

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF CARL W. AND ESTHER M. MAYS AND)
GEORGE L. AND LEONA O. WILSON FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DESCHUTES)
RIVER.)

O R D E R

APPROVING APPLICATION

On June 5, 1958, Carl W. and Esther M. Mays and George L. and Leona O. Wilson 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.

The supplemental findings of fact and order of determination of the State Engineer, entered May 15, 1953, in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, determined the extent to which the inchoate water rights of the Deschutes Reclamation and Irrigation Company were completed. In said findings the State Engineer found that L. Kirkpatrick, a land owner under the Deschutes Reclamation and Irrigation Company, had reclaimed and irrigated 28.3 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 17 South, Range 12 East, W. M., lying north of the North Canal.

George L. and Leona O. Wilson, owners of 1 acre of the land above described, propose to transfer the water right therefrom, without loss of priority, to 1 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 17 South, Range 12 East, W. M., owned by Carl W. and Esther M. Mays.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on applications for a change in place of use of water only.

All the lands involved herein are within the boundaries of the Deschutes Reclamation and Irrigation Company and the board of directors of said company have 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 from Deschutes River may be made without injury to existing rights, the application should be approved.

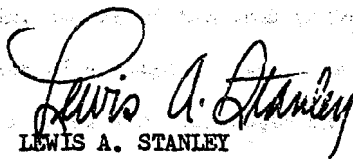
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Deschutes River be and the same is approved and that the water right hereinbefore described as appurtenant to 1 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 17 South, Range 12 East, W. M., lying north of the North Canal be severed therefrom and simultaneously and without loss of priority transferred to 1 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 17 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, 1958 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 the Deschutes Reclamation and Irrigation Company or its successor in interest to the extent to which the water has been applied beneficially at the time certificates are issued in the Deschutes River adjudication proceeding.

Dated at Salem, Oregon this 6th day of June 1958.

Noted on Decree
Vol. 16, p. 175


LEWIS A. STANLEY
State Engineer

Trsf W. 73