

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF BEND SAND AND GRAVEL FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE AND POINT OF DIVERSION OF WATER)
FROM DESCHUTES RIVER.)

O R D E R
APPROVING APPLICATION

On April 8, 1953 Bend Sand and Gravel Company of Bend, Oregon, filed an application for the approval of a change in place of use and point of diversion of water from Deschutes River, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right issued to Bend Sand and Gravel Company and recorded at page 13819, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.25 cubic foot per second of water from Deschutes River for manufacturing purposes in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 17 South, Range 12 East, W. M., with a date of priority of August 19, 1940. The water for manufacturing purposes is diverted at a point located 500 feet north and 200 feet east from the quarter corner between Sections 6 and 7, Township 17 South, Range 12 East, W. M.

The applicant proposes to change the place of use of said water for manufacturing purposes to Blocks 49 and 50 of the townsite of Laidlaw, now known as Tumalo, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 16 South, Range 12 East, W. M., and to divert said water at a point to be located 1260 feet north and 1750 feet east from the South 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, Oregon, for a period of three weeks, being the issues of April 30 and May 7 and 14, 1953. The time for hearing, as fixed in the notice, namely: June 26, 1953, was not less than thirty days after the last publication of the notice.

Mr. Aubrey Perry, Watermaster, District No. 12, 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 of water from Deschutes River 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 and point of diversion of water from Deschutes River be and the same hereby is approved and that the water right hereinbefore described as appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 17 South, Range 12 East, W. M., for manufacturing purposes, be severed therefrom and simultaneously and without loss of priority transferred to Blocks 49 and 50 of the townsite of Laidlaw, now known as Tumalo, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 16 South, Range 12 East, W. M., for manufacturing purposes, and to convey the water by means of a pumping plant, the point of diversion of the pumping plant to be located 1260 feet north and 1750 feet east from the South quarter corner of Section 31, Township 16 South, Range 12 East, W. M.

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.

It is FURTHER ORDERED that the construction work required to be done in connection with the proposed change in point of diversion of water and the application of water to beneficial use on the lands to which the water is transferred hereby shall be completed on or before October 1, 1954 or within 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 upon the lands to which the water is transferred hereby, Certificate of Water Right shall be issued to the said Bend Sand and Gravel Company or their successors in interest, to the extent to which the water has been applied beneficially, and Certificate of Water Right heretofore issued to the said Bend Sand and Gravel Company and recorded at page 13819, Volume 12, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 24th day of July 1953.


CHAS. E. STRICKLIN
State Engineer

Noted on Cert. #13819