

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF D. T. HUNDLEY FOR THE APPROVAL)
OF A CHANGE IN USE OF WATER FROM)
DESCHUTES RIVER.)

O R D E R

APPROVING APPLICATION

On June 26, 1950, D. T. Hundley filed an application for the approval of a change in use of water from Deschutes River, pursuant to the provisions of Section 116-606, O. C. L. A.

By Decree of the Circuit Court for Deschutes County, in the matter of the determination of the relative rights to the use of the water of Deschutes River and its tributaries, and by reason of supplemental transfers thereto, the Arnold Irrigation District has an inchoate right for the irrigation of, among other lands, 11 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 18 South, Range 12 East, W. M., said 11 acres being owned by D. T. Hundley, and being within the following described tract, to-wit:

Beginning at the northwest corner of Section 17, Township 18 South, Range 12 East, W. M., thence south along the section line 2480 feet to the point of beginning; thence east 1293.5 feet to the westerly right of way line of the Dalles-California Highway; thence southwesterly along the west boundary line of the Dalles-California Highway, 514 feet; thence west 288.2 feet; thence south 178.9 feet; thence west 805.4 feet to a point on the west line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 17; thence west 140 feet to a point on the boundary line of the Brooks-Scanlon logging railroad; thence northwesterly along the boundary line of the Brooks-Scanlon logging road 554 feet more or less, to a point on said boundary, which point is 250 feet west from the point of beginning; thence east 250 feet to the point of beginning;

The applicant herein, owner of 5 acres of the land above described, proposes to transfer the water right appurtenant thereto for irrigation purposes, without loss of priority, to that of commercial and domestic uses in the operation of a service station and motel, including fire protection and the irrigation of a small garden and lawn, not to exceed $\frac{1}{2}$ acre.

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, for a period of at least three weeks and not less than one publication each week, being the issues of July 1, 8 and 15, 1950. The time for hearing upon such application, as fixed in the notice, Namely: August 24, 1950, at 10:00 o'clock a. m., was not less than 30 days after the last publication of said notice.

The Board of Directors of the Arnold Irrigation District, on June 23, 1950, approved the proposed change in use of water.

On September 8, 1950, D. T. Hundley, owner of the service station and motel involved herein, executed an affidavit to the effect that he used water prior to June 30, 1950, for commercial and domestic purposes in the operation of a service station and motel, including fire protection and the irrigation of a small lawn and garden not exceeding $\frac{1}{2}$ acre.

No objections having been filed and it appearing that the water has been used beneficially for domestic and commercial purposes in the operation of a service station and motel prior to June 30, 1950, and that the proposed change 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 of water be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 18 South, Range 12 East, W. M., for irrigation purposes be severed therefrom and simultaneously and without loss of priority transferred to a water supply for domestic and commercial use in the operation of a service station and motel, including fire protection and the irrigation of a small lawn and garden not to exceed $\frac{1}{2}$ acre.

It is FURTHER ORDERED that the quantity of water used for the operation of the service station and motel, including fire protection and the irrigation of a small lawn and garden not exceeding $\frac{1}{2}$ acre, heretofore used for the irrigation of said 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.

Dated at Salem, Oregon, this 15th day of September, 1950.


CHAS. E. STRICKLIN
State Engineer

*This transfer disposed of
in Desch. Suppl. Findings -
Vol. 15 p. 22 (par. 42)
See Also p. 155*

File # S-71