

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) **F I N A L O R D E R**
T-10262, Deschutes County) APPROVING A DISTRICT
) PERMANENT TRANSFER

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

ARNOLD IRRIGATION DISTRICT
P.O. BOX 9220
BEND, OR 97708

Findings of Fact

1. On November 6, 2006, Arnold Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74197 and 76714. The Department assigned the application number T-10262.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 74197, issued in the name of Arnold Irrigation District
Use: Irrigation (IR)
Priority Date: February 1, 1905; April 25, 1905
Rate & Duty: Limited to not more than the rate specified by source and a total diversion not to exceed 125.0 cfs from all sources. Maximum of 15.42 acre feet for each acre irrigated during the irrigation season of each year.
Source: Deschutes River, tributary to Columbia River

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. The portion of the second right to be transferred is as follows:

Certificate: 76714, issued in the name of Central Oregon Irrigation District

Use: Supplemental Irrigation (IS)

Priority Date: February 28, 1913

Rate & Duty: The right is limited to a total of 50,000 acre -feet of stored water

Source: Crane Prairie Reservoir, tributary to Deschutes River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	POD#	SURVEY COORDINATES
18S	11E	W.M.	27	NESW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

Authorized Place of Use:

AUTHORIZED PLACE OF USE CERTIFICATES 74197 (IR) and 76714 (IS)								
TWP	RNG	MER	SEC	Q-Q	ACRES	TL	USER	NOTICE#
18S	11E	W.M.	24	SESW	0.36	03800	Courtenay	2005-030-F-D
18S	11E	W.M.	24	SESW	0.32	03900	Courtenay	2005-030-F-C
18S	11E	W.M.	24	NESE	3.94	13400	Foster	2005-023-F
18S	11E	W.M.	24	SWSE	0.45	01600	Degaetano	2005-030-F-A
18S	11E	W.M.	24	SWSE	0.30	01700	Degaetano	2005-030-F-A
18S	11E	W.M.	25	NENW	0.50	04600	Dennis	2005-030-F-F
18S	11E	W.M.	25	NENW	0.30	06800	Pumala	2005-030-F-G
18S	11E	W.M.	25	NWNW	0.30	00700	Terry	2005-030-F-H
18S	11E	W.M.	25	NWNW	0.40	00800	Larimore	2005-030-F-I
18S	11E	W.M.	26	NWNE	0.50	07900	Rawlings	2005-030-F-B
18S	12E	W.M.	1	SESW	0.60	06400	Williams	2005-027-F
18S	12E	W.M.	1	NESE	0.82	01101	Olamendi	2005-028-F
18S	12E	W.M.	5	SESE	0.50	01800	Rodgers	2005-030-F-E
18S	12E	W.M.	7	SESE	2.00	01303	Bradshaw	2005-009-F
18S	12E	W.M.	8	NENE	0.25	01501	Tye	2005-030-F-J
18S	12E	W.M.	8	NWNE	3.28	00403	Abbott	2005-013-F
18S	12E	W.M.	8	SWNE	0.52	00403	Abbott	2005-013-F
18S	12E	W.M.	8	SENE	0.50	00600	Cascade Gardens	2005-004-F-B
18S	12E	W.M.	8	SENE	1.96	00601	Cascade Gardens	2005-004-F-B
18S	12E	W.M.	8	SWNW	0.31	01700	Clifton	2005-004-F-A
18S	12E	W.M.	8	SENE	0.82	01700	Clifton	2005-004-F-A
18S	12E	W.M.	8	NWSW	2.12	00200	Keown	2005-032-F-A
18S	12E	W.M.	8	SWSW	5.00	00600	Quinn	2005-003-F-A
18S	12E	W.M.	8	SWSW	0.93	00700	Carsow	2005-006-F
18S	12E	W.M.	8	NESE	2.00	02100	Dimeo	2005-017-F-A
18S	12E	W.M.	8	SWSE	0.40	01500	Frazier	2005-017-F-D
18S	12E	W.M.	8	SWSE	0.60	01900	Marken	2005-017-F-C
18S	12E	W.M.	8	SWSE	1.00	01902	Marken	2005-017-F-B
18S	12E	W.M.	9	SWNE	3.16	00300	Oakley	2005-014-F-A
18S	12E	W.M.	9	NESW	4.00	00400	Rosecrans	2005-016-F

**AUTHORIZED PLACE OF USE
CERTIFICATES 74197 (IR) and 76714 (IS)**

TWP	RNG	MER	SEC	Q-Q	ACRES	TL	USER	NOTICE#
18S	12E	W.M.	9	NWSW	0.76	00800	Circle K Ranch LTD	2005-015-F
18S	12E	W.M.	12	NESE	1.00	00102	Shore	2005-025-F-A
18S	12E	W.M.	13	NENE	0.35	00100	Mayer	2005-026-F
18S	12E	W.M.	13	NWNE	5.00	00100	Mayer	2005-026-F
18S	12E	W.M.	13	NENW	0.27	00600	Turner	2005-011-F
18S	12E	W.M.	16	NENW	8.00	00200	Williams	2005-007-F-C
18S	12E	W.M.	16	NENW	2.50	300	Perkins	2005-005-F-B
18S	12E	W.M.	16	NENW	1.00	00300	Perkins	2005-007-F-A
18S	12E	W.M.	16	NENW	0.75	00400	Perkins	2005-007-F-B
18S	12E	W.M.	16	NENW	1.00	00500	Meredith	2005-025-F-B
18S	12E	W.M.	17	NWNE	0.20	01302	Rago	2005-005-F-A
18S	12E	W.M.	21	SWNE	1.40	00107	Breeze	2005-031-F
18S	12E	W.M.	21	SWNE	2.00	00108	Breeze	2005-031-F
18S	12E	W.M.	21	SENE	0.60	00108	Breeze	2005-031-F
18S	12E	W.M.	22	NWSW	0.95	01601	James	2005-008-F
18S	12E	W.M.	22	SWSE	0.60	03400	Pape Properties	2005-022-F
18S	12E	W.M.	22	SWSE	0.90	03500	Pape Properties	2005-022-F
18S	12E	W.M.	24	SENE	12.00	01201	Windmill Farms	2005-003-F-B
18S	12E	W.M.	24	NENW	3.00	00701	Kretchmer	2005-024-F
18S	12E	W.M.	25	NWNW	0.64	00500	Pfeiffer	2005-032-F-B
18S	12E	W.M.	27	NENE	4.70	00100	Pape Properties	2005-022-F
18S	12E	W.M.	27	NWNE	8.80	00200	Pape Properties	2005-022-F
18S	13E	W.M.	8	SENE	7.90	00900	Baney Trust	2005-020-F-A
18S	13E	W.M.	8	NESE	6.51	00900	Baney Trust	2005-020-F-A
18S	13E	W.M.	8	SWSE	3.63	01000	Curt Baney, Inc	2005-020-F-B
18S	13E	W.M.	8	SESE	0.36	01000	Curt Baney, Inc	2005-020-F-B
18S	13E	W.M.	17	NWSW	2.00	01703	Taylor	2005-001-F
18S	13E	W.M.	18	SWSE	1.58	00102	Keith	2005-010-F
18S	13E	W.M.	20	SWNE	1.00	00400	Kaczmarek Homes	2005-002-F-B
18S	13E	W.M.	20	SWNE	2.00	00400	Sauter	2005-021-F
18S	13E	W.M.	20	SWNE	3.00	00401	Kaczmarek Homes	2005-002-F-A
18S	13E	W.M.	20	SWNE	1.70	00401	Sauter	2005-021-F
18S	13E	W.M.	20	SWNE	0.30	00401	Kaczmarek Homes	2005-021-F
18S	13E	W.M.	20	SENE	0.70	00200	Sauter	2005-021-F
18S	13E	W.M.	20	SENE	4.30	00401	Kaczmarek Homes	2005-021-F
18S	13E	W.M.	20	NWNW	0.98	01000	Faulkner	2005-029-F
18S	13E	W.M.	20	NESE	25.50	01402	Fraley	2005-019-F
18S	13E	W.M.	20	NESE	3.10	01402	Fraley	2005-019-F
18S	13E	W.M.	20	NWSE	33.00	01402	Fraley	2005-019-F
18S	13E	W.M.	20	NWSE	4.50	01402	Fraley	2005-019-F
18S	13E	W.M.	29	NWNW	0.50	06005	Sundance Meadows	2005-012-F-A
18S	13E	W.M.	29	SWNW	1.20	06005	Sundance Meadows	2005-012-F-A
18S	13E	W.M.	29	SENE	0.80	06005	Sundance Meadows	2005-012-F-B
18S	13E	W.M.	30	NWNE	2.10	06005	Sundance Meadows	2005-012-F-A
18S	13E	W.M.	30	SENE	0.50	06005	Sundance Meadows	2005-012-F-A
18S	13E	W.M.	30	NWNW	0.95	00101	McCool	2005-018-F

AUTHORIZED PLACE OF USE CERTIFICATES 74197 (IR) and 76714 (IS)								
TWP	RNG	MER	SEC	Q-Q	ACRES	TL	USER	NOTICE#
18S	13E	W.M.	30	SWNW	1.50	00400	Miller	2005-014-F-B
18S	13E	W.M.	30	SENW	6.00	00400	Miller	2005-014-F-B
TOTAL:					210.17			

Application T-10262 proposes to change the place of use to:

PROPOSED PLACE OF USE CERTIFICATES 74197 (IR) and 76714 (IS)								
TWP	RNG	MER	SEC	Q-Q	ACRES	TL	USER	NOTICE#
18S	11E	W.M.	24	SENE	3.02	13400	Foster	2005-023-N
18S	11E	W.M.	24	NESE	0.92	13400	Foster	2005-023-N
18S	12E	W.M.	1	SESW	3.59	6200	Wilikison	2005-004-N
18S	12E	W.M.	1	SESW	0.60	06400	Williams	2005-027-N
18S	12E	W.M.	1	NESE	0.82	00100	Olamendi	2005-028-N
18S	12E	W.M.	9	NWSW	0.12	00501	Circle K Ranch LTD	2005-015-N
18S	12E	W.M.	9	NWSW	0.57	00502	Circle K Ranch LTD	2005-015-N
18S	12E	W.M.	9	NWSW	0.07	00800	Circle K Ranch LTD	2005-015-N
18S	12E	W.M.	13	NENE	2.90	00100	Mayer	2005-026-N
18S	12E	W.M.	13	NWNE	2.45	00100	Mayer	2005-026-N
18S	12E	W.M.	13	NENW	0.27	00600	Turner	2005-011-N
18S	12E	W.M.	21	SWNE	2.65	00107	Breeze	2005-031-N
18S	12E	W.M.	21	SWNE	0.63	00108	Breeze	2005-031-N
18S	12E	W.M.	21	SENE	0.72	00108	Breeze	2005-031-N
18S	12E	W.M.	22	NWSW	0.95	01601	James	2005-008-N
18S	12E	W.M.	22	SWSE	0.70	03400	Pape Properties	2005-022-N
18S	12E	W.M.	22	SWSE	1.86	03500	Pape Properties	2005-022-N
18S	12E	W.M.	22	SWSE	0.76	03600	Pape Properties	2005-022-N
18S	12E	W.M.	24	NENE	4.18	00100	Taylor	2005-030-N
18S	12E	W.M.	24	SENE	17.00	01201	Windmill Farms	2005-003-N
18S	12E	W.M.	24	NENW	3.00	00701	Kretchmer	2005-024-N
18S	12E	W.M.	25	NWNW	2.76	00500	Pfeiffer	2005-032-N
18S	12E	W.M.	25	SWNW	4.00	00601	Pancino	2005-016-N
18S	12E	W.M.	26	NENW	0.86	00400	Olsen	2005-017-N
18S	12E	W.M.	26	SENW	3.14	00400	Olsen	2005-017-N
18S	12E	W.M.	27	NWNE	2.97	00200	Pape Properties	2005-022-N
18S	12E	W.M.	27	NENW	2.49	00200	Pape Properties	2005-022-N
18S	12E	W.M.	27	NENW	0.80	01900	Pape Properties	2005-022-N
18S	12E	W.M.	27	SENW	5.42	00200	Pape Properties	2005-022-N
18S	13E	W.M.	8	SWSE	11.60	01000	Curt Baney, Inc	2005-020-N
18S	13E	W.M.	8	SESE	6.80	01000	Curt Baney, Inc	2005-020-N
18S	13E	W.M.	17	SWSE	2.00	01101	Fields	2005-009-N
18S	13E	W.M.	18	SENE	2.00	00400	Moss	2005-001-N
18S	13E	W.M.	18	NWNW	2.70	00200	Shaver	2005-005-N
18S	13E	W.M.	18	SENW	3.80	01901	Macleod	2005-013-N
18S	13E	W.M.	18	SWSE	1.58	00102	Keith	2005-010-N
18S	13E	W.M.	19	NENE	9.75	00105	Quinn	2005-007-N

PROPOSED PLACE OF USE CERTIFICATES 74197 (IR) and 76714 (IS)								
TWP	RNG	MER	SEC	Q-Q	ACRES	TL	USER	NOTICE#
18S	13E	W.M.	19	NESW	4.00	00102	McGee	2005-002-N
18S	13E	W.M.	19	NWSW	2.00	01100	Lucas	2005-025-N
18S	13E	W.M.	19	SWSW	0.93	01500	Steele	2005-006-N
18S	13E	W.M.	20	SWNE	3.00	00200	Sauter	2005-021-N
18S	13E	W.M.	20	SWNE	4.00	00400	Sauter	2005-021-N
18S	13E	W.M.	20	SENE	2.00	00401	Kaczmarek Homes	2005-021-N
18S	13E	W.M.	20	NWNW	0.98	01000	Faulkner	2005-029-N
18S	13E	W.M.	20	NESE	29.81	01402	Fraley	2005-019-N
18S	13E	W.M.	20	NWSE	36.29	01402	Fraley	2005-019-N
18S	13E	W.M.	29	NENW	0.50	06005	Sundance Meadows	2005-012-N-B
18S	13E	W.M.	29	SWNW	0.30	06005	Sundance Meadows	2005-012-N-B
18S	13E	W.M.	30	NENE	2.80	06005	Sundance Meadows	2005-012-N-A
18S	13E	W.M.	30	NWNE	0.50	06005	Sundance Meadows	2005-012-N-A
18S	13E	W.M.	30	SENE	1.00	06005	Sundance Meadows	2005-012-N-A
18S	13E	W.M.	30	NWNW	0.74	00101	McCool	2005-018-N
18S	13E	W.M.	30	SWNW	2.67	00400	Miller	2005-014-N
18S	13E	W.M.	30	SWNW	0.21	00600	McCool	2005-018-N
18S	13E	W.M.	30	SENW	7.99	00400	Miller	2005-014-N
TOTAL:					210.17			

5. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
6. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
7. The proposed changes in place of use would not result in enlargement of the rights.
8. The proposed changes in place of use would not result in injury to other water rights.

Conclusions of Law

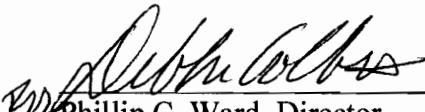
The proposed changes in place of use in Transfer Application T-10262 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 74197 and 76714 are approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 74197 and 76714 and any related decree.

3. The former places of use shall no longer be irrigated as part of this water right.
4. The proposed changes shall be completed on or before October 1, 2008.
6. A Claim of Beneficial Use and Final Proof Map shall be submitted by the applicant to the Department by October 1, 2009.
7. Certificates 74197 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 29th day of March, 2007.


Phillip C. Ward, Director

Mailing Date: APR 06 2007