

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF DESCHUTES RIVER RANCH, INC. )  
FOR THE APPROVAL OF A CHANGE IN )  
USE, PLACE OF USE AND POINT OF )  
DIVERSION OF WATER FROM DESCHUTES )  
RIVER )  
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O R D E R  
APPROVING APPLICATION

On March 8, 1962, Deschutes River Ranch, Inc. filed an application in the office of the State Engineer 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.

Certificate of water right issued to E. J. Dunn and recorded at page 4897, Volume 5, State Record of Water Right Certificates, confirms a right under Permit No. 3438 to the use of the waters of Deschutes River for the irrigation of, among other lands, 12 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 31, Township 16 South, Range 12 East, W. M., with a date of priority of July 19, 1917. These lands are irrigated through the E. J. Dunn ditch, the point of diversion of said ditch being located 2050 feet South and 1100 feet West from the northeast corner of Section 6, and being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 6, Township 17 South, Range 12 East, W. M.

The applicant herein, owner of 7 acres of the land above described, proposes to transfer the water right therefrom, without loss of priority, to the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 16 South, Range 12 East, W. M., for domestic use and to convey the water for domestic purposes by means of a pumping plant, the point of diversion of said pumping plant to be located 500 feet South and 820 feet East from the W $\frac{1}{4}$  corner of Section 29, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 16 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 use, place of use and point of diversion of water, if any there were,

namely: at the county courthouse at Bend, Oregon, on May 22, 1962, at 9:30 o'clock a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of March 26, April 2 and 9, 1962. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. James C. Fellows, Watermaster of District No. 11, has filed a report to the effect that the proposed change in use, 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 use, 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 proposed change in use and place of use of water be and the same is hereby approved, and that the water right hereinbefore described as appurtenant to 7 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 31, Township 16 South, Range 12 East, W. M., with a date of priority of July 19, 1917, for irrigation purposes, be severed therefrom and simultaneously and without loss of priority transferred to the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 16 South, Range 12 East, W. M., for domestic use.

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

From a point located 2050 feet South and 1100 feet West from the northeast corner of Section 6, and being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 6, Township 17 South, Range 12 East, W. M.

To a point to be located 500 feet South and 820 feet East from the W $\frac{1}{2}$  corner of Section 29, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 16 South, Range 12 East, W.M.

for domestic use in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 16 South, Range 12 East, W. M., be and the same is hereby approved.

It is FURTHER ORDERED that the quantity of water diverted from Deschutes River for domestic purposes shall not exceed .09 cubic foot per second and is limited to the irrigation season.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the pumping plant and related 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 before the beginning of construction work by the watermaster of Deschutes County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

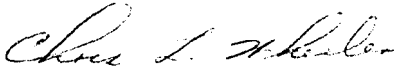
It is FURTHER ORDERED that certificate of water right heretofore issued to E. J. Dunn and recorded at page 4897, Volume 5, State Record of Water Right Certificates, be and the same hereby is canceled, and that in lieu thereof, a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Deschutes River Ranch, Inc. to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 18th day of June, 1962.

*Noted on records*

*App. # 5640*

*Cert. # 4897*

  
CHRIS L. WHEELER  
State Engineer