

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF ALFRED INCOGNITO AND MARIA)
INCOGNITO FOR APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER.)

O R D E R

APPROVING APPLICATION

On May 12, 1944, Alfred and Maria Incognito filed an application for approval of a change in place of use of water from Deschutes River.

In the adjudication proceedings determining the relative rights to the use of the waters of Deschutes River and its tributaries, a water right was recognized in the name of Arnold Irrigation Company for the irrigation of, among other lands, 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 18 South, Range 13 East, W. M., with dates of priority of February 1, 1905, and April 25, 1905.

Alfred and Maria Incognito, owners of the above described lands, propose to transfer the water right therefrom to 30 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 18 South, Range 12 East, W. M., owned by Jim Finley.

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

The land owned by Alfred and Maria Incognito, from which it is proposed to transfer the water, is irrigated through the district's system although such lands are not within the boundaries of the district. Under a contract between the Arnold Irrigation District and Alfred and Maria Incognito dated May 11, 1943, the district purchased the water rights appurtenant to said lands with the provision that the Incognitos would execute such papers as may be necessary to transfer the water to other lands to be selected by the district.

On June 30, 1943, J. A. Lighthill, a member of the Board of Directors of the Arnold Irrigation District, executed an affidavit to the effect that the lands owned by Alfred and Maria Incognito, involved herein, had been irrigated for many years and were being irrigated at the time the contract, above mentioned, was executed.

The Arnold Irrigation District, successor to the Arnold Irrigation Company, having submitted its approval of the proposed change in place of use of water, and it appearing that such change 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 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 18 South, Range 13 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 30 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, 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 October 1, 1945, or such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 23rd day of May, 1944.

CHAS. E. STRICKLIN

State Engineer

*Noted on Decree, water rights transferred, without loss of priority
Vol. 9, p. 462
(Tract No. I-8)*

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