

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF DUNCAN L. MCKAY, LORNA MCKAY,)
OWEN M. PANNER, AGNES G. PANNER,)
W. C. COYNER AND RUTH COYNER FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DESCHUTES RIVER.)

ORDER
APPROVING APPLICATION

On September 23, 1958, Duncan L. McKay, Lorna McKay, Owen M. Panner, Agnes G. Panner, W. C. Coyner and Ruth Coyner 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 Arnold Irrigation District were completed. In said findings the State Engineer found that R. E. Aulman, a land owner under the Arnold Irrigation District, had reclaimed and irrigated 33.4 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 18 South, Range 12 East, W. M.

The applicants herein, owners of 20 acres of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 18 South, Range 12 East, W. M., which 20 acres are owned by D. J. Ward.

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.

OFFICE OF THE STATE ENGINEER

All the lands involved herein are within the boundaries of the Arnold Irrigation District and the board of directors of said district 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.

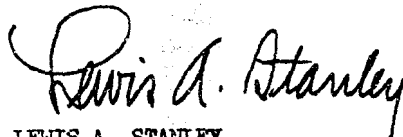
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Deschutes River be and the same is approved and that the water right hereinbefore described as appurtenant to 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 18 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 18 South, Range 12 East, W. M., owned by D. J. Ward.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1959 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 Arnold Irrigation District 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 proceedings.

Dated at Salem, Oregon this 23rd day of September 1958.

*Noted on Suppl. Findings Vol. 15, p 157
Trsf. # M-119*



LEWIS A. STANLEY
State Engineer