

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
C.J. DUGAN AND MARGARET DUGAN FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DESCHUTES RIVER)

O R D E R
APPROVING APPLICATION

On August 7, 1964, C. J. and Margaret Dugan 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 water of Deschutes River for the irrigation of, among other lands, 1.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 17 South, Range 12 East, W.M., with dates of priority of February 1, 1905 and April 25, 1905, being tabulated in the name of C.J. Dugan, Jr. 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.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom without loss of priority to 1.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 18 South, Range 13 East, W.M., owned by Clara Kerns.

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.

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.

Mr. James C. Fellows, Watermaster of District No. 11, has filed a report to the effect that the proposed change in place of use may be made without injury to existing rights.

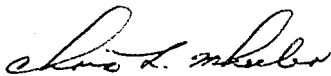
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in place of use of water is approved and that the water right hereinbefore described as appurtenant to 1.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Township 17 South, Range 12 East, being Lots 4, 23, 24 and the N $\frac{1}{2}$ of Lot 3 of Block 1 of Ellis Subdivision, 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 1.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 18 South, Range 13 East.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965, 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 13th day of January, 1965.


CHRIS L. WHEELER
State Engineer