

2594 Marshall Swearingen
C.D.R.I.C.
Bend, Ore. 97701

2594

STATUS OF APPLICATION

Change in Place of Use
Date filed December 21, 1971
Date of hearing _____
Place of hearing _____
Date of order Feb 2, 1972 Vol. 21, page 413
Date for application of water 10-1-72
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
Trib. of _____ County of Deschutes
Use Irrigation
Quantity of water _____ No. of acres 16⁰
Name of ditch Swalley
Date of priority September 1, 1899
In name of James Elder
Deschutes Riv. Adjudication, Vol. 16, page 162
App. No. _____ Per. No. _____ Cert. No. 29054
Certificate cancelled _____
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>12-21-71</u>	<u>20.00</u>	<u>26548</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
☒	Name			
☒	Stream			
☒	Pt. of Div.			
☒	Calendar			
☒	CHECKED TO RECORDS:			
☒	Twp. & Rge.			
☒	Decree-vault			
☒	Decree-safe			
☒	Cert. of W/R			
☒	Per. Folder			
☒	Chainindex			
☒	Cross Ref.			
☒	Power Claim			
☒	Abstracts			

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF MARSHALL SWEARINGEN (DESCHUTES)
RECLAMATION AND IRRIGATION COMPANY))
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM DESCHUTES)
RIVER)

ORDER APPROVING
TRANSFER NO. 2594

On December 21, 1971, Marshall Swearingen 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 Deschutes Reclamation and Irrigation Company for the use of the waters of Deschutes River for the irrigation of, among other lands, 11.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of James Elder as evidenced by certificate of water right recorded at page 29054, Volume 21, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, 7.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W.M.

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

Deschutes Reclamation and Irrigation Company and the Board of Directors of said Company approved the proposed change in place of use of water at a meeting held October 4, 1971.

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 11.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 5.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 16 South, Range 12 East, W.M., with a date of priority of September 1, 1899, be severed therefrom and simultaneously and without loss of priority, transferred to 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, 7.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 16 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, 1972.

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 Deschutes Reclamation and Irrigation Company at the time certificate is issued to the Company confirming other transfers within the Company.

Dated at Salem, Oregon, this 2nd day of February, 1972.

/s/ CHRIS L. WHEELER
State Engineer