

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
 D. D. TUSSING, LILLIAN E. TUSSING)
 AND LOUIS DUNLAP FOR THE APPROVAL OF)
 A CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVINGAPPLICATION

On April 9, 1947, D. D. Tussing, Lillian E. Tussing and Louis Dunlap 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, 39 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W. M., from Deschutes River with a date of priority of September 1, 1899. Subsequently, a transfer was approved wherein the water right appurtenant to 8 acres of the above described land was transferred therefrom, leaving a balance of 31 acres appurtenant to said tract.

D. D. Tussing and Lillian E. Tussing owners of the above described land proposes to transfer the water rights appurtenant to 20 acres thereof without loss of priority to 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 17 South, Range 12 East, W.M., owned by Louis Dunlap.

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 20 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, 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 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, 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 June 30, 1947.

Dated at Salem, Oregon, this 22nd day of April, 1947.


CHAS. E. STRICKLIN
State Engineer

*Noted on Decree,
Vol. 12, p. 290
7157# T-20*