

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF CLOY W. AND MARY IRENE DYKSTRE
(CENTRAL OREGON IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM DESCHUTES RIVER

ORDER APPROVING
TRANSEER NO. 2404

On June 19, 1970, Cloy W. and Mary Irene Dykstre 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 May 11, 1961, 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 Central Oregon Irrigation District for the use of waters of the Deschutes River for the irrigation of, among other lands, 0.7 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 14 South, Range 13 East, W.M., being 0.07 acre each in Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 of Block 15, Terrebonne, with dates of priority of October 31, 1900 and December 2, 1907, being tabulated in the name of R. McGregor as evidenced by certificate of water right recorded at page 29052, Volume 21, State Record of Water Right Certificates. 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, contract sellers of the land above described, propose to transfer the water right therefrom, without loss of priority, to 0.7 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 14 South, Range 13 East, W.M., being 0.07 acre each in Lots 3, 4, 5, 6, 17, 18, 19 and 20; 0.02 acre in Lot 7; 0.04 acre in Lot 14; and 0.08 acre in Lot 21, all within Block 4, Terrebonne.

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.

The lands involved herein are within the boundaries of the Central Oregon Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting held April 1, 1970.

Gilbert D. Falk and Virginia M. Falk, contract purchasers of the land involved, have submitted written approval of the change in place of use.

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 the water right hereinbefore described as appurtenant to 0.7 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 14 South, Range 13 East, W.M., being 0.07 acre each in Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 of Block 15, Terrebonne, with dates of priority of October 31, 1900 and December 2, 1907, be severed therefrom and simultaneously and without loss of priority transferred to 0.7 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 14 South, Range 13 East, W.M., being 0.07 acre each in Lots 3, 4, 5, 6, 17, 18, 19 and 20; 0.02 acre in Lot 7; 0.04 acre in Lot 14; and 0.08 acre in Lot 21, all within Block 4, Terrebonne.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1971.

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 Central Oregon Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 30th day of September, 1970.

/s/ CHRIS L. WHEELER
State Engineer