

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF DUNCAN L. MCKAY, OWEN M.)
PANNER, W. C. COYNER AND D. J.)
WARD FOR THE APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER FROM)
DESCHUTES RIVER.)
- - - - -)

O R D E R

APPROVING APPLICATION

On November 16, 1960, Duncan L. McKay, Owen M. Panner and W. C. Coyner and D. J. 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 waters of Deschutes River and its tributaries, a water right was established in the name of Arnold Irrigation District for the irrigation of, among other lands, 31.8 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24 and 28.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 18 South, Range 12 East, W. M., said 60.6 acres being tabulated under the name of R. E. Aulman.

The applicants herein, owners of the lands above described, propose to transfer 40 acres of the water right therefrom, to-wit: 20 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24 and 20 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 18 South, Range 12 East, W. M., without loss of priority to 5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 18 South, Range 12 East, W. M., said last described 40 acres being owned by D. J. Ward.

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 November 1, 1960.

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.

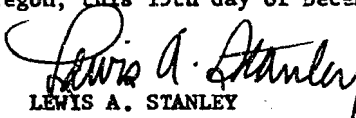
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Deschutes River be and the same is approved and that the water right hereinbefore described as appurtenant to 20 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24 and 20 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 18 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, 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, 1962, 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 the Arnold Irrigation District to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 15th day of December, 1960.

*Noted on Decree
Vol. 16, p. 31*


LEWIS A. STANLEY
State Engineer

Trsf. "M-127"