

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF }
JAMES ELDER AND JAMES S. FRAKES FOR }
APPROVAL OF A CHANGE IN PLACE OF USE }
OF WATER FROM DESCHUTES RIVER. }
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O R D E R

APPROVING APPLICATION

On August 18, 1947, James Elder and James S. Frakes of Bend, Oregon, filed an application for a change in place of use of water from Deschutes River, pursuant to the provisions of Section 116-606, O. C. L. A.

In the adjudication proceedings determining the relative rights to the use of the waters of Deschutes River and its tributaries, a water right was recognized in the name of the Deschutes Reclamation and Irrigation Company for the irrigation of 15 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W. M., with a date of priority of September 1, 1899.

James Elder, owner of 5 acres of the above described land, proposes to transfer the water right appurtenant thereto, without loss of priority, to 5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 16 South, Range 12 East, W. M., owned by James S. Frakes.

Notice by publication as provided by Section 116-606, O. C. L. A., 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.

James R. Benham has submitted an affidavit to the effect that the lands from which it is proposed to transfer the water have been beneficially irrigated prior to June 30, 1947.

The Deschutes Reclamation and Irrigation Company having submitted its approval of the proposed change in place of use of water, and it appearing that such change 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 hereby is approved, and that the water right hereinbefore described as appurtenant to 5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, 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 January 1, 1948.

Dated at Salem, Oregon, this 18th day of August, 1947.

Noted on Decree
Vol. 12, p. 290.

Tr of. No. E-17


CHAS. E. STRICKLIN
State Engineer