

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

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

ORDER APPROVING
TRANSFER 5655

On June 6, 1985, an application was filed in the office of the Water Resources Director by Ray Springer for 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 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 4.0 acres in NE 1/4 SE 1/4 and 1.5 acres in SE 1/4 SE 1/4, Section 17, Township 17 South, Range 12 East, WM, with a date of priority of September 1, 1899, being tabulated in the names of D.C. Dyer and Hoyle Phillips in Volume 16, pages 170 and 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 applicant herein, owner of the lands above described, proposes to transfer the water right therefrom to a certain 2.5 acres in NE 1/4 SE 1/4, Section 17, Township 17 South, Range 12 East, WM, (Springer) and 3.0 acres in SE 1/4 NW 1/4, Section 33, Township 16 South, Range 12 East, WM, (Gant).

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 regular meeting.

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, but the placement of fill on a portion of said land may be an indication of abandonment of said water right.

In reply thereto, the applicant has submitted documentation that the water right transfer was initiated prior to placement of the fill.

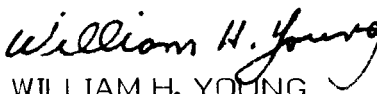
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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, 1987.

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 16th day of September, 1985.


WILLIAM H. YOUNG
Director

NOTE: The approval of a 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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