

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
AMOS NEWELL AND CARRIE NEWELL, HUS-)
BAND AND WIFE, AND THE CITY OF BEND)
FOR THE APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER.)
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ORDER APPROVING
APPLICATION NO. N-7

On February 14, 1947, Amos Newell and Carrie Newell, husband and wife, of Bend, Oregon, and the City of Bend, Oregon, filed an application for 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 and Irrigation Company for the irrigation of, among other lands, 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 16 South, Range 12 East, W. M., from Deschutes River with a date of priority of September 1, 1899. Subsequently, two transfers were approved wherein the water rights appurtenant to 17 acres of the above described lands were transferred therefrom, leaving a balance of 23 acres appurtenant to said tract.

The City of Bend, owner of the above described lands, joins the applicants in the proposal to transfer the water rights appurtenant to 10 acres thereof to 10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 17 South, Range 12 East, W. M., owned by Amos Newell and Carrie Newell, husband and wife.

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 and Irrigation Company have submitted their approval to the proposed transfer.

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 is hereby 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 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 16 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 10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 17 South, Range 12 East, W. M., owned by Amos Newell and Carrie Newell, husband and wife.

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 14th day of February, 1947.



CHAS. E. STRICKLIN
State Engineer

Noted on Decree
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