

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF STEVEN L. STEIDL FOR THE APPRO- )  
VAL OF A CHANGE IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
FROM THE DESCHUTES RIVER )  
----- )

O R D E R

APPROVING APPLICATION

On April 13, 1962, Steven L. Steidl of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in 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 Ida M. Steidl and recorded at page 17153, Volume 14, State Record of Water Right Certificates, confirms a right to the use of the waters of Deschutes River for the irrigation of 18.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 17 South, Range 12 East, W. M. Certificate of water right issued to Steven L. Steidl and recorded at page 17154, Volume 14, State Record of Water Right Certificates, confirms a right to the use of the waters of Deschutes River for the irrigation of 1.2 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20 and 13.3 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.9 acre in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 4.6 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 17 South, Range 12 East, W.M. All of these lands have a date of priority of October 10, 1903, and are irrigated through the Steidl ditch, the point of diversion of said ditch being located South 35 degrees 30' West 2400 feet from the northeast corner of Section 29, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 29, Township 17 South, Range 12 East, W.M.

The applicant herein, owner of 23 acres of the land above described, to-wit: 1.2 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20 and 10 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.3 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.9 acre in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.6 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, proposes to transfer the water right therefrom without loss of priority to 3.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, Township 17 South, Range 11 East, W. M., and to 11.5 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.5

acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 18 and 3.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 19, Township 17 South, Range 12 East, W. M., and to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located North 48 degrees East 1920 feet from the southwest corner of Section 18, and being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 18, Township 17 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse at Bend, Oregon, on July 10, 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 May 22, 29 and June 5, 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 place of use and point of diversion 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 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 of water be and the same is approved and that the water right hereinbefore described as appurtenant to 1.2 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20 and 10 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.3 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.9 acre in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.6 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 17 South, Range 12 East, W. M., with a date of priority of October 10, 1903, be severed therefrom and simultaneously and without loss of priority transferred to 3.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, Township 17 South, Range 11 East, W.M.

and to 11.5 acres in the SW $\frac{1}{2}$  SW $\frac{1}{2}$  and 4.5 acres in the SE $\frac{1}{2}$  SW $\frac{1}{2}$ , Section 18 and 3.5 acres in the NW $\frac{1}{2}$  NW $\frac{1}{2}$ , Section 19, Township 17 South, Range 12 East, W. M.

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

From a point located South 35 degrees 30' West 2400 feet from the northeast corner of Section 29, and being within the SW $\frac{1}{2}$  NE $\frac{1}{2}$ , said Section 29, Township 17 South, Range 12 East, W. M.

To a point to be located North 48 degrees East 1920 feet from the southwest corner of Section 18, and being within the SE $\frac{1}{2}$  SW $\frac{1}{2}$ , said Section 18, Township 17 South, Range 12 East, W. M.

for the irrigation of 3.5 acres in the NE $\frac{1}{2}$  NE $\frac{1}{2}$ , Section 24, Township 17 South, Range 11 East, W. M., and to 11.5 acres in the SW $\frac{1}{2}$  SW $\frac{1}{2}$  and 4.5 acres in the SE $\frac{1}{2}$  SW $\frac{1}{2}$ , Section 18, and 3.5 acres in the NW $\frac{1}{2}$  NW $\frac{1}{2}$ , Section 19, Township 17 South, Range 12 East, W. M., with a date of priority of October 10, 1903, be and the same hereby is approved.

It is FURTHER ORDERED that the change in place of use and point of diversion of water shall be completed 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 quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

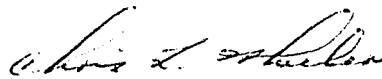
It is FURTHER ORDERED that the following provisions shall be effective, when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices.

That the pumping plant 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 by the Watermaster of Deschutes County, Oregon, before the beginning of construction work 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 issued to Ida M. Steidl, and recorded at page 17153, Volume 14, State Record of Water Right Certificates, be and the same is hereby canceled and that a new certificate be issued to Ida M. Steidl, or her successor in interest, covering the balance of 8 acres not involved herein, and certificate of water right issued to Steven L. Steidl, and recorded at page 17154, Volume 14, State Record of Water Right Certificates, be and the same is hereby canceled and that a new certificate be issued to Steven L. Steidl, or his successor in interest, covering the balance of 7 acres not involved herein, 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 Steven L. Steidl to the extent to which the water has been applied beneficially on the lands involved in this proceeding.

Dated at Salem, Oregon, this 20th day of July, 1962.



CHRIS L. WHEELER  
State Engineer

*Gen. Ord. 30000 - 20914*