

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF BRADETICH BROS. FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM DESCHUTES RIVER.)

O R D E R
APPROVING APPLICATION

On October 7, 1940, Bradetich Bros. of Bend, Oregon, filed an application for approval of a change in place of use of water from Deschutes River.

In the adjudication proceedings involving 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 Central Oregon Irrigation District for the irrigation of, among other lands, 32 acres in the NW $\frac{1}{2}$ SE $\frac{1}{4}$, Section 27, Township 17 South, Range 12 East, W. M.

The applicant herein, owner of the above-described lands, proposes to transfer the water right appurtenant thereto to 12 acres in the NE $\frac{1}{2}$ SW $\frac{1}{4}$, 2 acres in the NW $\frac{1}{2}$ SW $\frac{1}{4}$, 3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 13 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 17 South, Range 12 East, W. M.

Notice by publication as provided by Section 47-712, Oregon Code 1935 Supplement, 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 Central Oregon Irrigation District having approved the transfer at its meeting held October 1, 1940, and it appearing that such change in place of use can 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 hereby is approved and that the water right hereinbefore described as appurtenant to 32 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 17 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 12 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 13 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 17 South, Range 12 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use within the time fixed for completion of inchoate water rights allowed in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries or such extension of time as may be granted in said matter by the State Engineer.

Dated at Salem, Oregon, this 9th day of October, 1940.


CHAS. E. STRICKLIN

State Engineer

*Noted on Decree,
Vol. 9, p. 476*