

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF D. J. WARD (ARNOLD IRRIGATION)
DISTRICT) FOR THE APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
FROM DESCHUTES RIVER)
-----)

ORDER APPROVING
TRANSFER NO. W-151

On November 26, 1969, D. J. Ward 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 the waters of the Deschutes River for the irrigation of, among other lands, 8.7 acres in NW¼ SW¼, Section 16, Township 18 South, Range 12 East, W.M., with dates of priority of February 1, 1905, and April 25, 1905, being tabulated in the name of Lee Verley as evidenced by certificate of water right recorded at page 29053, Volume 21, State Record of Water Right Certificates. A right was tabulated in the name of R. E. Aulman for the irrigation of, among other lands, 11.3 acres and a change in place of use to 11.3 acres in NW¼ SW¼, Section 16, Township 18 South, Range 12 East, W.M. was approved by an order of the State Engineer entered December 15, 1960, and proof of appropriation of water for beneficial use for the irrigation of these lands was submitted.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 4.70 acres in NE¼ NE¼, 0.60 acre in SW¼ NE¼ and 14.70 acres

in SE¼ NE¼, Section 8, Township 18 South, Range 13 East, W.M.

Notice by publication as provided by ORS 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 20.0 acres in NW¼ SW¼, Section 16, Township 18 South, Range 12 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 4.70 acres in NE¼ NE¼, 0.60 acre in SW¼ NE¼, and 14.70 acres in SE¼ NE¼, Section 8, Township 18 South, Range 13 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 12th day of June, 1970.

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer