

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF DESCHUTES COUNTY, OREGON, AND )  
ROSS R. MITCHELL AND AVERIL J. )  
MITCHELL FOR THE APPROVAL OF A )  
CHANGE IN PLACE OF USE OF WATER )  
FROM DESCHUTES RIVER. )  
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O R D E R

APPROVING APPLICATION

On June 27, 1947, Deschutes County, Oregon, and Ross R. Mitchell and Averil J. Mitchell, husband and wife, filed an application for 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 for the irrigation of, among other lands, 30 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 24, Township 18 South, Range 12 East, W. M., from Deschutes River with dates of priority of February 1, 1905, and April 25, 1905.

Deschutes County, Oregon, owner of the above described land and water right appurtenant thereto proposes to transfer the water right from 25 acres thereof, without loss of priority, to 10 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 10 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, Township 18 South, Range 13 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 in applications for only a change in place of use of water.

The Board of Directors of the Arnold Irrigation District, successor in interest of the Arnold Irrigation Company, have submitted their approval to the proposed transfer. All lands involved herein are within the boundaries of the Arnold Irrigation District.

J. F. Arnold, Secretary of the Arnold Irrigation District, has submitted an affidavit to the effect that the lands from which it is proposed to transfer the water have been irrigated beneficially for many years prior to 1943.

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 is hereby 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 25 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 24, 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 10 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 10 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 5 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, Township 18 South, Range 13 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before June 30, 1947.

Dated at Salem, Oregon, this 30th day of June, 1947.

  
CHAS. E. STRICKLIN  
State Engineer

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Noted on Decree,  
Vol. 9, p. 461

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