

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF ROSS 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 May 10, 1950, Ross Mitchell 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, and by reason of supplementary transfers of water rights, the Arnold Irrigation Company, now Arnold Irrigation District, has a right to the use of the waters of Deschutes River for the irrigation of, among other lands, 10 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 15.5 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 18.5 acres in the SW $\frac{1}{4}$  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., with dates of priority of February 1, 1905 and April 25, 1905.

The applicant herein, owner of the land above described, proposes to transfer the water right appurtenant to 40 acres thereof, to-wit: 5 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 15 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 15 acres in the SW $\frac{1}{4}$  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., without loss of priority, to 5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 29 and 15 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 15 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 30, 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 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 except the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 30, Township 18 South, Range 13 East, W. M., but proceedings have been initiated to include said tract within the district.

The Board of Directors of the Arnold Irrigation District, on April 3, 1950, approved the proposed transfer.

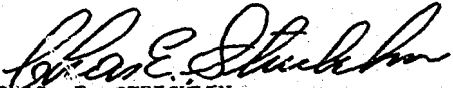
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 5 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 15 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 15 acres in the SW $\frac{1}{4}$  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., with dates of priority of February 1, 1905 and April 25, 1905, be severed therefrom and simultaneously and without loss of priority transferred to 5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 29 and 15 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 15 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 30, Township 18 South, Range 13 East, W. M., provided that the proceedings for the inclusion of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 30, Township 18 South, Range 13 East, W. M., into the district are completed on or before the time expires

for the filing of proof of appropriation of the completion of the inchoate water right of the Central Oregon Irrigation District.

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 27th day of June, 1950.

  
CHAS. E. STRICKLIN  
State Engineer