

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF MILFRED S. AND ADA BERNICE WALLENBURG }
(CENTRAL OREGON IRRIGATION DISTRICT) FOR }
THE APPROVAL OF A CHANGE IN PLACE OF USE }
OF WATER FROM DESCHUTES RIVER }

ORDER APPROVING
TRANSFER NO. 3033

On May 7, 1974, Milfred S. and Ada Bernice Wallenburg 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.

29052
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 Deschutes River and its Tributaries, a water right was established in the name of Central Oregon Irrigation District for the use of the waters of Deschutes River for the irrigation of, among other lands, 2.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 15 South, Range 12 East, W.M., being tabulated in the name of M. Wallenburg, with dates of priority of October 31, 1900 and December 2, 1907, as evidenced by certificate of water right recorded at page 29052, Volume 21, State Record of Water Right Certificates. These lands are irrigated by means of the Pilot Butte Canal. 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 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 15 South, Range 13 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 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 3, 1974.

Charles M. Porfily, contract holder, has submitted written approval of the proposed 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 2.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 15 South, Range 12 East, W.M., with dates of priority of October 30, 1900 and December 2, 1907, be severed therefrom and simultaneously and without loss of priority transferred to 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 15 South, Range 13 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1975.

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, a certificate of water right will be issued to the Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 14th day of June, 1974.

/s/ CHRIS L. WHEELER
State Engineer