

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
EVERET THORNBURGH FOR THE APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER FROM)
DESCHUTES RIVER.)
-----)

ORDER APPROVING
APPLICATION NO. T-18

On December 16, 1946, Everet Thornburgh of Terrebonne, Oregon, filed an application for the approval of a change in place of use of water from Deschutes River, pursuant to the provisions of Section 116-606, O. C. L. A.

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 recognized in the name of the Central Oregon Irrigation District for the irrigation of, among other lands, 5 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 4, Township 14 South, Range 13 East, W. M., 36 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 13 South, Range 13 East, W. M., and 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 13 South, Range 13 East, W. M.

The applicant herein, owner of the water rights appurtenant to 26 acres of the above-described lands, to-wit: 5 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 4, Township 14 South, Range 13 East, W. M., 1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 13 South, Range 13 East, W. M., and 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 13 South, Range 13 East, W. M., proposes to transfer the water rights therefrom, without loss of priority, to 22 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 13 South, Range 13 East, W. M., and 4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 13 South, Range 13 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required in application for only a change in place of use of water.


None of the lands involved herein are within the boundaries of the Central Oregon Irrigation District. The board of directors of the district approved the proposed transfer at its regular meeting held December 4, 1946.

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 be and the same hereby is approved and that the water rights hereinbefore described as appurtenant to 5 acres in Lot 2 ($NW\frac{1}{4}$ $NE\frac{1}{4}$), Section 4, Township 14 South, Range 13 East, W. M., 1 acre in the $NE\frac{1}{4}$ $SE\frac{1}{4}$, Section 33, Township 13 South, Range 13 East, W. M., and 20 acres in the $NW\frac{1}{4}$ $SW\frac{1}{4}$, Section 34, Township 13 South, Range 13 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 22 acres in the $SE\frac{1}{4}$ $SE\frac{1}{4}$, Section 33, Township 13 South, Range 13 East, W. M., and 4 acres in the $SW\frac{1}{4}$ $NW\frac{1}{4}$, Section 34, Township 13 South, Range 13 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use within the time fixed for the completion of the inchoate water rights allowed the Central Oregon Irrigation District in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, or such extension of time as may be granted in said matter by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 17th day of December, 1946.


CHAS. E. STRICKLEN
State Engineer

✓ Noted on Decree,
Vol. 9, p. 464