

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF AUSTON O. FUSTON FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE OF)
WATER FROM DESCHUTES RIVER)

O R D E R

APPROVING APPLICATION

On December 6, 1962, Auston O. Fuston of Bend, Oregon 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 the Deschutes Reclamation and Irrigation Company for the irrigation of, among other lands, 21.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W. M., with a date of priority of September 1, 1899; said 21.5 acres being tabulated in the name of L. E. Tussing.

The applicant herein, owner of 4.0 acres of the lands above described, proposes to transfer the water right therefrom without loss of priority to 2.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, 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 only.

The Board of Directors of Deschutes Reclamation and Irrigation Company approved the proposed change in place of use of water at a meeting held December 28, 1962.

No objections having been filed and it appearing that the 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 is approved and that the water right hereinbefore described as appurtenant to 4.0 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 32, 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 2.0 acres in the NW $\frac{1}{2}$ SE $\frac{1}{2}$ and 2.0 acres in the SW $\frac{1}{2}$ SE $\frac{1}{2}$, Section 32, 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, 1964, 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 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 14th day of January, 1963.

*Noted on Deeds
Vol. 16, p. 153
Cor. 729054*


CHRIS L. WHEELER
State Engineer