

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF MRS. ROBERT HANNEMAN, TRUSTEE,)
 FOR THE APPROVAL OF A CHANGE IN)
 POINT OF DIVERSION OF WATER FROM)
 SEEPAGE WATER FROM TUMALO CREEK,)
 TRIBUTARY OF DESCHUTES RIVER, AND)
DESCHUTES RIVER. - - - - -)

O R D E RAPPROVING APPLICATION

On June 11, 1951, Mrs. Robert Hanneman, Trustee, Route 2, Box 98, Bend, Oregon filed an application for a change in point of diversion of water from seepage water from Tumalo Creek, tributary of Deschutes River, and Deschutes River pursuant to the provisions of Section 116-606, O.C.L.A.

Certificate of water right issued to George W. Kanoff, Trustee, and recorded at page 14195, Volume 12, State Record of Water Right Certificates, confirms a right to the use of seepage water from Tumalo Creek, tributary of Deschutes River, and Deschutes River for domestic purposes and the irrigation of, among other lands, Lots 2 to 6, inclusive, Block 3, and Lots 1 to 9, inclusive, 11 and 12, Block 4, original Townsite of Laidlaw, Oregon, with a date of priority of August 25, 1938.

In the Deschutes River adjudication proceedings a water right was adjudicated in the name of Lucy Snyder from Deschutes River for the irrigation of 1/2 acre in Lots 7, 8 and 9, Block 3, original Townsite of Laidlaw, Oregon, with a date of priority of April, 1905. In the same proceedings May N. Wallace was adjudicated a water right from Deschutes River for the irrigation of Lot 4, Block 3, original Townsite of Laidlaw, Oregon, with a date of priority of May, 1905.

The water for domestic use and irrigation purposes appurtenant to the above described lands is conveyed through the Tumalo Town Ditch, sometimes known as the Laidlaw Townsite Company Ditch, the point of diversion of said ditch being located 2230 feet north and 1650 feet west from

the southeast corner of Section 6 and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 6, Township 17 South, Range 12 East, W. M.

The applicant herein, as trustee for the owners of the above described lands, proposes to convey the water for said purposes by means of a pumping plant on the Deschutes River, the point of diversion of said pumping plant to be located 155 feet south and 1230 feet east from the north quarter corner of Section 31 and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 31, Township 16 South, Range 12 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Redmond Spokesman, 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 issues of July 5, 12 and 19, 1951. The time for hearing upon such application, as fixed in the notice, namely: August 28, 1951 at 10:00 o'clock, a.m., was not less than thirty days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in place of use and point of diversion 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 point of diversion of water from seepage water from Tumalo Creek, tributary of Deschutes River and Deschutes River to-wit:

From a point located 2230 feet north and 1650 feet west from the southeast corner of Section 6 and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 6, Township 17 South, Range 12 East, W. M.

To a point to be located 155 feet south and 1230 feet east from the north quarter corner of Section 31 and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 31, Township 16 South, Range 12 East, W. M.

for domestic use and the irrigation of Lots 2 to 6 inclusive, Block 3 and Lots 1 to 9 inclusive and 11 & 12, Block 4, original Townsite of Laidlaw, Oregon with a date of priority of August 25, 1938 and 1/2 acre in Lots 7, 8, and 9, Block 3, original Townsite of Laidlaw, Oregon with a date of priority of April, 1905 and Lot 4, Block 3,

original Townsite of Laidlaw, Oregon with a date of priority of May, 1905, be and the same is hereby approved.

IT IS FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1952, or 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 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, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 7th day of September, 1951

Noted on Decree
Vol. 9 pages 505 and 508
Certs. 13654, 13663, and 14195


CHAS. E. STRICKLIN
State Engineer

Leaf # H-32