

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF )  
THE INLAND THEATERS CORPORATION FOR )  
THE APPROVAL OF A CHANGE IN USE OF )  
WATER FROM DESCHUTES RIVER. )  
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O R D E R  
APPROVING APPLICATION

On October 5, 1950, the Inland Theaters Corporation filed an application for the approval of a change in use of water from Deschutes River, pursuant to the provisions of Section 116-606, O. C. L. A.

In the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, an inchoate water right was adjudicated in the name of the Deschutes Reclamation and Irrigation Company for the irrigation of, among other lands, 20 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, Township 17 South, Range 12 East, W. M.

The Inland Theaters Corporation, owner of the northerly 550 feet of said NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, Township 17 South, Range 12 East, W. M., to which 8 acres of the above described water right is appurtenant, proposes to change the use of water for the irrigation of said 8 acres to that of commercial use for the operation of a large drive-in theater, including sprinkling of the parking area, domestic use, fire protection, and for such other uses as are incidental to the operation of the theater.

Notice by publication, as provided by Section 116-606, O. C. L. A., was given in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, for a period of at least three weeks and not less than one publication each week, being the issued of October 14, 21 and 28, 1950. The time for hearing upon such application, as fixed in the

notice, namely: December 7, 1950, at 10:00 o'clock a. m., was not less than 30 days after the last publication of said notice.

Mr. Geo. V. Naderman, a representative of the State Engineer, made a physical examination of the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 16, Township 17 South, Range 12 East, W. M., the land from which it is proposed to transfer the water, and found that over 8 acres had been reclaimed and irrigated prior to the expiration date for the completion of the inchoate rights allowed in the Deschutes River adjudication proceedings.

The Board of Directors of the Deschutes Reclamation and Irrigation Company, on August 7, 1950, approved the proposed change in use of water.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 8 acres in the northerly 550 feet of the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 16, Township 17 South, Range 12 East, W. M., for irrigation purposes be severed therefrom and simultaneously and without loss of priority be transferred to a water supply for the operation of a large drive-in theater, including sprinkling of parking area, domestic use, fire protection and for such other uses as are incidental to the operation of the theater.

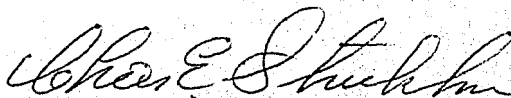
It is FURTHER ORDERED that the quantity of water used for the operation of the drive-in theater, including sprinkling of parking area, domestic use, fire protection and for such other uses as are incidental to the operation of the theater, heretofore used for irrigation of said 8 acres,

shall be limited to the duty of water fixed for irrigation purposes by the decree of the Circuit Court for Deschutes County, Oregon, dated March 24, 1933, in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, or such pro rata part thereof as is available.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1951, or within such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 28th day of December, 1950.

*Noted on findings*  
*Vol. 15 p. 286*  
*Tr. I-11*

  
CHAS. E. STRICKLIN  
State Engineer