

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF RALPH CAKE FOR THE APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)
FROM DESCHUTES RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. C-155

On February 6, 1964, Ralph Cake of Portland, 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, 4.0 acres in the NW $\frac{1}{2}$ SE $\frac{1}{2}$, Section 7, Township 17 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of Ralph Cake. Subsequently, on May 22, 1963, the State Engineer entered an order approving an application of Portland Mortgage Company and George Short for a change in place of use of water wherein a water right appurtenant to 2.0 acres of the land above described was transferred to other land within the project.

The applicant herein, owner of 2.0 acres of the land above described, proposes to transfer the water right therefrom without loss of priority to 2.0 acres in the SE $\frac{1}{2}$ NW $\frac{1}{2}$, Section 28, Township 16 South, Range 12 East, W.M., owned by James S. Frakes.

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 the Deschutes Reclamation and Irrigation Company approved the proposed change in place of use of water on November 4, 1963.

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

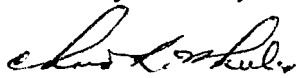
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and that the water right hereinbefore described as appurtenant to 2.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 17 South, Range 12 East, W.M., with a date of priority of September 1, 1899, be severed therefrom and simultaneously and without loss of priority transferred to 2.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 16 South, Range 12 East, W.M., owned by James S. Frakes.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965, 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 19th day of June, 1964.

*Noted in Deschutes
July 16, 1964
Order # 27054*


CHRIS L. WHEELER
State Engineer