

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
BROOKS-SCANLON LUMBER COMPANY, INC.,)
CLARENCE E. MCGUIRE, AND O. H.)
ROWLAND FOR THE APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER.)
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O R D E R

APPROVING APPLICATION

On June 10, 1941, Brooks-Scanlon Lumber Company, Inc., Clarence E. McGuire, and O. H. Rowland filed an application for a change in place of use of water within the boundaries of the Arnold Irrigation District.

In the adjudication proceedings involving the determination of 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 Arnold Irrigation Company for the irrigation of, among other lands, 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 18 South, Range 12 East, W. M.

By an order of the State Engineer, dated March 21, 1939, 30 acres of the water rights appurtenant to the above-described lands were transferred to 30 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 18 South, Range 12 East, W. M.

Brooks-Scanlon Lumber Company, Inc., owner of the 30 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 18 South, Range 12 East, W. M., proposes to transfer water rights appurtenant thereto to 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 18 South, Range 12 East, W. M., belonging to Clarence E. McGuire, and 9 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 11 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 17, Township 18 South, Range 12 East, W. M., belonging to O. H. Rowland.


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 an application for only a change in place of use of water.

The Arnold Irrigation District, successor-in-interest to the Arnold Irrigation Company, having submitted its approval of the proposed transfer, and it appearing that such 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 be and the same hereby is approved, and the water right hereinbefore described as appurtenant to 30 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 18 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 9 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 11 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 17, Township 18 South, Range 12 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use within the time fixed for completion of inchoate water rights allowed in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries or such extension of time as may be granted in said matter by the State Engineer.

Dated at Salem, Oregon, this 14th day of June, 1941.


CHAS. E. STRICKLIN

State Engineer