

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF HAROLD L. MAKER FOR THE APPROVAL )  
OF A CHANGE IN USE AND PLACE OF USE )  
OF WATER FROM DESCHUTES RIVER. )  
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O R D E R

APPROVING APPLICATION

On December 18, 1958, Harold L. Maker filed an application in the office of the State Engineer for the approval of a change in use and place of use of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Deschutes County, Oregon, entered July 18, 1958 in the matter of the determination of the relative rights to the use of waters of Deschutes River and its tributaries, a water right was established in the name of Arnold Irrigation District for the irrigation of 10 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28, Township 17 South, Range 12 East, W. M., being within the North 55 feet of Lots 1 to 8, inclusive, all of Lots 9 to 24, inclusive, Block 47, S $\frac{1}{2}$  of Block 50, all of Block 51 and adjacent one-half of vacated Seward, Revere and East 11th Streets, Weistoria Addition to City of Bend, said 10 acres being tabulated under the name of Harold Maker.

The applicant herein, owner of 6 acres of the land above described, to-wit: S $\frac{1}{2}$  of Block 50, all of Block 51 and adjacent one-half of vacated Seward, Revere and East 11th Streets, Weistoria Addition to City of Bend, proposes to transfer the water right therefrom without loss of priority, to the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 18 South, Range 12 East, W. M., for industrial purposes in the operation of a sawmill owned by Lelco.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed

change in use and place of use of water, if any there were, namely: at the county courthouse in Bend, Oregon, on February 26, 1959, beginning at 9:30 o'clock a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of January 2, 9 and 16, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Aubrey E. Perry, Watermaster of District No. 12, has filed a statement to the effect that the proposed change in use and place of use of water may be made without injury to existing rights.

The Board of Directors of the Arnold Irrigation District approved the proposed change in use and place of use of water on August 6, 1957.

No objections having been filed and it appearing that the proposed change in use and place of use of water 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 and place of use of water from Deschutes River be and the same is approved, and that the water right hereinbefore described as appurtenant to 6 acres in S $\frac{1}{2}$  of Block 50, all of Block 51 and adjacent one-half of vacated Seward, Revere and East 11th Streets, Weisteria Addition to City of Bend, be severed therefrom and simultaneously and without loss of priority transferred to the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 4, Township 18 South, Range 12 East, W. M., for industrial purposes in the operation of a sawmill owned by Lelco.

It is FURTHER ORDERED that the quantity of water used for industrial purposes, heretofore used for irrigation purposes, shall be limited to the duty of water fixed for irrigation purposes by the decree of the Circuit Court for Deschutes County, Oregon, entered March 24, 1933, in the matter of

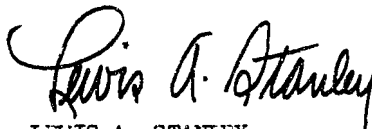
the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, or such pro rata part thereof as is available.

It is FURTHER ORDERED that the change in use and place of use of water from Deschutes River shall be made on or before October 1, 1959 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use to the purpose for which the water is transferred hereby, certificate of water right shall be issued to the Arnold Irrigation District or its successor in interest to the extent to which the water has been applied beneficially at the time certificates are issued in the Deschutes River adjudication proceedings.

Dated at Salem, Oregon this 5th day of March, 1959.

*Noted on Final Decree  
Vol. 16, p. 11*



LEWIS A. STANLEY  
State Engineer

*Trsf. M-120*