

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF BROOKS RESOURCES CORPORATION)
 FOR THE APPROVAL OF A CHANGE IN)
 POINT OF DIVERSION AND PLACE OF)
 USE OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3477

On September 23, 1976, Brooks Resources Corporation filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 33007, Volume 25, State Record of Water Right Certificates, in the name of R. L. Coats, describes an existing right of record which includes appropriation of not to exceed 0.53 cubic foot per second from the Deschutes River at a point located 1300 feet North and 1425 feet East from the Southwest corner of Section 18, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 17 South, Range 12 East, W.M., for irrigation of 2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 17 South, Range 11 East, W.M.; 10.64 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.82 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, and 5.24 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 17 South, Range 12 East, W.M., with a priority date of October 10, 1903.

The applicant herein proposes to change the point of diversion and place of use, without loss of priority, to divert the water at a point located 1000 feet North and 900 feet East from the South quarter-corner of Section 6, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 18 South, Range 12 East, W.M., and thereby irrigate 8.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, i. e. 3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, and 12.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 18 South, Range 12 East, W.M.

Notice of the application, pursuant to ORS 540.510 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 October 8, 15 and 22, 1976.

Mr. Bruce A. Estes, Watermaster of District No. 11, has filed a statement to the effect that the proposed changes in point of diversion and place of use may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes in point of diversion and 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 changes in point of diversion and place of use from Deschutes River, described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.53 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

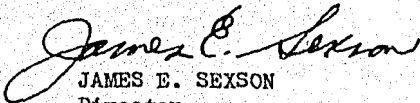
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed, the change in point of diversion of water made, and water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to R. L. Coats and recorded at Page 33007, Volume 25, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Brooks Resources Corporation.

Dated at Salem, Oregon, this 4th day of February, 1977.


JAMES E. SEXSON
Director