

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 )  
PLACE OF USE OF WATER FROM DES- )  
CHUTES RIVER )  
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ORDER APPROVING  
TRANSFER NO. D-143

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 place 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 waters of Deschutes River for the irrigation of, among other lands, 21.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 18.7 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, 14.5 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 24, 16.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, 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 and a change in place of use of a part of the right tabulated in the name of William James to the irrigation of 0.2 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.3 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, 2.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.6 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 18 South, Range 11 East, W.M. was approved by an order of the State Engineer entered January 17, 1961, and proof of appropriation of water for beneficial use for the irrigation of these lands was submitted. 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.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 14.25 acres in NE¼ SE¼, 18.75 acres in SE¼ SE¼, Section 23, 9.75 acres in NW¼ SW¼, 9.75 acres in SW¼ SW¼, 2.25 acres in SE¼ SW¼, 5.25 acres in SW¼ SE¼, Section 24, 6.0 acres in NW¼ NE¼, 24.0 acres in NE¼ NW¼, 7.5 acres in NW¼ NW¼, Section 25, Township 18 South, Range 11 East, W.M.

Notice by publication as provided by QRS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

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 place of use of water at a regular meeting held October 7, 1969.

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

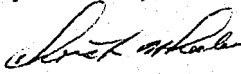
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 21.0 acres in NE¼ SE¼, 18.7 acres in SE¼ SE¼, Section 23, 14.5 acres in NW¼ SW¼, 7.0 acres in SW¼ SW¼, 0.2 acre in SE¼ SW¼, 7.3 acres in SW¼ SE¼, Section 24, 2.2 acres in NW¼ NE¼, 10.6 acres in NE¼ NW¼, 16.0 acres in NW¼ NW¼, Section 25, Township 18 South, Range 11 East, W.M., with dates of priority of February 1, 1905, and April 25, 1905, be severed therefrom and simultaneously and without loss of priority transferred to 14.25 acres in NE¼ SE¼, 18.75 acres in SE¼ SE¼, Section 23, 9.75 acres in NW¼ SW¼,

9.75 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.25 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.25 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ ,  
Section 24, 6.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 24.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 7.5 acres  
in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 18 South, Range 11 East, W.M.

It is FURTHER ORDERED that said water so transferred shall  
be applied to beneficial use on or before October 1, 1971.

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 5<sup>th</sup> day of June, 1970.

  
CHRIS L. WHEELER  
State Engineer