

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

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| IN THE MATTER OF THE APPLICATION OF |) | |
| HAROLD ROGERS (DESCHUTES RECLAMATION |) | ORDER APPROVING |
| AND IRRIGATION COMPANY) FOR APPROVAL |) | TRANSFER 5114 |
| OF A CHANGE IN PLACE OF USE OF WATER |) | |
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On September 14, 1982, an application was filed in the office of the Water Resources Director by Harold Rogers for 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 allowed in the name of Deschutes Reclamation and Irrigation Company for use of the waters of Deschutes River for irrigation of, among other lands, a certain 4.6 acres in NW 1/4 NE 1/4, Section 28, Township 17 South, Range 12 East, WM, within Lot 10, Boyd's Acres, with a date of priority of September 1, 1899, being tabulated in the name of Harvey Drake in Volume 16, page 176, as evidenced by the certificate recorded at page 29054, Volume 21, State Record of Water Right Certificates. These lands are irrigated by means of the Swalley Canal.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to a certain 1.0 acre in NW 1/4 NE 1/4 and 1.0 acre in SW 1/4 NE 1/4 (Marshall); 1.6 acres in SW 1/4 NW 1/4 (Spencer); 1.0 acre in SE 1/4 NW 1/4 (Busche), all in Section 17, Township 17 South, Range 12 East, WM.

The lands involved herein are within the boundaries of the Deschutes Reclamation and Irrigation Company and the Board of Directors of said Company has approved the proposed change in place of use of water.

Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

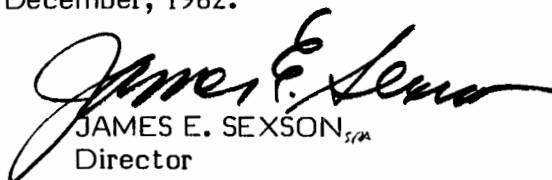
No objections have been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use of water, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1984.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right shall be issued to Deschutes Reclamation and Irrigation Company confirming this and prior changes within the Company.

Dated at Salem, Oregon this 27th day of December, 1982.


JAMES E. SEXSON, S/DA
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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