

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF BROOKS-SCANLON LUMBER COMPANY,)
INC., FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER WITHIN THE)
BOUNDARIES OF THE ARNOLD IRRIGATION)
DISTRICT.)
-----)

O R D E R
APPROVING APPLICATION

On March 9, 1939, Brooks-Scanlon Lumber Company, Inc., filed an application for approval of a change in place of use of water from Deschutes River within the boundaries of the Arnold Irrigation District.

In the adjudication proceedings involving the determination of the relative rights to the use of the waters of the 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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21; 22 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, and 25 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, all in Township 18 South, Range 12 East, W. M., through the Arnold Irrigation System from Deschutes River, said lands being owned by Brooks-Scanlon Lumber Company, Inc.

The applicant herein proposes to transfer the water right appurtenant to the above-described lands to 1 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; 24 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17; 17 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20; 22 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 8 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, all in Township 18 South, Range 12 East, W. M., said lands being owned by the Brooks-Scanlon Lumber Company, Inc.


Notice by publication as provided by Section 47-712, Oregon Code 1930, 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 Arnold Irrigation District as successor-in-interest to the Arnold Irrigation Company having submitted its approval of the proposed transfer, it appears that such change in place of use of water can be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same is approved and the water right hereinbefore described as appurtenant to 30 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21; 22 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, and 25 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, all in Township 18 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 1 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; 24 acres in the SE $\frac{1}{2}$ NW $\frac{1}{4}$, and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17; 17 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20; 22 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 8 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, all in Township 18 South, Range 12 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use within the time fixed for completion of inchoate water rights allowed in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries or such extension of time as may be granted in said matter by the State Engineer.

Dated at Salem, Oregon, this 21st day of March, 1939.


CHAS. E. STRICKLIN

State Engineer

*Noted on Decree
Record, Vol 9, p. 461*