

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION  
OF HELEN M. NELSON, HELEN M. BROCK  
AND PITCHFORD'S INC., (ARNOLD IRRIG-  
GATION DISTRICT) FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE OF  
WATER FROM DESCHUTES RIVER

ORDER APPROVING  
TRANSFER NO. N-42

On October 21, 1969, Helen M. Nelson, Helen M. Brock and Pitchford's 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 the Deschutes River for the irrigation, of among other lands, 2.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17 and 12.7 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 18, Township 18 South, Range 13 East, W.M., with dates of priority of February 1, 1905 and April 25, 1905, being tabulated in the name of Ethel McArdle 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.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom, without loss of priority, to 3.1 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 5.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 18 South, Range 12 East, W.M., 4.0 acres in E $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, 2.6 acres in W $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 18, 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.

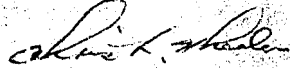
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17 and 12.7 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 18, Township 18 South, Range 13 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 3.1 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 5.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 18 South, Range 12 East, W.M., 4.0 acres in E $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, 2.6 acres in W $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 18, 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 31st day of August, 1970.



CHRIS L. WHEELER  
State Engineer