

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF MARSHALL SWEARINGEN (DESCHUTES
RECLAMATION AND IRRIGATION COMPANY)
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM DESCHUTES RIVERZ

ORDER APPROVING
TRANSFER NO. 2923

On November 20, 1973, Marshall Swearingen 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 Deschutes River and its Tributaries, a water right was established in the name of Deschutes Reclamation and Irrigation Company for the use of the waters of Deschutes River for the irrigation of, among other lands, 1.0 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 7.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W.M., being tabulated in the name of James A. Chamberlin, with a date of priority of September 1, 1899, as evidenced by certificate of water right recorded at page 29054, Volume 21, State Record of Water Right Certificates. These lands are irrigated by means of the Swalley Canal.

The applicant herein, owner of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 16 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.

The lands involved herein are within the boundaries of the Deschutes Reclamation and Irrigation Company and the Board of Directors of said Irrigation Company approved the proposed change in place of use of water at a regular meeting held November 12, 1973.


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 1.0 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 7.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 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 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 16 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, 1974.

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, a certificate of water right will be issued to the Deschutes Reclamation and Irrigation Company confirming this and prior changes within the District.

Dated at Salem, Oregon, this 14th day of December, 1973.


CHRIS L. WHEELER
State Engineer