

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF DESCHUTES DEVELOPMENT COMPANY,)
INC. (ARNOLD IRRIGATION DISTRICT))
FOR THE APPROVAL OF A CHANGE IN)
CHARACTER OF USE OF WATER FROM)
DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. D-142

On October 21, 1969, Deschutes Development Company, Inc. filed an application in the office of the State Engineer for the approval of a change in character 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 established in the name of Arnold Irrigation District for the use of the waters of the Deschutes River for the irrigation of, among other lands, 4.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 18 South, Range 11 East, W.M., with dates of priority of February 1, 1905, and April 25, 1905, being tabulated in the name of William James as evidenced by certificate of water right recorded at page 29053, Volume 21, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to change the use of water from the irrigation of the lands to recreation and fish propagation in a pond to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, 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 of water, if any there were, namely: at the county courthouse in Bend, Oregon, on August 13, 1970, at 9:30 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 June 17, 24, and July 1, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

The lands involved herein are within the boundaries of the Arnold Irrigation District and the Board of Directors of said District approved the proposed change in character of use of water at a regular meeting held October 7, 1969.

Mr. Bruce A. Estes, Watermaster of District No. 11, has filed a report to the effect that the proposed change in character of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 use of water from the irrigation of 4.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 18 South, Range 11 East, W.M., with dates of priority of February 1, 1905, and April 25, 1905, to recreation and fish propagation in a pond to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 18 South, Range 11 East, W.M. is approved.

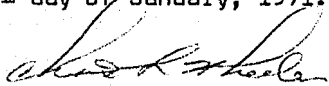
It is FURTHER ORDERED that the quantity of water diverted for recreation and fish pond shall not exceed the quantity allowed under the right for irrigation of 4.5 acres in accordance with the following:

Apr. 1	May 1	May 15	Sept. 15	Oct. 1
to	to	to	to	to
May 1	May 15	Sept. 15	Oct. 1	Nov. 1
1 cfs to	1 cfs to	1 cfs to	1 cfs to	1 cfs to
51 acres	39 acres	20.8 acres	39 acres	51 acres

It is FURTHER ORDERED that no time need be fixed for completion as the change in use of water is completed.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of 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 at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 25th day of January, 1971.


CHRIS L. WHEELER
State Engineer