

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
GEORGE E. AND FLORENCE C. HAMILTON)
AND HOWARD E. AND JOANNE HAMILTON FOR)
THE APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM DESCHUTES RIVER.)

O R D E R
APPROVING APPLICATION

On August 20, 1957, George E. and Florence C. Hamilton and Howard E. and Joanne Hamilton 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.

The State Engineer's supplemental findings of fact and order of determination 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, determined the extent to which the inchoate water rights of the Arnold Irrigation District were completed. In said findings the State Engineer found that C. R. Smith, a land owner within the Arnold Irrigation District, had reclaimed and irrigated 25.3 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 18 South, Range 12 East, W. M.

The applicants herein, owners of 6 acres of the lands above described, propose to transfer the water right therefrom without loss of priority to 3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 18 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 said section provides notice is not required on applications for a change in place of use of water only.

All the lands involved herein are within the boundaries of the Arnold Irrigation District and the Board of Directors of said District has approved the proposed change in place of use of water.

Sophie Kribs, the holder of a first mortgage, and Roy Smith, the holder of a second mortgage, on the lands from which it is proposed to transfer the water, have submitted their consent in writing to the proposed change.

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 from Deschutes River be and the same is approved, and that the water right hereinbefore described as appurtenant to 6 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 18 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, 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 October 1, 1958 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 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 Arnold Irrigation District or its successor in interest to the extent to which the water has been applied beneficially at the time certificates are issued in the Deschutes River adjudication proceedings.

Dated at Salem, Oregon this 26th day of August 1957.

*Noted on Suppl. Findings
Vol. 15, p. 152*

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer