

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF )  
BROOKS RESOURCES CORP. (ARNOLD IRRIG- )  
GATION DISTRICT) FOR APPROVAL OF A )  
CHANGE IN PLACE OF USE OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3815

On October 6, 1977, an application was filed in the office of the Water Resources Director by Brooks Resources Corp. for approval of a change in place of use of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

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 Waters of Deschutes River and Its Tributaries, a water right was allowed in the name of Arnold Irrigation District for the use of waters of Deschutes River for irrigation of, among other lands, a certain 20.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 21.5 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 31.7 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 25.8 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24; 12.9 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 35.8 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 5.7 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.1 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, Township 18 South, Range 12 East, W.M.; 27.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 37.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 9.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 15.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 30, Township 18 South, Range 13 East, W.M., being tabulated in the name of Harry Kerns at Volume 16, page 31, with dates of priority of February 1, 1905 and April 25, 1905, as evidenced by certificate recorded at page 29053, Volume 21, State Record of Water Right Certificates. These lands also have a supplemental right under permit No. 23256 to the use of water stored in Crane Prairie Reservoir with a date of priority of February 28, 1913. These lands are irrigated by means of the Arnold Canal.

The applicant herein proposes to transfer the water right therefrom, without loss of priority, to a certain 1.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 13 (Jerry Moseley); 2.5 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20 (Ward Construction Corp.), 10.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 10.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  (Stephen R. Rodgers); 5.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  (Gerold Huston); 12.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  (Bruce Estes); 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  (Richard Silveus); 7.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  (Michael Brown); 4.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  (Harold Kelly); 1.0 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$  (Troy Clement), Section 24; 2.5 acres (Tom Bighous), 2.5 acres (Christian Weber), 5.0 acres (R. Buescher) in NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; 5.0

acres (T. Foxworth), 5.0 acres (S. Tutt) in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.0 acres (J. Yahna), 5.0 acres (G. Yahna) in NW $\frac{1}{4}$  NE $\frac{1}{4}$ ; 3.0 acres (J. Yahna), 2.0 acres (Frank Ribera), 1.5 acres (M. Gates), 1.5 acres (P. Imbs) in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25; all in Township 18 South, Range 12 East, W.M.; 10.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  (Marvin Mix); 10.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  (Pierce Cornelius); 5.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 10.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  (Garland Lundgren); 5.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  (R. Schock); 5.0 acres (Thomas Dehm) and 5.0 acres (R. Walton) in NW $\frac{1}{4}$  SW $\frac{1}{4}$ ; 2.5 acres (Arthur Anderson), 2.5 acres (Alan Lewis) and 5.0 acres (Marion Wooley) in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19; 32.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 27.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 12.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30; all in Township 18 South, Range 13 East, W.M.

The lands involved herein are within the boundaries of the Arnold Irrigation District and said District approved the proposed change in place of use of water.

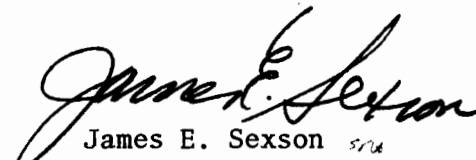
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1982.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right shall be issued to Arnold Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 8th day of April, 1980.

  
James E. Sexson *SR*  
Director