

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF GEORGE M. DEVENPORT FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM DESCHUTES RIVER)

O R D E R

APPROVING APPLICATION

On June 13, 1960, George M. Devenport of Bend, 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 July 18, 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 Central Oregon Irrigation District for the irrigation of, among other lands, 10 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 18 South, Range 13 East, W.M., with date of priority of October 31, 1900, said 10 acres being tabulated under the name of George M. Devenport. Subsequently, on April 29, 1960, State Engineer approved an application of George M. Devenport wherein the water right appurtenant to 5 acres of the land above described was transferred to other lands within the District.

The applicant herein, owner of 1 acre of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 1 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 18 South, Range 12 East, W.M.

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.

Wm. E. Buck, Richard W. Colon and Jim Dodd, holders of a contract of sale on the lands from which it is proposed to transfer water, have submitted written approval to the change in place of use of water.

All the lands involved herein are within the boundaries of the Central Oregon Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting held June 1, 1960.

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 be and the same is approved and that the water right hereinbefore described as appurtenant to 1 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 18 South, Range 13 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 1 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 18 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, 1961, 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 the 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 Central Oregon Irrigation District to the extent to which the water has been applied beneficially at the time certificates are issued in the Deschutes River adjudication proceedings.

Dated at Salem, Oregon, this 28th day of June, 1960.

*Noted on Decree
Vol. 16, p 72
Trsf. # D-87*

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer