

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF DESCHUTES COUNTY MUNICIPAL)
IMPROVEMENT DISTRICT AND J. R.)
AND DELLA K. COWAN FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
OF WATER.)

O R D E R
APPROVING APPLICATION

On September 29, 1952 Deschutes County Municipal Improvement District and J. R. and Della K. Cowan filed an application for the approval of a change in place of use of water from Deschutes River, Tumalo Creek, Crater and Little Crater Creeks and springs, Crescent Lake and Tumalo Reservoirs and Bull Creek springs, pursuant to the provisions of Section 116-606, O. C. L. A.

J. R. and Della K. Cowan, owners of 30 acres of land irrigated through the system of the Deschutes County Municipal Improvement District, to-wit:

4.1 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
8.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25
17.7 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 26
Township 16 South, Range 11 East, W. M.,

propose to transfer the water rights appurtenant thereto, without loss of priority, to the following described lands owned by the Deschutes County Municipal Improvement District, to-wit:

11.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23
(Lying west of the present location
of the Bend-McKenzie Highway)
18.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 26
Township 16 South, Range 11 East, W. M.

The lands above described, from which it is proposed to transfer the water, have water rights appurtenant thereto as follows. In the Deschutes River adjudication proceeding, the District was awarded a right to the use of water stored in Crescent Lake Reservoir under Permit No. R-102 with a date of priority of March 20, 1911, and in the same proceedings the District was awarded a right to the use of 9.5 cubic feet per second of the water of Deschutes River with a date of priority of 1905. Permit No. 571 covers an appropriation from Crater and Little Crater Creeks and springs with a date of priority of September 9, 1910, and Permit No. 19628 covers an appropriation from Tumalo Creek, Crater and Little Crater Creeks, three small springs, Bull Creek springs and storage in Tumalo Reservoir with a date of priority of October 29, 1913.

All lands involved herein are within the boundaries of Deschutes County Municipal Improvement District.

From a physical examination of the lands from which it is proposed to transfer the water, made by Mr. Geo. V. Naderman, a representative of the State Engineer, prior to the expiration date for the completion of the inchoate water rights allowed in the Deschutes River adjudication proceedings, it appears that said lands from which it is proposed to transfer the water have been reclaimed and irrigated.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required on applications for only a change in place of use of water.

No objections having been filed and it appearing that the proposed change in 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 water right hereinbefore described as appurtenant to the following lands, to-wit:

- ✓ 4.1 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
 - ✓ 8.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25
 - ✓ 17.7 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 26
- Township 16 South, Range 11 East, W. M.,

be severed therefrom and simultaneously and without loss of priority transferred to the following described lands, to-wit:

- ✓ 11.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23
(Lying west of the present location
of the Bend-McKenzie Highway)
 - ✓ 18.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 26
- Township 16 South, Range 11 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1st, 1953.

Dated at Salem, Oregon this 3rd day of November 1952.


CHAS. E. STRICKLIN
State Engineer

Tumalo Creek
Trsf. "D-66"