

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF EMMET T. RICHARDS FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. R-90

On February 28, 1966, Emmet T. Richards filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion 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 September 30, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and its Tributaries, a water right was established in the name of Deschutes Reclamation and Irrigation Company for the use of the waters of Deschutes River for the irrigation of, among other lands, 1.0 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 17 South, Range 12 East, W.M., with a date of priority of September 1, 1899, tabulated in the name of Mrs. Henry Jones. This right was confirmed by certificate recorded at page 29054, Volume 21, State Record of Water Right Certificates. This land is irrigated by means of the Swalley Canal, the point of diversion being located north 36 degrees 45 minutes west, 1056 feet from the E $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 17 South, Range 12 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority to 1.0 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the point of diversion to be located 270 feet south and 610 feet east from the NW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 17 South, Range 12 East, W.M.

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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Bend, Oregon, on March 1, 1967, at 9:30 a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of January 3, 10, and 17, 1967. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Bruce A. Estes, Watermaster of District No. 11, has filed a report to the effect that the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in place of use is approved and the water right hereinbefore described as appurtenant to 1.0 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 17 South, Range 12 East, W.M., with a date of priority of September 1, 1899, be severed therefrom and simultaneously and without loss of priority transferred to 1.0 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, 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, to-wit:

From a point located north 36 degrees 45 minutes west, 1056 feet from the E $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 17 South, Range 12 East, W.M.

To a point to be located 270 feet south and 610 feet east from the NW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 17 South, Range 12 East, W.M.

for the irrigation of 1.0 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 17 South, Range 12 East, W.M., with a date of priority of September 1, 1899, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1967.

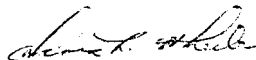
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that upon completion of the authorized change in point of diversion and place of use, certificate of water right shall be issued to Deschutes Reclamation and Irrigation Company at the time certificate is issued to the Company confirming other transfers within the company.

Dated at Salem, Oregon, this 6th day of March, 1967.


CHRIS L. WHEELER
State Engineer