

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF PORTLAND MORTGAGE COMPANY AND)
GEORGE SHORT FOR THE APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)
FROM DESCHUTES RIVER)

O R D E R
APPROVING APPLICATION

On May 9, 1963, Portland Mortgage Company and George Short 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 Waters of Deschutes River and its Tributaries, a water right was established in the name of the Deschutes Reclamation and Irrigation Company for the irrigation of, among other lands, 4.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 17 South, Range 12 East, W. M., with a date of priority of September 1, 1899, said 4.0 acres being tabulated in the name of Ralph Cake.

Portland Mortgage Company, owner of the land above described, proposes to transfer the water right appurtenant to 2.0 acres thereof without loss of priority to 2.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 17 South, Range 12 East, W. M., owned by George Short.

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.

The Board of Directors of Deschutes Reclamation and Irrigation Company approved the proposed change in place of use of water at a meeting held in March, 1963.

No objections having been filed and it appearing that the 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 that the water right hereinbefore described as appurtenant to 2.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 17 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 2.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 17 South, Range 12 East, W. M., being more particularly described as follows:

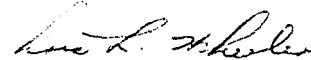
Starting at a point on the westerly right-of-way line of the Dalles-California Highway (US 97) which point is marked by an iron pipe and located 494.86 feet South and 741.50 feet West of the Northeast corner of said Section 9, Township 17 South, Range 12 East, W. M., thence southwestwardly 561.0 feet along the said right-of-way to the point of beginning; thence North 89 degrees 55' West to the easterly right-of-way line of the Swalley Ditch; thence southeasterly along said Ditch right-of-way to its intersection with the Dalles-California Highway (US 97), thence northeasterly along the said highway right-of-way 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, 1964, 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 Deschutes Reclamation and Irrigation Company at the time certificate is issued to the Company confirming other transfers within the Company.

Dated at Salem, Oregon, this 22nd day of May, 1963.

*Noted on Dec 11
Vol. 16 p. 171
Cert. # 27054*


CHRIS L. WHEELER
State Engineer