

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF OREGON STATE HIGHWAY DEPARTMENT)
 FOR THE APPROVAL OF A CHANGE IN)
 USE AND PLACE OF USE OF WATER FROM)
 DESCHUTES RIVER.)

O R D E R
APPROVING APPLICATION

On April 2, 1953, the Oregon State Highway Department filed an application for the approval of a change in use and place of use of water from Deschutes River, pursuant to the provisions of Section 116-606, O.C.L.A.

In the supplemental findings of fact and order of determination of the State Engineer, entered May 15, 1953, 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 adjudicated in the name of the Deschutes Reclamation and Irrigation Company for the irrigation of, among other lands, the following:

	No. of Acres	Sub-division	Section
✓ W. R. Gerking	19.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5
✓ M. Merg	15.5	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8
✓ Glen Kribs	20.2	NE $\frac{1}{4}$ SW $\frac{1}{4}$	8
✓ L. A. Swagert	6.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	8
✓ L. A. Swagert	18.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8
✓ Kendall Franklin	16.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	17
✓ Raymond Gumpert	20.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	17
✓ Raymond Gumpert	15.5	SE $\frac{1}{4}$ NE $\frac{1}{4}$	17
✓ D. C. Dyer	21.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17
✓ Fawn Williams	7.5	NW $\frac{1}{4}$ SW $\frac{1}{4}$	16
✓ Fawn Williams	5.5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16
✓ Fred Meyers	13.5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16
✓ Fred Meyers	22.5	NW $\frac{1}{4}$ NW $\frac{1}{4}$	21
✓ Fred Meyers	3.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	20
✓ Oregon State Highway Commission	3.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	20

All in Township 17 South, Range 12 East, W. M.

The right of way of the new Bend-Tumalo section of the McKenzie Highway and the site of the proposed North of Bend Maintenance Station acquired by the Oregon State Highway Department, contains 25.5 acres of

the irrigated lands above described, as follows:

No. of Acres	Subdivision	Section
2.5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5
1.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8
1.2	NE $\frac{1}{4}$ SW $\frac{1}{4}$	8
0.8	NW $\frac{1}{4}$ SE $\frac{1}{4}$	8
4.4	SW $\frac{1}{2}$ SE $\frac{1}{2}$	8
1.1	NW $\frac{1}{4}$ NE $\frac{1}{4}$	17
0.6	NE $\frac{1}{4}$ NE $\frac{1}{4}$	17
4.2	SE $\frac{1}{2}$ NE $\frac{1}{2}$	17
1.3	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17
0.3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	16
1.1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16
2.1	SW $\frac{1}{2}$ SW $\frac{1}{2}$	16
1.4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	21
0.5	NE $\frac{1}{4}$ NE $\frac{1}{4}$	20
3.0	SE $\frac{1}{2}$ NE $\frac{1}{2}$	20
All in Township 17 South, Range 12 East, W. M.		

The Oregon State Highway Department, owner of the right of way and maintenance site, proposes to transfer the water rights appurtenant thereto for irrigation purposes, without loss of priority, to that of maintenance of State Highway Shop, including domestic, irrigation of lawn and shrubs, fire protection, car cleaning, machinery cleaning, and all other uses incidental to the maintenance of the State Highway Shop, and to use the said water at the North of Bend Maintenance Site within Lots 7, 8 and 9, Norwood, First Addition, said lots being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 17 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 May 5, 12 and 19, 1953. The time for hearing as fixed in the notice, namely: July 1, 1953, 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 use and place of use 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 use and place of use of water from Deschutes River be and the same hereby is approved and that the water rights for irrigation hereinbefore described as appurtenant to 25.5 acres, as follows:

No. of Acres	Subdivision	Section
2.5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5
1.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8
1.2	NE $\frac{1}{4}$ SW $\frac{1}{4}$	8
0.8	NW $\frac{1}{4}$ SE $\frac{1}{4}$	8
4.4	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8
1.1	NW $\frac{1}{4}$ NE $\frac{1}{4}$	17
0.6	NE $\frac{1}{4}$ NE $\frac{1}{4}$	17
4.2	SE $\frac{1}{4}$ NE $\frac{1}{4}$	17
1.3	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17
0.3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	16
1.1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16
2.1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16
1.4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	21
0.5	NE $\frac{1}{4}$ NE $\frac{1}{4}$	20
3.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	20

All in Township 17 South,
Range 12 East, W. M.,

be severed therefrom and simultaneously and without loss of priority transferred to Lots 7, 8 and 9, Norwood, First Addition, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 17 South, Range 12 East, W. M., for use in the maintenance of State Highway Shop, including domestic, irrigation of lawn and shrubs, fire protection, car cleaning, machinery cleaning, and all other uses incidental to the maintenance of the State Highway Shop.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1958 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water used for the maintenance of State Highway Shop, including domestic, irrigation of lawn and shrubs, fire protection, car cleaning, machinery cleaning, and all other uses incidental to the maintenance of the State Highway Shop, heretofore used for the irrigation of 25.5 acres, shall be limited to the duty of water fixed for irrigation purposes by the decree of the Circuit Court for Deschutes County, Oregon, dated March 24, 1933, in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, or such pro rata part thereof as is available.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, Certificate of Water Right shall be issued to the Deschutes Reclamation and Irrigation Company to the extent to which the water has been applied beneficially, at the time certificates are issued in the Deschutes River adjudication proceedings.

Dated at Salem, Oregon this 28th day of July 1953.

*Noted on Suppl. Findings
Vol. 15, pages 284, 285,
286, 288, and 290*

Chas. E. Stricklin
CHAS. E. STRICKLIN
State Engineer

File # 0-20