

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF DANNY RASTOVICH (ARNOLD IRRIGATION )  
DISTRICT) FOR THE APPROVAL OF A CHANGE )  
IN PLACE OF USE OF WATER FROM DESCHUTES )  
RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 3523

On February 8, 1977, Danny Rastovich filed an application in the office of the Water Resources Director 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 Deschutes River and its Tributaries, a water right was established in the name of Arnold Irrigation District for the use of the waters of Deschutes River for the irrigation of, among other lands, 8.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.7 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6, Township 18 South, Range 13 East, W.M., being tabulated in the name of Geo. Rastovich, with dates of priority of February 1, 1905, and April 25, 1905, as evidenced by certificate of water right recorded at Page 29053, Volume 21, State Record of Water Right Certificates. 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. These lands are irrigated by means of the Arnold Canal.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to the following tracts:

(a) 0.5 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, Township 18 South, Range 11 East, W.M., further described as Lot 74 of Block PP, in the name of James White;

(b) 1.0 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 18 South, Range 12 East, W.M., further described as Tract 112, River Bend Estates, in the name of Fred Smalley;

(c) 3.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 24, Township 18 South, Range 12 East, W.M., in the name of Ike Palmer;

(d) 3.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24, Township 18 South, Range 12 East, W.M., in the name of Ken Thompson; and

(e) 2.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 26, Township 18 South, Range 12 East, W.M., in the name of David Wilcox/Linda Heisserman.

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 January 18, 1977.

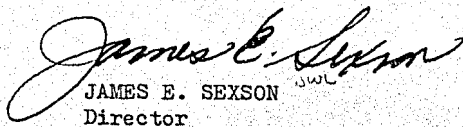
No objection having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right will be issued to the Arnold Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 12th day of April, 1977.

  
JAMES E. SEXSON <sup>JWL</sup>  
Director