

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF ELMER V. AND MARY WARD FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM DESCHUTES RIVER)
- - - - -

O R D E R

APPROVING APPLICATION

On July 1, 1963, Elmer V. and Mary Ward 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 Arnold Irrigation District for the use of the waters of Deschutes River for the irrigation of, among other lands, 32.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 18 South, Range 11 East, W. M., with dates of priority of February 1, 1905, and April 25, 1905, being tabulated in the name of William James. These lands also have a supplemental right under Permit No. 23256 to the use of the water stored in Crane Prairie Reservoir, with a date of priority of February 28, 1913. Subsequently, on January 17, 1961, the State Engineer entered an order approving an application of George F. Baker and Elmer Iverson for a change in place of use of water wherein a water right appurtenant to 3.8 acres of the land above described was transferred to other lands within the project.

The applicants herein, owners of 15.0 acres of the land above described, propose to transfer the water right therefrom without loss of priority to 9.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 18 South, Range 12 East, W. M., owned by John A. Pausch.

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.

Elmer and Helen Ruth Iverson, mortgagors of the lands from which it is proposed to transfer water, have submitted written approval to the change in place of use of water.

The lands involved herein are within the boundaries of the Arnold Irrigation District and the President and Secretary of said District approved the proposed change in place of use of water in June, 1963.

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 that the water right hereinbefore described as appurtenant to 15.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 18 South, Range 11 East, W. M., with dates of priority of February 1, 1905, April 25, 1905 and February 28, 1913, be severed therefrom and simultaneously and without loss of priority transferred to 9.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 18 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, 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 Arnold Irrigation District to the extent to which the water has been applied beneficially at the time certificates are issued confirming other transfers within the District.

Dated at Salem, Oregon, this 7th day of August, 1963.

*Noted in District
Vol. 16 p. 12
Cert. #29253*

Max F. Rogers
MAX F. ROGERS
Deputy State Engineer