

BEFORE THE WATER RESOURCES OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
FOSTER AND MARSHALL (DESCHUTES)
RECLAMATION AND IRRIGATION COMPANY))
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER)

ORDER APPROVING
TRANSFER 5135

On October 18, 1982, an application was filed in the office of the Water Resources Director by Foster and Marshall for approval of a change in place of use of water from Deschutes River, pursuant to the provisions of CRS 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 allowed in the name of Deschutes Reclamation and Irrigation Company for use of the waters of Deschutes River for irrigation of, among other lands, a certain 6.0 acres in NE 1/4 NE 1/4, Section 20, Township 17 South, Range 12 East, WM, with a date of priority of September 1, 1899, being tabulated in the name of George Windham at Volume 16, page 171, as evidenced by the certificate recorded at page 29054, Volume 21, State Record of Water Right Certificates. These lands are irrigated by means of the Swalley Canal.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom to a certain 6.0 acres in SW 1/4 NW 1/4, Section 15, Township 16 South, Range 12 East, WM.

The lands involved herein are within the boundaries of the Deschutes Reclamation and Irrigation Company and the Board of Directors of said Company has approved the proposed change in place of use of water.

Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights, however it appears that the right may not be valid due to possible nonuse for a period of five or more years.

Ruth Martin, former owner, has submitted a statement that she did beneficially irrigate said 6.0 acres in its entirety from 1946 to 1979.

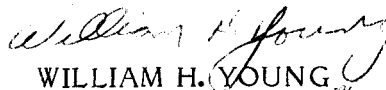
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved, without loss of priority.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1985.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date a certificate of water right shall be issued to Deschutes Reclamation and Irrigation Company confirming this and other changes within the District, and superseding Certificate 29054.

Dated at Salem, Oregon this 6th day of December, 1983.


WILLIAM H. YOUNG
Director

NOTE: Approval of this water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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