

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
ROY SWENSON AND GRACE SWENSON FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DESCHUTES RIVER.)
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ORDER APPROVING
APPLICATION NO. S-49

On December 23, 1946, Roy Swenson and Grace Swenson of 690 W. Broadway, Eugene, Oregon, filed an application for 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.

By decree of the Circuit Court for Deschutes County dated December 17, 1932, 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 Deschutes Reclamation & Irrigation Company for the irrigation of, among other lands, 26 acres in the NE $\frac{1}{4}$ SW $\frac{1}{2}$, and 26 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 16 South, Range 12 East, W. M., with a date of priority of September 1, 1899.

The applicants herein, owners of 35 acres of the above described lands, to-wit: 17 acres in the NE $\frac{1}{4}$ SW $\frac{1}{2}$, 18 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 16 South, Range 12 East, W. M., proposes to transfer the water rights therefrom, without loss of priority, to 18 acres in the NW $\frac{1}{4}$ SW $\frac{1}{2}$, Section 27, and 17 acres in the NE $\frac{1}{4}$ SE $\frac{1}{2}$, Section 28, Township 16 South, Range 12 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 applications for only a change in place of use of water.

The Board of Directors of the Deschutes Reclamation & Irrigation Company, having approved the proposed transfer and it appearing that such 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 17 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 18 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 16 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 18 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; and 17 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 16 South, Range 12 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 Deschutes Reclamation and Irrigation Company 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 31st day of December, 1946.


CHAS. E. STRICKLIN
State Engineer

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Noted on Decree.
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