

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF RODNEY ROSEBROOK, MABLE ROSEBROOK,)
LEONARD LUNDGREN AND RAYMOND LUNDGREN)
FOR THE APPROVAL OF A CHANGE IN USE,)
PLACE OF USE AND POINT OF DIVERSION)
OF WATER FROM DESCHUTES RIVER.)

O R D E R

APPROVING APPLICATION

On December 7, 1953 Rodney Rosebrook, Mable Rosebrook, Leonard Lundgren and Raymond Lundgren filed an application for the approval of a change in use, place of use and point of diversion of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

The Supplemental Findings of the State Engineer, entered May 15, 1953, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and Its Tributaries, adjudicated a water right in the name of Arnold Irrigation District for the irrigation of, among other lands, 16.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{2}$, Section 18, Township 18 South, Range 13 East, W. M., through the Arnold Canal from Deschutes River.

Rodney Rosebrook, owner of the land above described, proposes to transfer the water right appurtenant to 10 acres thereof, without loss of priority, to the SE $\frac{1}{4}$ NE $\frac{1}{2}$, Section 4, Township ¹³(17) South, Range 12 East, W. M., owned by Leonard Lundgren, and to use said water for industrial purposes in the manufacture of lumber. Rodney Rosebrook also proposes to transfer the water right appurtenant to 1 acre thereof, without loss of priority, to 1 acre in Lots 3 and 4 and the NW $\frac{1}{2}$ of Lot 5 in Block 9, River Terrace, Deschutes Co., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 17 South, Range 12 East, W. M., owned by Raymond Lundgren, and to change the point of diversion for the irrigation of said 1 acre from the Arnold Canal to that of a pumping plant from Deschutes River, said pumping plant to be located 500 feet east and 30 feet south of the northwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$,

Section 32, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 32, Township 17 South, Range 12 East, W. M.

Notice by publication as provided by ORS 540.520 was given in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks, being the issues of February 18 and 25 and March 4, 1954. The time for hearing as fixed in the notice, namely: April 21, 1954, was not less than thirty days after the last publication of the notice.

The board of directors of the Arnold Irrigation District on September 1, 1953 approved the proposed change in use, place of use and point of diversion of water from Deschutes River.

Mr. Aubrey E. Perry, watermaster of District No. 12, has submitted a report to the effect that the proposed change in use, place of use and point of diversion of water from Deschutes River may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use, place of use and point of diversion of water from Deschutes River 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 be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 10 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 18 South, Range 13 East, W. M., for irrigation purposes be severed therefrom and simultaneously and without loss of priority transferred to the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 17¹⁸ South, Range 12 East, W. M., for the manufacture of lumber and that the water right hereinbefore described as appurtenant to 1 acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 18 South, Range 13 East, W. M., for irrigation purposes, be severed therefrom and simultaneously

and without loss of priority transferred to 1 acre in Lots 3 and 4 and the NW $\frac{1}{2}$ of Lot 5, Block 9, River Terrace, Deschutes Co., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 17 South, Range 12 East, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Deschutes River for 1 acre, to-wit:

From the Arnold Canal, the point of diversion of said canal being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 18 South, Range 11 East, W. M.,

To a point to be located 500 feet east and 30 feet south of the northwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 32, Township 17 South, Range 12 East, W. M.,

for the irrigation of 1 acre in Lots 3 and 4 and the NW $\frac{1}{2}$ of Lot 5, Block 9, River Terrace, Deschutes Co., and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 17 South, Range 12 East, W. M., be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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 pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Deschutes County, Oregon, and that the headgate and weir or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands and for the use for which the water is transferred hereby, Certificate of Water Right shall be issued to 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 1st day of June 1954.


CHAS. E. STRICKLIN
State Engineer

*Note on Suppl. Findings
Vol. 15, p. 15B*

File # 71, R48