

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF
FRANK W. MC CAFFERY AND MINNIE D.
MC CAFFERY, HUSBAND AND WIFE, OF
REDMOND, OREGON, FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF WATER
FROM DESCHUTES RIVER PURSUANT TO THE
PROVISIONS OF SECTION 116-606, O.C.L.A.)

O R D E R

APPROVING APPLICATION

On November 28, 1945, Frank W. McCaffery and Minnie D. McCaffery, husband and wife, of Redmond, Oregon, filed an application for a change in place of use of water from Deschutes River, within the boundaries of the Central Oregon Irrigation District.

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 recognized in the name of the Central Oregon Irrigation District for the irrigation of, among other lands, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 15 South, Range 12 East, W. M.

The applicant herein, owner of 10 acres of the above-described land and water right appurtenant thereto, proposes to transfer the water right therefrom without loss of priority to 10 acres in the following described tract:

All of blocks 145 and 161; all of Block 162 excepting Lots 28 to 32 inclusive; those portions of Blocks 163 and 164 lying and being east of the rim rock running northerly and southerly across said Blocks 163 and 164; all of Blocks 165, 166, 167, 170, 171, 172, 173, 174, 175, 176, 177 and 178; all in the Townsite of Hillman, according to the plat thereof on file in the office of the County Clerk of Deschutes County, Oregon; said Blocks and Lots being within SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 14 South, Range 13 East, W. M.

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.

All the lands involved herein are within the boundaries of the Central Oregon Irrigation District, the board of directors of such district having approved the proposed transfer at its meeting held on November 5, 1945.

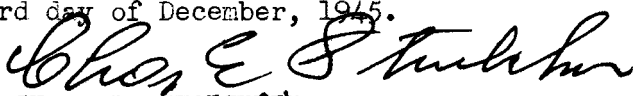
It appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 rights hereinbefore described as appurtenant to 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 15 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the following described tract:

All of blocks 145 and 161; all of Block 162 excepting Lots 28 to 32 inclusive; those portions of Blocks 163 and 164 lying and being east of the rim rock running northerly and southerly across said Blocks 163 and 164; all of Blocks, 165, 166, 167, 170, 171, 172, 173, 174, 175, 176, 177 and 178; all in the Townsite of Hillman, according to the plat thereof on file in the office of the County Clerk of Deschutes County, Oregon; said Blocks and Lots being within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 14 South, Range 13 East, W. M.

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use within the time fixed for the completion of the inchoate water rights allowed the Central Oregon Irrigation District in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, or such extension of time as may be granted in said matter by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 3rd day of December, 1945.


CHAS. E. STRICKLIN
State Engineer

*Noted on Decree,
Vol. 9, p. 138
(Trsf. No. M-46)*