

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
B. B. GERVAIS AND WILLARD FINLEY)
FOR APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER WITHIN THE BOUNDARIES OF)
THE ARNOLD IRRIGATION DISTRICT.)
-----)

O R D E R
APPROVING APPLICATION

On January 5, 1945, B. B. Gervais and Willard Finley of Bend, Oregon, filed an application for approval of a change in place of use of water from Deschutes River within the boundaries of the Arnold Irrigation District.

In the adjudication proceedings determining the relative rights to the use of the waters of Deschutes River and its tributaries, a water right was recognized in the name of Arnold Irrigation Company for the irrigation of, among other lands, 35 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 18 South, Range 12 East, W. M., with dates of priority of February 1, 1905, and April 25, 1905.

B. B. Gervais, owner of 4 acres of the above-described land, to-wit: "Tract 14, Virginia Park", proposes to transfer the water right therefrom, without loss of priority, to 4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 18 South, Range 12 East, W. M., owned by Willard Finley.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required in applications for only a change in place of use of water.

George T. Murphy, President, and Charles Porter, Director, of the Board of Directors of the Arnold Irrigation District have submitted

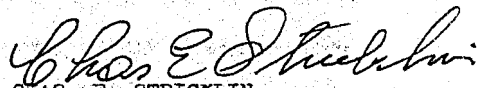
an affidavit to the effect that water has been used beneficially upon the 4 acres from which it is proposed to transfer the water, for a period of more than 6 years.

The Arnold Irrigation District, successor to the Arnold Irrigation Company, having submitted its approval of the proposed change in place of use of water, and it appearing that such 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 place of use of water be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 18 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 18 South, Range 12 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before January 1, 1946, or such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 19th day of February, 1945.


CHAS. E. STRICKLEN
State Engineer

*Noted on Decree,
Vol. 9, p. 458
(Trsf. No. 5-16)*