

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF SIDNEY GROSS (DESCHUTES REC-)
LAMATION AND IRRIGATION COMPANY))
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM DES-)
CHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2544

On July 19, 1971, Sidney Gross filed an application in the office of the State Engineer 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.

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, 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 established in the name of Deschutes Reclamation and Irrigation Company for the use of the waters of Deschutes River for the irrigation of, among other lands, 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 16 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of William Harris as evidenced by certificate of water right recorded at page 29054, Volume 21, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 1.0 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, more explicitly described as being within Lot 3 of Whispering Pines Estates First Addition, and 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, more explicitly described as being within Lot 6 of Whispering Pines Estates First Addition, Section 27, Township 16 South, Range 12 East, W.M.

Notice by publication as provided by ORS 540.520 was not

given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

The lands involved herein are within the boundaries of the Deschutes Reclamation and Irrigation Company and the Board of Directors of said Company approved the proposed change in place of use of water at a meeting held July 6, 1971.

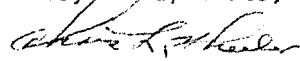
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 16 South, Range 12 East, W.M., with a date of priority of September 1, 1899, be severed therefrom and simultaneously and without loss of priority, transferred to 1.0 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, more explicitly described as being within Lot 3 of Whispering Pines Estates First Addition, and 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, more explicitly described as being within Lot 6 of Whispering Pines Estates First Addition, Section 27, 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, 1972.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of 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 Deschutes Reclamation and Irrigation Company at the time certificate is issued to the Company confirming other transfers within the Company.

Dated at Salem, Oregon, this 20th day of September, 1971.


CHRIS L. WHEELER
State Engineer