

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
A. T. TABER AND DAPHNE TABER FOR)
THE APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM DESCHUTES RIVER.)

O R D E R
APPROVING APPLICATION

On June 5, 1950, A. T. Taber and Daphne Taber, husband and wife, filed an application for the approval of a change in place of use of water from Deschutes River, pursuant to the provisions of Section 116-606, O. C. L. A.

By decree of the Circuit Court for Deschutes County dated February 10, 1928, 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 recognized in the name of the Arnold Irrigation Company, now Arnold Irrigation District, for the irrigation of, among other lands, 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 18 South, Range 12 East, W. M., from Deschutes River with dates of priority of February 1, 1905 and April 25, 1905.

The applicants herein, owners of 26 acres of the land above described, to-wit: 9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 17 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 18 South, Range 12 East, W. M., propose to transfer the water rights appurtenant thereto, without loss of priority, to 8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 18 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 18 South, Range 12 East, W. M.

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 on applications for only a change in place of use of water.

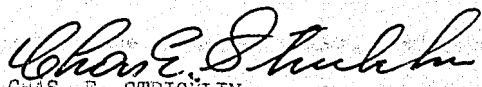
All lands involved herein are within the boundaries of the Arnold Irrigation District and the Board of Directors of said district, on May 1, 1950, examined and approved the proposed change in place of use of water.

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 be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 17 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 18 South, Range 12 East, W. M., with dates of priority of February 1, 1905 and April 25, 1905, be severed therefrom and simultaneously and without loss of priority transferred to 8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 18 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 18 South, Range 12 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before June 30, 1950.

Dated at Salem, Oregon, this 13th day of June, 1950.


CHAS. E. STRICKLIN
State Engineer