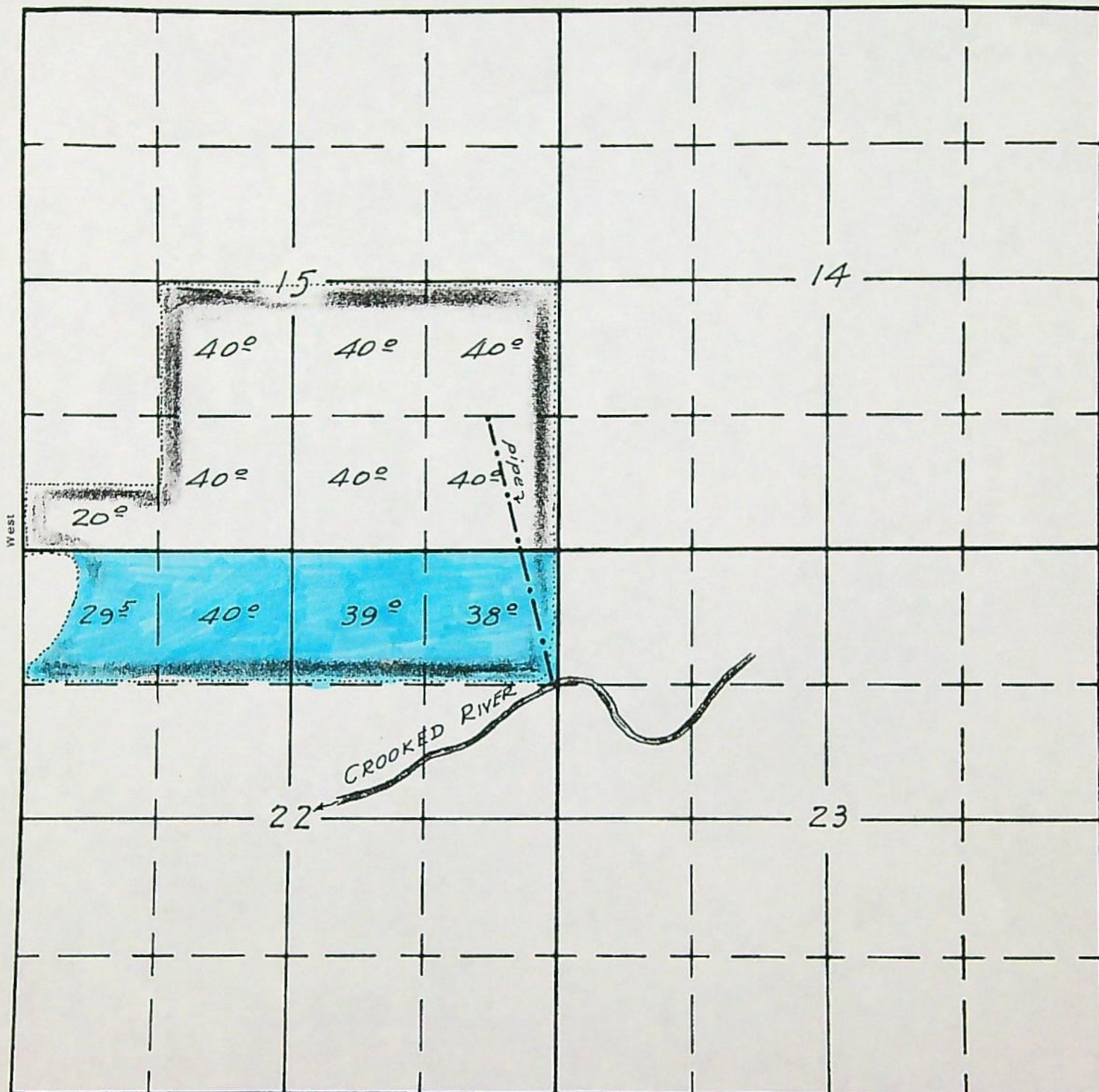
SECTION

5-21823

Copy

TOWNSHIP 14 S, RANGE 14 E, W. M.

North



South

SKETCHED IN THE OFFICE  
OF THE STATE ENGINEER  
FROM DATA BY APPLICANT

7-31-46

EKN

APPLICATION No. 21823

PERMIT No. 1716



STATE OF OREGON

WATER DIVISION No.

COUNTY OF

CROOK

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That E. D. TIRILL

of Prineville, 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 Main channel of Crooked River, a tributary of Deschutes River, for the purpose of the irrigation of 146.5 acres of land

under Permit No. 823 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 351, on the 14th day of April, 1920; that the priority of the right hereby confirmed dates from August 24, 1911; 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 1.83 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 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: 38 acres in the Northeast quarter of Northeast quarter; 39 acres in the Northwest quarter of Northeast quarter; 40 acres in the Northeast quarter of Northwest quarter and 29.5 acres in the Northwest quarter of Northwest quarter of Section Twenty-two, Township Fourteen South, Range Fourteen East of Willamette Meridian, in Crook County, Oregon.

The right to the use of the water aforesaid hereby confirmed 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 August, 1920.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER  
State Engineer, President

Attest: R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, Page 2734



\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*

10/14/1998

Select by permit S 823

Name: E D TIRRILL

County : CROOK  
 Status : NON-CANCELLED  
 Certificate type: OR  
 Certificate date: 8/15/1920  
 Application: S 1649  
 Permit : S 823  
 Certificate: 2734  
 Supercedes certificate: 0

PRINEVILLE, OR 97754

Related documents:  
 Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
CROOKED R > DESCHUTES R	IR	P	8/24/1911	1.8300CFS	0 0 0		V

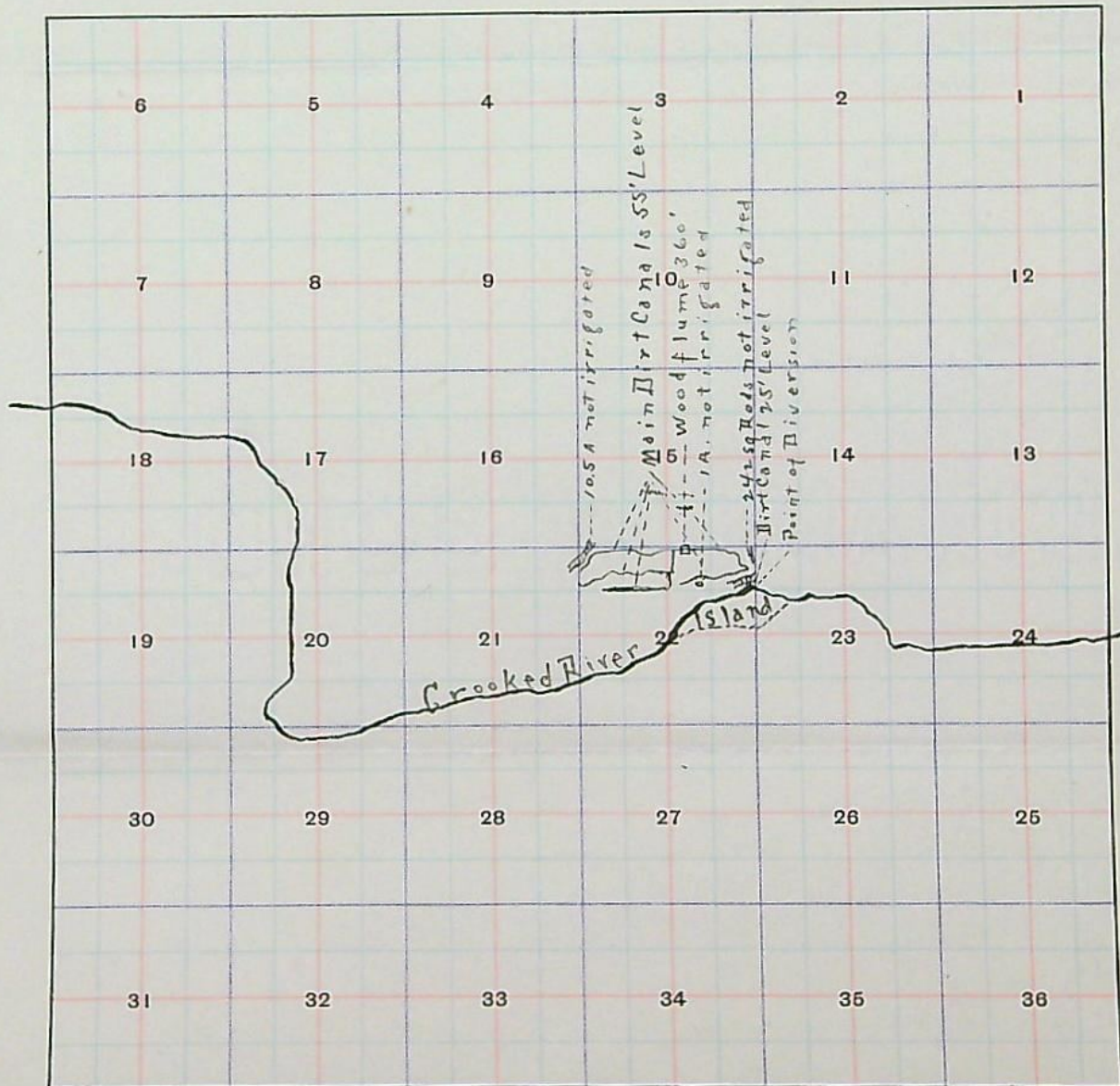
Points of appropriations:	Use	P/S	Location	DLC/LOT	Acres	Status
=====						
	IR	P	14 S 14 E 22 NENE		38.000	V
	IR	P	14 S 14 E 22 NWNE		39.000	V
	IR	P	14 S 14 E 22 NENW		40.000	V
	IR	P	14 S 14 E 22 NWNW		29.500	V



Application No. 1649

Permit No. 823

Township — 11L — South Range — 11L — East W. M.



Scale—One inch to mile

Amended Map filed with  
Proof E. D. Tirrill Irrig. Project







May 27, 1918.

Mr. R. D. Tirrill,  
Prineville, Oregon.

Dear Sir:

I am in receipt of your letter of the 21st instant making application for a further extension of time in which to complete construction work and to apply the water to the proposed use under your application No. 1649 permit No. 823, and I will recommend to the State Water Board that a further extension of time be granted until June 1, 1919, in which to complete construction work, and until June 1, 1919, in which to apply the water to the proposed use under this permit.

I note that a number of extensions of time have been granted under this permit and there may be some question as to the validity of the water right under the permit owing to the fact that the statute requires that work must be prosecuted with reasonable diligence and we do not consider that granting extensions of time by the Board will relieve you from this requirement. It may be well, therefore, instead of requesting further extensions of time to submit final proof under this permit covering the irrigation of all the land actually irrigated and secure a new permit covering the remainder of the land. This will, of course, require the payment of the fees on the new application and the date of priority under the new permit would be the date the application was filed in this office.

Very respectfully,

John H. Lewis,

RS.

State Engineer.



Application No. 1649.

May 25, 1917.

Mr. B. D. Tirrill,  
Prineville, Oregon.

Dear Sir:

I am in receipt of your letter of the 22d instant making application for a further extension of time in which to complete construction work under your application No. 1649, permit No. 823. While we naturally hesitate to recommend a fifth extension of time within which to complete construction work, I note that you assign as a reason for not having completed the work the fact that you were unable to secure the delivery of the lumber you have ordered with which to build the flume. In view of this fact I have recommended that the State Water Board grant an extension of time until June 1, 1918, in which to complete construction work and until October 1, 1918, in which to apply the water under this permit.

Very respectfully,

John H. Lewis,

RS.

State Engineer.



Application No. 1649

May 20, 1916.

Mr. B. D. Tirrill,

Prineville, Oregon.

Dear Sir:

I am in receipt of your letter of the 16th instant making application for an extension of time in which to complete construction work and to apply the water to the proposed use under application No. 1649, permit No. 823, and I have recommended that the State Water Board grant an extension of time until June 1, 1917, in which to complete construction work, and until October 1, 1917, in which to apply the water to the proposed use under this permit.

Very respectfully,

John H. Lewis,

RS.

State Engineer.



Application No. 1649.

Dec. 10, 1915.

Mr. E. D. Tarril,  
Prineville, Oregon.

Dear Sir:

In reply to your letter of the 8th instant requesting further extension of time within which to complete construction work and to apply the water to the proposed use under application No. 1649, permit No. 923, you are advised that the State Water Board has granted an extension of time until June 1, 1916, and until October 1, 1916, within which to complete construction work and to apply the water under this permit. I would suggest that shortly before June 1, 1916, if you have not then completed construction work, that you again make application for an extension of time which will be recommended.

Very respectfully,

John H. Lewis,

RS.

State Engineer.



Application No. 1649.

May 3, 1915.

Mr. E. D. Tirrill,  
Prineville, Oregon.

Dear Sir:

I am in receipt of your letter of the 30th ultimo making application for an extension of time in which to complete actual construction work under application No. 1649, permit No. 823. I note that you have previously secured two extensions of time in which to do this work. It is not our practice to recommend extensions of time at the expiration of the second extension, except in extreme cases, such, for instance, as inability of the permittee to secure right of way or something else of similar nature over which he has no control.

However, I note from your letter that you have irrigated a considerable part of the land and ~~have~~ departed from the usual practice in this case and will recommend an extension of time until June 1, 1916, and October 1, 1916, in which to complete construction work and completely apply the water to beneficial use respectively.

Very respectfully,

Percy A. Copper,

PAC-RS.

Acting State Engineer.



Application No. 1649.

May 3, 1915.

State Water Board,

Building:

Gentlemen:

I am transmitting herewith application of Mr. R. D. Merrill, of Prineville, Oregon, for an extension of time in which to complete construction work under application No. 1649, permit No. 323, and I would recommend that the State Water Board grant an extension of time until June 1, 1916, in which to complete construction work, and until October 1, 1916, in which to apply, completely the water to beneficial use under application No. 1649, permit No. 323.

Very respectfully,

Percy A. Capper,

RS.

Acting State Engineer.



Aug. 17, 1914.

Mr. E. D. Tirrell,

Prineville, Oreg.

Dear Sir:-

I am in receipt of yours of the 15th inst., relative to your water right on Crooked River, under Permit No. 838. This is a matter that is directly in charge of the local water master, Mr. Geo. Brewster, who in turn is under the direction of Mr. Geo. T. Cochran, Superintendent of Water Division No. 2, of La Grande. I have no doubt that Mr. Brewster and Mr. Cochran will promptly investigate the matter and make proper adjustments of the headgates.

Very respectfully,

John H. Lewis,

State Engineer.

PAC:RWP



Prineville, Ore. Aug. 15th, 1914

Desert Land Board,

Salem, Ore.

James H. Lewis State Engineer,  
Gentlemen:—

OFFICE OF STATE ENGINEER  
RECEIVED  
AUG 17 1914  
SALEM - OREGON

Referring to my letter of about this date, one year ago, relative to damming of Crooked River by the Low Water Ditch Co. interfering with my permit #838, application #1649. This year I am pumping and these people are maintaining their dam across the main channel to divert the whole flow of water into their ditch and I am unable to get water for pumping. I have 20 acres of crop that is suffering. I have not measured the water they are using but believe it is greatly in excess of what they are entitled to take. Their dam is running twice as much to waste as I would require. Immediate action is all that can save my young alfalfa seedling. I am communicating with Mr. Brewster of Prineville, the water master and the Commissioner at Baker City.

Yours truly,  
E. W. Tirrell.



June 2, 1914.

Mr. E. D. Tirrill,  
Prineville, Oreg.

Dear Sir:-

I am in receipt of yours of the 28th ult., requesting an extension of time in which to complete construction work under your Permit No. 523. I have submitted this application to the State Water Board, with the recommendation that you be allowed until June 1st, 1915, in which to complete construction work under this permit.

Very respectfully,

John H. Lewis,  
State Engineer.

RWP



June 2, 1914.

State Water Board,  
Building.

Gentlemen:-

I enclose an application for an extension of time in which to complete actual construction work under Permit No. 625, by E. D. Firrell. I submit this application for your consideration in accordance with Section 6630, and would recommend that the applicant be allowed until June 1st, 1915, in which to complete actual construction work under this permit.

Very respectfully,

John H. Lewis,  
State Engineer.

RWP

Encl.



App. No. 1649.

Oct. 24, 1913.

Mr. M. D. Firrell.

Prineville, Oreg.

Dear Sir:-

I am in receipt of your letter of the 20th inst., requesting an extension of time in which to complete construction work under your Application No. 1649, Permit No. 823. As it is not our practice to grant extensions of more than one year, I have recommended to the State Water Board that you be allowed until June 1st, 1914, in which to complete construction work. If you find this time insufficient and will make application for an extension shortly before the above date, your application will doubtless be given favorable consideration by the Board.

Very respectfully,

Percy A. Cupper,

Acting State Engineer.

P



App. No. 1649.

Oct. 24, 1913.

State Water Board,

Building.

Gentlemen:-

I am enclosing an application for an extension of time in which to complete construction work under Application No. 1649, Permit No. 823, by E. D. Tirrill. I submit this application for your consideration in accordance with the provisions of Section 6630, L. O. L., as amended by Chapter 160, Laws of 1913, and would recommend that the applicant be allowed until June 1st, 1914, in which to complete construction work.

Very respectfully,

Percy A. Cupper,

Acting State Engineer.

p

Encl.



Application No. 1649

165a

October 27, 1911.

Mr. E. D. Terrill,

O'Neil, Oregon.

823                      1649  
                            one sketch

yourself



165a

August 30, 1911.

Mr. E. D. Terrill,  
O'Neil, Oregon.

Dear Sir,-

I am in receipt of your letter of the 27th inst. transmitting your application No. 1649 on proper form, also one map.

In accordance with your request, I am enclosing herewith application blank and township plat.

Your application will be taken up as soon as the same can be reached, and permit forwarded you after being recorded.

Very respectfully,

John H. Lewis

State Engineer.

PAC/MM

Encl.



1630

O'Neil, Ore. Aug. 27, 1911.

John H. Lewis,  
State Engineer.  
Salem, Ore.

OFFICE OF STATE ENGINEER  
RECEIVED  
AUG 30 1911  
SALEM, - OREGON

1649

Dear Sir:

I am enclosing application #1649,  
on form sent and plat marked as re-  
quested. If you would require another plat  
could you please send one? I should also  
wish another copy of printed application  
form and copy of plat sent me so I may  
keep my record of this matter complete.

~~Also find enclosed certified copy of  
recorded notice, and C.D. order for \$1.00 to  
cover recording of same.~~

Yours truly,

E. D. Tirrell



Aug. 24th, 1911.

Mr. E. D. Tirrill,  
O'Neill, Oregon.

Dear Sir:-

I beg to acknowledge receipt of \$21.00, together with your application for permit to appropriate water, number 1649. I am enclosing herewith blank form used for the appropriation of water, and will ask that you transfer your application to this blank and forward same to this office as soon as possible. I will also ask that you transfer your map to the township plat enclosed herewith, as this is the scale which corresponds to the records of this office.

Very respectfully,

John H. Lewis,  
State Engineer.

PC-D  
Enc.



O'Neil, Ore. Aug. 21. 1911.

State Engineer,

Salem, Ore.

1649

OFFICE OF STATE ENGINEER

RECEIVED

AUG 24 1911

SALEM - OREGON

Dear Sir:

I am enclosing application for permit  
to appropriate water; also check for \$21.00,  
covering the following: -

- \$3.00, examination fee;
- \$15.00, filing & recording fee for first hundred acres;
- \$3.00, filing & recording fee for remaining sixty acres.

Yours truly,

E. D. Tirrell.



O'Neil, Ore. August 21. 1911.

1649

To the Hon. State Engineer,  
Palmer, Ore.

OFFICE OF STATE ENGINEER  
RECEIVED  
AUG 24 1911

Application for Permit to Appropriately Water for  
Agricultural Purposes.

E. D. Irrill, applicant, whose Post Office address is O'Neil, Oregon, does hereby apply for the right to appropriate and use 100 Colorado Miners' inches continuous flow of water taken from a point in the main channel of Crooked River, where it crosses the southeast corner of the North half of the Northeast quarter of Section twenty-two (22) in Township fourteen (14) South, Range fourteen (14) East of Tillamette Meridian, the point of diversion to be in the river near the north bank, within the boundary of said described land; and in case of failure of river flow of water, the right to sink a well in the bed of the river at that point.

The land to be irrigated is the one hundred sixty (160) acres described as the North one-half of the North west quarter, and the North one-half of the Northeast quarter of Section twenty-two (22) in Township fourteen (14) South, Range fourteen (14) East of Tillamette Meridian,



2.

Situated in the County of Crook and State of Oregon, being the property of, and standing on the records of said county in the name of E. D. Tirrell, - the applicant.

It is proposed to raise the water by gasoline engines or other motor power with centrifugal pumps. It is proposed, immediately upon securing permit, to start construction on the plant, which will raise the water twenty-five feet into open ditches, to irrigate about eight acres just north west of plant. The water is wanted for the 1912 crop.

Within one year from grant of permit, it is proposed to continue construction of reservoirs, ditches and works to irrigate the remaining acres - lying north and west on a higher bench.

The upper works will, when completed, include two reservoirs at an elevation of fifty-five feet above the river bed, each with a capacity of about 217,800 cubic feet, to be used for storage when necessary.

Works to be completed, and complete application of water to be made, within five years of grant of permit.

The accompanying maps show location of plant, ditches and reservoirs.

E. D. Tirrell  
Applicant.



Duplicate map of  
irrigation project ac-  
companying application of  
E. D. Jirrell.

Cut in 8 Dec 22-14-14 E.D.M.





1649

1649



Prineville, Ore. Aug 6th 1918  
 Hon. John H. Lewis State Engineer  
 and State Water Board,

Salem, Oregon.

Gentlemen:-

Referring to my application #1649, permit #823 to divert water from Crooked River for irrigation and to Mr. Lewis letter of May 21st, 1918 in answer to my letter of May 21st 1918 asking for further extension of time; I would say that since May 21st 1918, I have contracted the ditching and leveling of very nearly all the remaining ground and the work is now in progress. Practically all of the ditching is done now.

I have all the ground cleared and will have water applied to it all next spring. I have made the best time I could in putting the ground in shape.

Up to now, I have had all the water I have needed from one electric ~~driven~~ motor driven



pump with a capacity around  
1 second foot. My application is  
for two second feet for 150 a. of  
ground. If I wish to hold the  
right to take two second feet  
will I have to put in another  
plant before I make final proof  
of construction? I will need  
more water next season than  
this pump will throw.

I have not received notice of  
extension of time to complete  
construction and apply water.

I would like to make final  
proof this fall as Mr. Lewis  
suggested but do not see how  
I can possibly do so.

Yours Respectfully

E. D. Tirrell



NOTICE OF COMPLETION OF CONSTRUCTION

Permit No. 823

Application No. 1649

I, E. D. Tirrell, holder of Application No. 1649, being irrigation Permit No. 823, issued by the State Engineer of the State of Oregon for the appropriation of 2 second feet of the waters of Brooked River in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completed the construction of the works described therein for the application of water to a beneficial use on the 10th day of May, 1919, being within the time limitation as fixed in said permit for the completion of construction work.

## Remarks:

If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of July, 1919.

Prineville, Oregon  
(Present Address)

E. D. Tirrell  
(Signature of Applicant.)

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon. Form D should be used in reporting progress of work if more than one year has been allowed for completion.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Permit No. 823

Application No. 1649

I, E. D. Tirrell, the holder of Application No. 1649, being irrigation Permit No. 823, issued by the State Engineer of the State of Oregon for the appropriation of 2 second feet of the waters of Brooked River in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completely applied the water to a beneficial use, on the 20th day of August, 1919, being the time limitation as fixed in said permit for the complete application of water to a beneficial use.

## Remarks:

If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that subsequent appropriators may have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of Sept., 1919.

Prineville, Oregon  
(Present Address)

E. D. Tirrell  
(Signature of Applicant.)

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon.



# NOTICE OF PROSECUTION OF WORK WITH DILIGENCE

I, E. D. Tirrell, holder of Application No. 1649, being  
Irregular Permit No. 123, issued by the State Engineer of the State of Oregon,  
 for the appropriation of 2 second feet of the waters of Brooked River  
 have, during the year beginning Oct 1st, 1914 and ending Oct 1st, 1915  
 expended 131.60 dollars in the construction of works for the utilization of water

under the aforesaid permit. Such construction work being more particularly described as follows:

Besides my own labor & that of my team during a large part of the  
 Here describe briefly the extent of construction work, such as height of dam, length of canal or flume constructed, etc.,  
expenses have been mostly expended in clearing of trees & building  
 so that the Board may judge as to whether or not such work is being prosecuted with reasonable diligence as required by law.

I have an order in with the General Electric Co. for  
 100 ft. of cable & have contacted with Deschutes Power Co. for 10 yr. use of power.  
 IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of Oct, 1914.

E. D. Tirrell  
 (Signature of Applicant)  
Sumville Oregon  
 (Present Address)

Fill out, detach and mail to the Secretary, Board of Control, Salem, Oregon, on or before the expiration of one year from  
 the date of beginning of work as fixed in your permit; also likewise for each succeeding year, until completion of works,  
 when the notice, Form B, especially prepared for such purpose shall be used.

Permit No. 828  
 Application No. 1649

OREGON

RECEIVED  
 OCT 2 1914  
 E. D.



August 8, 1918.

Mr. E. D. Tirrill

Prineville, Oregon.

Dear Sir:

The State Water Board at its meeting on August 2nd., granted you an extension of time until June 1, 1919 within which to complete construction work and until October 1, 1919 within which to completely apply water to the proposed use under permit No. 822.

Yours very truly,

R. W. Potter,  
Secretary.

GB.



May 27, 1918.

Mr. E. D. Tirrill,  
Prineville, Oregon.

Dear Sir:

I am in receipt of your letter of the 21st instant making application for a further extension of time in which to complete construction work and to apply the water to the proposed use under your application No. 1649 permit No. 823, and I will recommend to the State Water Board that a further extension of time be granted until June 1, 1919, in which to complete construction work, and until June 1, 1919, in which to apply the water to the proposed use under this permit.

I note that a number of extensions of time have been granted under this permit and there may be some question as to the validity of the water right under the permit owing to the fact that the statute requires that work must be prosecuted with reasonable diligence and we do not consider that granting extensions of time by the Board will relieve you from this requirement. It may be well, therefore, instead of requesting further extensions of time to submit final proof under this permit covering the irrigation of all the land actually irrigated and secure a new permit covering the remainder of the land. This will, of course, require the payment of the fees on the new application and the date of priority under the new permit would be the date the application was filed in this office.

Very respectfully,

John H. Lewis,

RS.

State Engineer.







December 1, 1919.

Mr. E. D. Tirrill,  
Prineville, Oregon.

Dear Sir:

Proof of appropriation of water under permit No 823,  
has been received and filed in this office.

This proof appears to be in proper form and will be  
presented to the Board at its next meeting for approval and  
issuance of final water right certificate.

It will be necessary for you to send \$1.00 to this  
office to cover recording fee for the certificate.

Yours very truly,

R. W. Potter,  
Secretary.

GB.



December 4, 1919.

Mr. E. D. Tirrill,  
Prineville, Oregon.

Dear Sir:

I am in receipt of \$1.00 to cover recording fee for  
certificate of water right to be issued in connection with  
pwwmit No. 823.

This matter will be presented to the Board at its  
next meeting for approval and issuance of final water right  
certificate.

Yours very truly,

R. W. Potter,  
Secretary.

GB.

Encl.



RECEIVED  
NOV 3 1919  
SALEM, OREGON

Prineville, Ore. Nov. 29th, 1919

Secy State Water Board,  
Salem, Ore.

Dear Sir:-

Under another cover I am mailing  
you proof of water rights permit #823.  
I am enclosing herewith \$1.00 in currency  
filing fee in this matter.

yours very truly  
E. D. Tirrell



October 27, 1919.

Mr. E. D. Tirrill,  
Prineville, Oregon.

Dear Sir:

I am enclosing blank for proof of appropriation of water under permit No. 823 which you will please fill out and return to this office, together with \$1.00 to cover recording fee, and the matter will be presented to the Board at its next meeting for approval and issuance of final water right certificate.

If Prineville is your permanent address, please change the proof accordingly.

Yours very truly,

R. W. Potter,  
Secretary.

GB.



June 18, 1917.

Mr. E.D. . Tirrill

Prineville, Oregon.

Dear Sir:-

The State Water Board at its meeting on the 16th.,  
granted an extension of time until June 1, 1918 within which  
to complete construction work and until October 1, 1918 within  
which to completely apply water to the proposed use under permit  
No. 823.

Yours very truly,

GB.

Secretary.



Application No. 1649.

May 25, 1917.

Mr. E. D. Tirrill,  
Prineville, Oregon.

Dear Sir:

I am in receipt of your letter of the 22d instant making application for a further extension of time in which to complete construction work under your application No. 1649, permit No. 823. While we naturally hesitate to recommend a fifth extension of time within which to complete construction work, I note that you assign as a reason for not having completed the work the fact that you were unable to secure the delivery of the lumber you have ordered withiwhich to build the flume. In view of this fact I have recommended that the State Water Board grant an extension of time until June 1, 1918, in which to complete construction work and until October 1, 1918, in which to apply the water under this permit.

Very respectfully,

John H. Lewis,

RS.

State Engineer.



Prineville, Ore. May 22nd, 1917

John H. Lewis  
State Engineer.  
Salem, Ore.  
& State Water Board.  
Salem, Ore.

Gentlemen:

Referring to my application #1649, permit #823 to divert water from Crooked River for irrigation; I wish to make application for further extension of time in completion of construction and application of water. During the fall and winter and up to this date I have been unable to buy, in this country, the lumber to construct flume referred to in my application of last year. The lumber is now ordered and has been for some time, but I haven't delivery of it yet.

I have wheat seeded beyond this flume ready for water and am pumping on ground which my stream will now reach; making a bona fide <sup>effort</sup> and if you should wish further assurance, I could furnish it.

Yours Respectfully E. W. Terrell



June 6, 1916.

Mr. E. D. Tirrill.

Prineville, Oregon.

Dear Sir:-

I am directed by the State Water Board to inform you that you have been granted an extension of time until June 1, 1917 within which to complete construction work and until October 1, 1917 within which to completely apply water to the proposed use under permit No. 823.

Very respectfully,

Secretary.

CB.



Application No. 1649

May 20, 1916.

Mr. E. D. Merrill,

Prineville, Oregon.

Dear Sir:

I am in receipt of your letter of the 18th instant making application for an extension of time in which to complete construction work and to apply the water to the proposed use under application No. 1649, permit No. 825, and I have recommended that the State Water Board grant an extension of time until June 1, 1917, in which to complete construction work, and until October 1, 1917, in which to apply the water to the proposed use under this permit.

Very respectfully,

John H. Lewis,

RS.

State Engineer.



Prineville, Ore., May 18th, 1916.

Hon John H. Brown,  
State Engineer,  
Salem, Ore.

Dear Sir:-

Referring to my letter of Dec. 8th 1915, applying for extension of time on my application #1649, permit #823 to divert water from Crooked River, and to your answer of Dec. 16th I would say that I will still need time to complete construction work; another year at least. I am working every day myself on this work and pushing it as fast as I am able in accordance with the facts set out in my Dec 8th letter.

Yours very respectfully,  
E. D. Terrell.



Prineville, Ore., Dec. 8th, 1915

John H. Lewis,  
State Engineer,  
Salem, Oregon.

OFFICE OF STATE ENGINEER  
RECEIVED  
DEC 10 1915  
SALEM, - - OREGON.

Dear Sir:-

Referring to my application #1649, permit #823 to divert water from Crooked River for irrigation, and to your letter of May 3rd, 1915 granting me an extension to June 1st, 1916 and Oct 1st, 1916 for complete construction and complete application of water respectively.

In reference to application, at this time, for a further extension, I beg to submit the following facts. I have had water on the land for two seasons, I dry ranched it for 2 years previous and it did not yield enough to feed the horse used to work it. The first season



we undertook, on expert advice, to furrow irrigate. That was an absolute failure and Mrs. T. and myself were obliged to sell all the stock except one horse and teach school. In the spring of this year I devoted my time entirely to the leveling and diking of the land into half A. tracts and seeding the alfalfa.

This fall I hired men and teams at the expense of about \$400.00, besides feed, to construct a ditch about 2300 ft. long, which with a flume 3 or 400 ft. long will deliver water across the draw. We engaged to teach school this year and are now teaching. We have a man on the place who is leveling and clearing during this winter. We won't have



hay or money for more hired work this spring, but I will be working myself, with perhaps one man, the whole season. We expect to have the flume in and will have something over 100 A. of land to which water will have been applied by Oct. 1st, 1916.

You will know that our case is an exceptional one in many ways. The character of our soil, which is light; and the height to which we have to raise the water, 55 feet, being 3 times the raise of nearly all the projects on which alfalfa is grown.

We are not able to have a large flow and on this soil the young alfalfa must be continually soaked. The seeding of 150 A. to alfalfa in the period we have had appears to be an



impossibility with unlimited expenditure.

It seems economic suicide to purchase hay as well as hire help; and most all of the work of development has been done on bought hay. This next year I feel assured that I will have sufficient hay to do a great deal of work in the coming fall.

I would respectfully request that you report favorably on a generous extension of time under these particular facts.

Yours very respectfully

E. D. Tirrell  
Prineville, Oregon.







May 12, 1915.

Mr. A. D. Birrell,

Prinsville, Oregon.

Dear Sir:-

I have to advise you that the State Water Board at its meeting held today extended the time to complete construction work under your permit No. 623 until June 1, 1916 and a further extension to completely apply the water to a beneficial use until October 1, 1916.

Very respectfully,

Secretary.



SUBJECT:

## STATE OF OREGON

Application No. 1649.

OFFICE OF THE  
STATE ENGINEER

JOHN H. LEWIS, STATE ENGINEER  
PRESIDENT OF THE STATE WATER BOARD  
SECRETARY OF THE DESERT LAND BOARD

PERCY A. CUPPER  
ASSISTANT STATE ENGINEER

SALEM, OREGON, May 3, 1915.

State Water Board,  
Building;

OFFICE OF STATE WATER BOARD  
**RECEIVED**  
MAY 4 1915.

Gentlemen:

SALEM, - OREGON.

I am transmitting herewith application of Mr. E. D. Ticrill, of Prineville, Oregon, for an extension of time in which to complete construction work under application No. 1649, permit No. 823, and I would recommend that the State Water Board grant an extension of time until June 1, 1916, in which to complete construction work, and until October 1, 1916, in which to apply completely the water to beneficial use under application No. 1649, permit No. 823.

Very respectfully,

  
Percy A. Cupper.

Acting State Engineer.

RS.



OFFICE OF STATE WATER BOARD  
RECEIVED

MAY 8 1915.

SALEM, OREGON.

Prineville, Ore. April 30th, 1915

State Water Board,  
Salem, Ore.

Extended to 6-1-15. to complete

160 (a)

Gentlemen:-

Referring to my permit #823, "To appropriate the Public Waters of the State of Oregon": I would hereby respectfully request a further extension of time in the matter of construction work.

I have installed an electric pumping plant and have about 60 acres under ditch. I have discovered by my experience last year that the land does not subirrigate from furrows to the best advantage and I will have to work considerable land over. This has delayed me in building a quite expensive flume and extending my ditches and I would like to have another year at least to finish construction.

Permit #823

Application #1649

1 year

E. D. Tirrell

applicant.



OFFICE OF STATE WATER BOARD  
RECEIVED  
MAY 8 1915.  
SALEM, OREGON.

RECEIVED  
MAY 8 1915  
SALEM, OREGON

*[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]*

*[Faint handwritten text at the bottom of the page, possibly a signature or date.]*



July 23, 1914.

Mr. E. D. Tirrill,

Prineville, Oregon.

Dear Sir,-

In accordance with the recommendation of the State Engineer, the State Water Board, at a special meeting held on the 17th inst., extended the time within which construction work is to be completed under Permit No. 822, until June 1, 1915.

Very respectfully,

Secretary.

RECEIVED TO



SUBJECT: App. No. 1649.

# STATE OF OREGON

OFFICE OF THE  
STATE ENGINEER

JOHN H. LEWIS, STATE ENGINEER  
PRESIDENT OF THE STATE WATER BOARD  
SECRETARY OF THE DESERT LAND BOARD  
PERCY A. CUPPER  
ASSISTANT STATE ENGINEER

OFFICE OF STATE WATER BOARD  
RECEIVED  
JUN 4 1914  
SALEM, - OREGON.

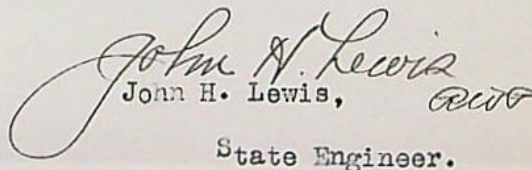
SALEM, OREGON. June 2, 1914.

State Water Board,  
Building.

Gentlemen:-

I enclose an application for an extension of time in which to complete actual construction work under Permit No. 823, by E. D. Tirrill. I submit this application for your consideration in accordance with Section 6630, and would recommend that the applicant be allowed until June 1st, 1915, in which to complete actual construction work under this permit.

Very respectfully,

  
John H. Lewis,  
State Engineer.

RWP

Encl.



1649

OFFICE OF STATE ENGINEER  
RECEIVED  
JUN 2 1914  
SALEM - OREGON

Prineville, Ore. May 28th 1914

John H. Lewis  
State Engineer  
Salem, Ore.

Dear Sir:-

I respectfully request you, and through you, the State Water Board to grant a further extension of time for the completion of construction work under my permit to divert water from Crooked River. Permit #823. I am now pumping, using electric power, on about 35 acres of this.

Yours very Respectfully,  
E. W. Tirrell.



STATE OF OREGON  
BOARD OF CONTROL

JOHN H. LEWIS, STATE ENGINEER  
TREASURER OF THE BOARD  
SALEM, OREGON  
JAMES T. CHINNICK  
SOUTHWESTERN WATER DIVISION NO. 1  
SALEM, OREGON  
GEO. T. COCHRAN  
SOUTHWESTERN WATER DIVISION NO. 2  
LA GRANDE, OREGON

SALEM, OREGON

November 22, 1913.

Mr. E. D. Tirrill,  
Prineville, Oregon.  
Dear Sir:

The State Water Board at a meeting on the 19th inst., extended the time within which you are to complete construction work under your Permit No. 823, until June 1st, 1914.

Very respectfully,

G

Secretary.



SUBJECT: App. No. 1649.

## STATE OF OREGON

OFFICE OF THE  
STATE ENGINEER

JOHN H. LEWIS, STATE ENGINEER  
PRESIDENT OF THE STATE WATER BOARD  
SECRETARY OF THE DESERT LAND BOARD  
PERCY A. CUPPER  
ASSISTANT STATE ENGINEER

SALEM, OREGON, Oct. 24, 1913.

State Water Board,  
Building.

Gentlemen:-

I am enclosing an application for an extension of time in which to complete construction work under Application No. 1649, Permit No. 823, by E. D. Tirrill. I submit this application for your consideration in accordance with the provisions of Section 6630, L. O. L., as amended by Chapter 160, Laws of 1913, and would recommend that the applicant be allowed until June 1st, 1914, in which to complete construction work.

Very respectfully,

  
Percy A. Cupper, *AP*

Acting State Engineer.

p

Encl.



OFFICE OF STATE WATER BOARD  
RECEIVED

OCT 24 1913

SALEM, - OREGON.

Application #1649  
Permit # 823

Prineville Ore., Oct 20th, 1913.

To State Board of Control and  
State Engineer John H. Lewis, Salem, Ore.  
Gentlemen:-

I respectfully submit that it has been impossible for me to complete construction work by Oct. 23rd, 1913. This piece of land at the time this application was made was in sage brush and parts of it had considerable Juniper Timber on it. I now have, mainly through my own efforts, 100 acres of the 145 I wish to irrigate cleared. I cannot ditch this land until it is in shape for crops.

I would very much like to have you extend the time for completion of construction work to the time originally prayed for or 5 years from date of permit. Water will be placed on about 60a., with your leave, this coming summer.

If it is necessary, I would like to have your permission to change form of power from gasoline Engine to Electricity. E. D. Tirrell.



OFFICE OF BOARD OF CONTROL  
RECEIVED  
OCT 26 1912  
SALEM, OREGON.

Prineville, Ore. Oct. 21st, 1912

John H. Lewis,  
State Engineer,  
Salem, Ore.

Report of Construction on Irrigation Permit  
# 873.

I am at work constructing ditches on the 26 foot level under my application # 1649, permit # 873. I have already run ditches along the east line of this bench. These ditches will connect with an old ditch about 45 rods long, already constructed.

I purpose to have water on the lower level, at least, this coming spring.

Last March I had an irrigation engineer re-take elevations and run out the ditch lines.

yours truly,  
E. D. Tirrell.



Oct 27. 1412

- 13

- 15.

823

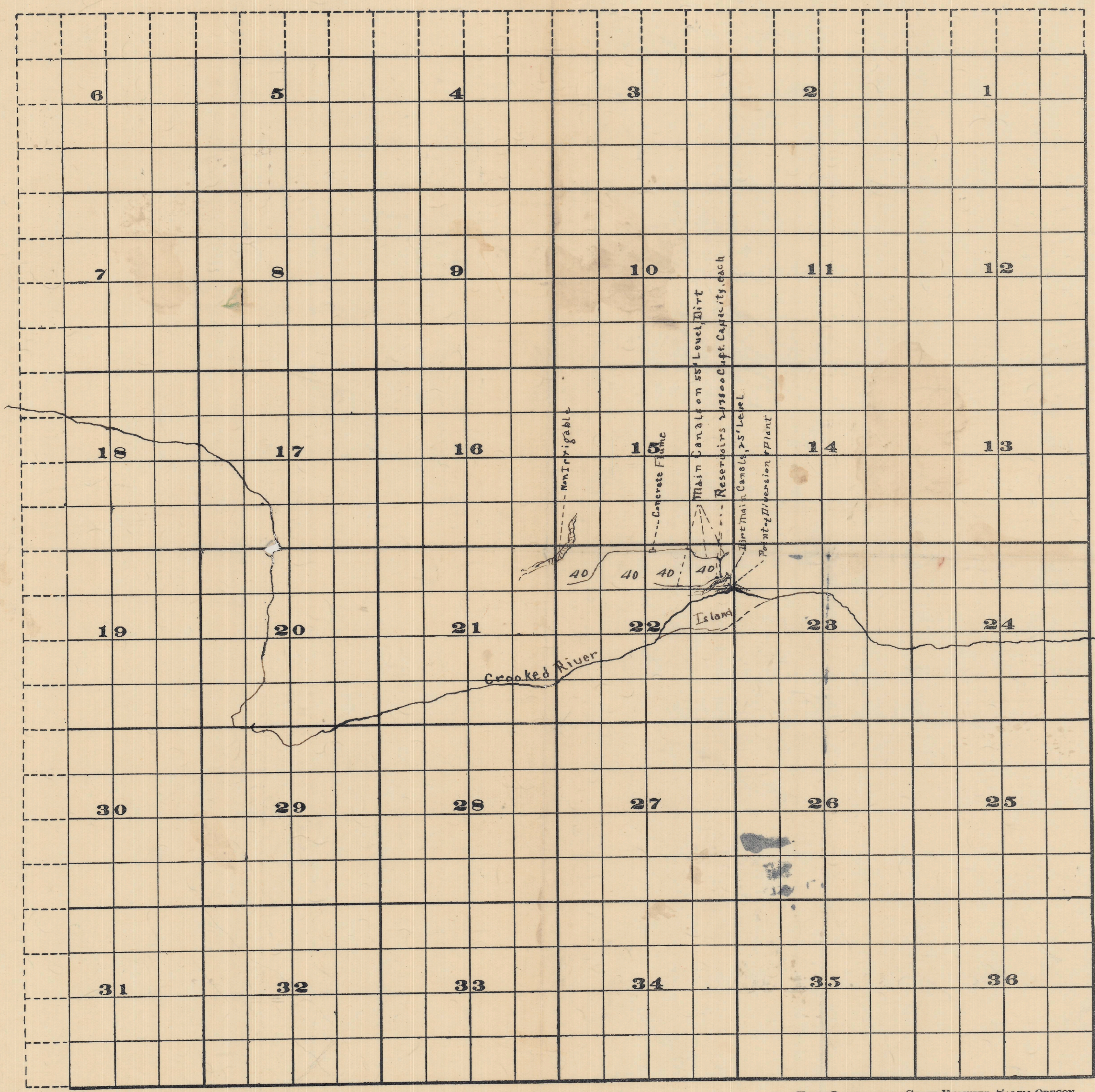


OFFICE OF STATE ENGINEER  
RECEIVED  
AUG 30 1911  
SALEM, OREGON

OFFICE OF STATE ENGINEER  
RECEIVED  
AUG 30 1911  
SALEM, OREGON

Application No. 1649  
Permit No. 823

Township 11 South, Range 14 E. W. M.



Scale of Feet.

FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON

Map of irrigation project  
accompanying application of  
E. D. Firrell.

1070

1070

1070



County of.....Crook.....

## Proof of Appropriation of Water

7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

[illegible]



8. During what months is water beneficially used? April, May, June, July, August and September
9. State the character of the soil and kind of crops raised Volcanic Ash loam Alfalfa, rye, wheat and pasture grass
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? Not exactly
11. If not, state wherein such map is in error I am filing an Amended Map. No reservoirs have been used.
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works) all main Riv. canals are 36" on bottom. I use electricity to raise the water with centrifugal pump. Wood pipe carries water to ground above river. The flume is built of wood.
13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use Water is used for stock during pumping season.

STATE OF OREGON,

County of Brook } ss.

I, E. D. Tirrell, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of November, 1919.

E. D. Tirrell

Subscribed and sworn to before me this 29th day of November, 1919.

(Notarial Seal)

W. F. Gustafson  
Notary Public for Oregon.

My commission expires May 15th 1923.



AFFIDAVIT OF WITNESSES

We, Price Coshow, and John Grimes,  
of Prineville, Oregon, being first duly sworn, depose and say that  
we are well acquainted with the facts and conditions set forth in the foregoing statement relative  
to proof of appropriation of water under Permit No. 823; that we and each of us have  
been over and upon each tract described in said proof, and from such personal inspection have  
knowledge that all necessary ditches, dams and other diversion and distributing works have been  
constructed, and water used as stated therein; that we have carefully read such proof of  
appropriation, and that each and every statement contained therein is true to the best of our  
knowledge and belief.

Price Coshow  
John Grimes

Subscribed and sworn to before me this 29th day of November, 1919.

(Notarial Seal)

W. J. Euston  
Notary Public for Oregon.  
My commission expires May 15th 1923.



PROOF OF APPROPRIATION

Permit No. 823

..... fee paid

OFFICE OF STATE WATER BOARD  
RECEIVED  
DEC 1 1919  
SALEM, OREGON.

Approved: .....

Priority date - August 24, 1911

