

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF THERESA M. DYER, LINFORD L.)
AND MATTIE RECTOR FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM DESCHUTES RIVER)

O R D E R

APPROVING APPLICATION

On August 1, 1961, Theresa M. Dyer and Linford L. and Mattie Rector 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 irrigation of, among other lands, 21.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 17 South, Range 12 East, W. M., with a date of priority of September 1, 1899, said lands being tabulated under the name of D. C. Dyer. Subsequently, on July 28, 1953, the State Engineer entered an order approving an application of the Oregon State Highway Department for a change in place of use of water wherein a water right appurtenant to 1.3 acres of the land above described was transferred to other lands within the project.

Theresa M. Dyer, owner of the lands above described, proposes to transfer the water right from 0.9 acre thereof to 0.9 acre in Lot 20, except the westerly 150 feet thereof, in Glen Vista Subdivision, being a part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 17 South, Range 12 East, W. M., owned by Linford L. and Mattie Rector.

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 only.

The Board of Directors of the Deschutes Reclamation and Irrigation Company approved the proposed change in place of use of water at a meeting held June 12, 1961.

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 0.9 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 17 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 0.9 acre in Lot 20, except the westerly 150 feet thereof, in Glen Vista Subdivision, being a part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 17 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, 1962, 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 Deschutes Reclamation and Irrigation Company to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 18th day of August, 1961.

*Noted on Decree
Vol. 16, p 170*

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer