

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF DUNCAN L. AND LORNA MCKAY, OWEN)
M. AND AGNES G. PANNER AND W. C. AND)
RUTH F. COYNER FOR THE APPROVAL OF A)
CHANGE IN USE, PLACE OF USE AND POINT)
OF DIVERSION OF WATER FROM DESCHUTES)
RIVER AND STORAGE IN CRANE PRAIRIE)
RESERVOIR)

O R D E R
APPROVING APPLICATION

On December 12, 1961, Duncan L. and Lorna McKay, Owen M. and Agnes G. Panner and W. C. and Ruth F. Coyner of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from Deschutes River and storage in Crane Prairie Reservoir, 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 established in the name of the Arnold Irrigation District for the use of the water of Deschutes River through the Arnold Canal for the irrigation of, among other lands, 31.6 acres in the SW $\frac{1}{4}$: NW $\frac{1}{4}$, Section 23 and 31.8 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 18 South, Range 12 East, W.M., with dates of priority of February 1, 1905 and April 25, 1905. Subsequently, the water right appurtenant to 22 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 24, was transferred therefrom to other lands within the district, leaving a balance of the water right for the irrigation of 9.8 acres. These lands also have a supplemental right under Permit No. 23256 to the use of the water stored in Crane Prairie Reservoir, with a date of priority of February 28, 1913. In said proceedings, the duty of water for irrigation was fixed as set forth in the following table, to-wit:

CUBIC FOOT PER SECOND AT DIVERSION

April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Nov. 1 to April 1
1 c.f.s.	1 c.f.s.	1 c.f.s.	1 c.f.s.	1 c.f.s.	None
51 acres	39 acres	20.8 acres	39 acres	51 acres	
Of the above quantities of water, 65% is transmission losses					

These lands are irrigated through the Arnold Canal, the point of diversion of said canal being located as follows:

From the quarter corner between Sections 27 and 28, Township 18 South, Range 11 East, W.M., North 87 degrees 45' East 1700.24 feet; thence South 14 degrees 26' 30" West 123.59 feet.

The applicants herein, owners of 8 acres of the land above described, to-wit: 5.1 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23 and 2.9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, propose to transfer the water right therefrom to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 18 South, Range 11 East, W. M., for domestic use and maintenance of a lake for recreation and fish propagation and to convey the water for said purposes by means of a ditch, the point of diversion of said ditch being located South 77 degrees 20' East 495 feet from the N $\frac{1}{4}$ corner of Section 27, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 27, Township 18 South, Range 11 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use, place of use and point of diversion of water, if any there were, namely: at the county courthouse at Bend, Oregon, on June 12, 1962, at 9:30 o'clock a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of April 16, 23 and 30, 1962. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

The Board of Directors of the Arnold Irrigation District approved the proposed change in use, place of use and point of diversion of water at a regular meeting held December 5, 1961.

Mr. James C. Fellows, Watermaster of District No. 11, has filed a report to the effect that the proposed change in use, place of use and point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use and place of use of water be and the same is hereby approved and the water right hereinbefore described as appurtenant to 5.1 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23 and 2.9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 18 South, Range 12 East, W. M., with dates of priority of February 1, 1905 and April 25, 1905, and February 28, 1913, for irrigation purposes, be severed therefrom and simultaneously and without loss of priority transferred to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 18 South, Range 11 East, W. M., for domestic use and maintenance of a lake for recreation and fish propagation.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Deschutes River and Crane Prairie Reservoir, to-wit:

From a point located from the quarter corner between Sections 27 and 28, Township 18 South, Range 11 East, W. M., North 87 degrees 45' East 1700.24 feet; thence South 14 degrees 26' 30" West 123.59 feet

To a point to be located South 77 degrees 20' East 495 feet from the N $\frac{1}{4}$ corner of Section 27, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 27, Township 18 South, Range 11 East, W. M.,

for domestic use and maintenance of a lake for recreation and fish propagation in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 18 South, Range 11 East, W. M., with dates of priority of February 1, 1905, April 25, 1905, and February 28, 1913, be and the same is hereby approved.

It is FURTHER ORDERED that the quantity of water diverted for domestic use and the maintenance of a lake for recreation and fish propagation shall not exceed the amount fixed in the following table:

	CUBIC FOOT PER SECOND AT DIVERSION					
	April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Nov. 1 to April 1
for maintenance of lake for recreation and fish propagation	0.05	0.06	0.13	0.06	0.05	None
for domestic use of three families	0.01	0.01	0.01	0.01	0.01	None

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Arnold Irrigation District to the extent to which the water has been applied beneficially at the time certificates are issued confirming other transfers within the District.

Dated at Salem, Oregon, this 1st day of November, 1962.

*Noted in Record
Vol. 16 p. 31
Cert. # 10000*

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer

Trsf. "M-133"