

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF BEND INDUSTRIAL DEVELOPMENT )  
CORPORATION (DESCHUTES RECLAMATION )  
AND IRRIGATION COMPANY) FOR THE AP- )  
PROVAL OF A CHANGE IN PLACE OF USE )  
OF WATER FROM DESCHUTES RIVER )  
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ORDER APPROVING  
TRANSFER NO. 8-179

On June 21, 1967, Bend Industrial Development Corporation 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 use of the waters of Deschutes River for the irrigation of, among other lands, 9.7 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 29.3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 17 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of L. Kirkpatrick as evidenced by certificate of water right recorded at page 29054, Volume 21, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, 10.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 7, 1.0 acre in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 17 South, Range 12 East, W.M., 10.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 15, 4.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, 2.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, 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.

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.

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.

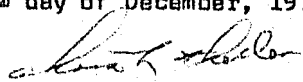
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 9.7 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 29.3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 17 South, 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 $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, 10.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 7, 1.0 acre in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 17 South, Range 12 East, W.M., 10.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 15, 4.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, 2.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, 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, 1972.

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 8th day of December, 1971.



CHRIS L. WHEELER  
State Engineer y