

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
WALTER ROY AND CLINTON A. AND)
JACQUELEEN E. PALMER FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE OF)
WATER FROM DESCHUTES RIVER.)

O R D E R
APPROVING APPLICATION

On October 10, 1958, Walter Roy and Clinton A. and Jacquelleen E. Palmer 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 Arnold Irrigation District for the irrigation of 0.5 acre in that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 18 South, Range 12 East, W. M., being within Tract B of Lot 23, Virginia Park Subdivision, Deschutes County, Oregon, said 0.5 acre being tabulated under the name of Walter Roy.

Walter Roy, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 0.5 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 18 South, Range 12 East, W. M., owned by Clinton A. and Jacquelleen E. Palmer and more explicitly described as follows:

A triangular area in the northeastern part of Tract No. 17 of Reed Highway Acreage, Section 2, bounded by a line beginning at the northeast corner of said Tract No. 17; thence southwesterly along the southeasterly boundary of said Tract 17 for a distance of 122 feet; thence northwesterly for a distance of 190 feet to a point in the north boundary of said Tract No. 17, that is 226 feet west of the northeast corner of said tract; thence east on said north boundary to the point of beginning, Deschutes County, Oregon.

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.

All the lands involved herein are within the boundaries of the Arnold Irrigation District and the Board of Directors of said district approved the proposed change in place of use of water on September 2, 1958.

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 0.5 acre in that part of the SW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 4, Township 18 South, Range 12 East, W. M., being within Tract B of Lot 23, Virginia Park Subdivision, be severed therefrom and simultaneously and without loss of priority transferred to 0.5 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 18 South, Range 12 East, W. M., owned by Clinton A. and Jacqualeen E. Palmer and more explicitly described as follows:

A triangular area in the northeastern part of Tract No. 17 of Reed Highway Acreage, Section 2, bounded by a line beginning at the northeast corner of said Tract No. 17; thence southwesterly along the southeasterly boundary of said Tract No. 17 for a distance of 122 feet; thence northwesterly for a distance of 190 feet to a point in the north boundary of said Tract No. 17, that is 226 feet west of the northeast corner of said tract; thence east on said north boundary to the point of beginning.

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 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 Arnold 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 20th day of October 1958.

*Noted on Final Decree
Vol. 16, p. 13*

Trsf. No R-58

A handwritten signature in cursive script that reads "Lewis A. Stanley". The signature is written in dark ink and is positioned above the typed name and title.

LEWIS A. STANLEY
State Engineer