

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION }  
OF CHARLES A. AND VELMINA M. }  
BURTON FOR THE APPROVAL OF A }  
CHANGE IN PLACE OF USE OF WATER }  
FROM DESCHUTES RIVER }  
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ORDER APPROVING  
TRANSFER NO. B-159

On December 9, 1965, Charles A. and Velmina M. Burton 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 Arnold Irrigation District for the irrigation of, among other lands, 25.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 18 South, Range 12 East, W.M., tabulated in the name of C. A. Burton, with dates of priority of February 1, 1905 and April 25, 1905. These lands also have a supplemental right under permit No. 23256 to the use of the water stored in Crane Prairie Reservoir, with a date of priority of February 28, 1913.

The applicants herein, owners of the land above described, propose to transfer the water right appurtenant to 4.0 acres in the S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 18 South, Range 12 East, W.M. therefrom, without loss of priority, to 4.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 18 South, Range 12 East, W.M. Land on which the water is to be used is part of that described as follows:

Beginning at a point whence the Southeast corner of said Section 12, Township 18 South, Range 12 East, W.M., Deschutes County, Oregon bears South 15° 32' 48" East, 2214.06 feet; thence North 89° 49' 10" West, 684.00 feet; thence North 0° 10' 50" East, 510.00 feet to the South right of way of the Ward County Road; thence along said right of way bearing South 89° 19' 33" East, 684.02 feet; thence South 0° 10' 50" West, 503.44 feet to the point of beginning.

Curtis and Edna Komniny, contract purchasers of the lands from which it is proposed to transfer water, have submitted written approval to the change in place of use of water.

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 lands involved herein are within the boundaries of the Arnold Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water on December 7, 1965.

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.

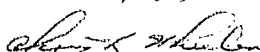
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 4.0 acres in the S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 18 South, Range 12 East, W.M., be severed therefrom and simultaneously and without loss of priority transferred to 4.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 18 South, Range 12 East, W.M. Land on which the water is to be used is part of that described as follows:

Beginning at a point whence the Southeast corner of said Section 12, Township 18 South, Range 12 East, W.M., Deschutes County, Oregon bears South 15° 32' 48" East, 2214.06 feet; thence North 89° 49' 10" West, 684.00 feet; thence North 0° 10' 50" East, 510.00 feet to the South right of way of the Ward County Road; thence along said right of way bearing South 89° 19' 38" East, 684.02 feet; thence South 0° 10' 50" West, 503.44 feet to the point of beginning.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1966.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the land to which the water is transferred hereby, certificate of water right shall be issued to Arnold Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 31st day of December, 1965.

  
CHRIS L. WHEELER, State Engineer