

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF )  
SCHOOL DISTRICT NO. 111C, DESCHUTES )  
COUNTY, OREGON, FOR THE APPROVAL OF )  
A CHANGE IN PLACE OF USE AND POINT )  
OF DIVERSION OF WATER FROM SEEPAGE WATER )  
FROM TUMALO CREEK, TRIBUTARY OF DES- )  
CHUTES RIVER AND DESCHUTES RIVER. )  
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O R D E R  
APPROVING APPLICATION

On May 29, 1950, School District No. 111C, Deschutes County, Oregon, filed an application for the approval of a change in place of use and 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, recorded at page 14195, Volume 12, State Record of Water Right Certificates, was issued to George W. Kanoff, Trustee, confirming 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 1 to 24, inclusive, Block 10, Original Townsite of Laidlaw, Oregon, with a date of priority of August 25, 1938. The water is conveyed to the school district's property through the Tumalo ditch, the point of diversion of said ditch being located 2230 feet north and 1650 feet west from the southeast corner of Section 6, Township 17 South, Range 12 East, W. M.

The applicant herein, owner of said Lots 1 to 24, inclusive, Block 10, proposes to transfer the water right appurtenant thereto, without loss of priority, to Blocks 7 and 8, Original Townsite of Laidlaw for domestic

and irrigation purposes, and to install a pumping plant on the Deschutes River to divert the water for said uses, the point of diversion of said pumping plant to be located 1190 feet east and 400 feet south of the north quarter corner of 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 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 issues of June 15, 22 and 29, 1950. The time for hearing upon such application, as fixed in the notice, namely: August 10, 1950 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 place of use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to Lots 1 to 24, inclusive, Block 10, Original Townsite of Laidlaw, Oregon, for domestic and irrigation purposes be severed therefrom and simultaneously and without loss of priority transferred to Blocks 7 and 8, Original Townsite of Laidlaw, Oregon, for domestic and irrigation purposes.

It is FURTHER 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 1190 feet east and 400 feet south of 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 and irrigation purposes be and the same hereby is approved.

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 sump and the plans for 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.


It is FURTHER ORDERED that complete application of water to beneficial use on the lands to which the water is hereby transferred shall be made on or before October 1, 1951 or 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 the complete application of water to beneficial use, a certificate of water right shall be issued to George W. Kanoff, Trustee,

and certificate of water right heretofore issued to George W. Kanoff, Trustee, and recorded at page 14195, Volume 12, State Record of Water Right Certificates, shall be cancelled.

Dated at Salem, Oregon, this 11th day of August, 1950.

*Noted on Cert. 14195  
Trsf. S-71*

  
CHAS. E. STRICKLIN  
State Engineer

*Cert. # 20784 supercedes and  
confirms this Order*