

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF JAMES A. ELDER FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM DESCHUTES RIVER)

O R D E R
APPROVING APPLICATION

On March 10, 1954, James A. Elder of Route 2, Box 270, Bend, Oregon, filed an application for the approval of a change in place of use of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

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, adjudicated a water right in the name of the Deschutes Reclamation and Irrigation Company for the irrigation of, among other lands, 16 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W. M., said lands being tabulated under the ownership of James A. Elder.

The applicant, owner of 20 acres of the land above described, to-wit: 1 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W. M., proposes to transfer the water right appurtenant thereto, without loss of priority to 12 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 16 South, Range 12 East, W. M.

Notice by publication as provided by ORS 540.20, was not given in connection with this application for the reason that said ORS provides notice is not required on applications for only a change in place of use of water.

Directors of the Deschutes Reclamation and Irrigation Company have approved the proposed change in place of use of water.

No objections having been filed and it appearing that the proposed change in 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 place of use of water from Deschutes River be and the same hereby is approved and that the water right hereinbefore described as appurtenant to the 1 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4 acres in the NW $\frac{1}{4}$ SE $\frac{1}{2}$, Section 32, Township 16 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 12 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29, Township 16 South, Range 12 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1955 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 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, said certificate to be issued at the time certificates are issued in the Deschutes River adjudication proceedings.

Dated at Salem, Oregon, this 12th day of March, 1954.

Noted on Suppl. Findings

Vol. 15, p. 281

File # E-26

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