

ROSE
(Arnold I.D.)

3702

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in place of use
 Date filed 6-10-77
 Date of hearing _____
 Place of hearing _____
 Date of order 8-12-77 Vol. 29, page 211
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

Name of stream Deschutes R.
 Trib. of _____ County of Deschutes
 Use irrigation
 Quantity of water _____ No. of acres 50^e
 Name of ditch AID
 Date of priority _____
 In name of A. I. D., W. O. Fowles
Deschutes R.D. Adjudication, Vol. 16, page 30
 App. No. _____ Per. No. _____ Cert. No. 29053
 Certificate cancelled _____
 Notation made on record by _____

Date	Amount	Receipt No.
<u>6-10-77</u>	<u>35.00</u>	<u>61320</u> <u>61321</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

to survey 9/77

REMARKS

PROOF TO SATISFACTION

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
___ Name	<u>liq</u>	___
___ Stream	<u>liq</u>	___
___ Ft. of Div.	___	___
___ Calendar	<u>liq</u>	___
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>swc</u>	___
<input checked="" type="checkbox"/> Decree-vault	<u>liq</u>	___
<input checked="" type="checkbox"/> Decree-safe	<u>liq</u>	___
<input checked="" type="checkbox"/> Cert. of W/R	<u>liq</u>	___
___ Per. Folder	___	___
___ Chaindex	___	___
___ Cross Ref.	___	___
___ Power Claim	___	___
___ Abstracts	<u>liq</u>	___

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**Before the Water Resources Director
Deschutes County Oregon**

FINAL ORDER

Pursuant to ORS 541.329 (District Water Rights Mapping Provision), a petition requesting approval and acceptance of district maps showing the location and use of all water rights within and served by a district was submitted to the Oregon Water Resources Commission on May 8, 1992, by the petitioner:

**ARNOLD IRRIGATION DISTRICT
19885 ROCKING HORSE RD
BEND, OR 97702**

On February 10, 1928, Circuit Court Judge T.E.J. Duffy awarded Arnold Irrigation Company an inchoate right for the irrigation of 9,392.0 acres with a February 1, 1905 priority for 25.0 cubic feet per second and an April 25, 1905 priority for 125.0 cfs.

On February 14, 1933, the court entered a supplemental decree to define the irrigation season, duty of water and transmission losses as they related to the various irrigation projects.

On March 24, 1933, based on objections filed by Central Oregon Irrigation District, Crook County Improvement District #1 and Deschutes Reclamation and Irrigation Company to the February 14, 1933 decree, a decree was entered modifying the rate of diversion.

On September 29, 1961, the State Engineer issued certificate #29053 to confirm the right as modified by a decree of the Circuit Court for Deschutes County entered July 18, 1958, further modified by a decree dated December 28, 1959, and the following transfers: Sp.Or. V.7, P.199, V.8, P.210, V.9, P.234, V.9, P.358, V.9, P.434, V.9, P.446, V.10, P.11 and V.10, P.373. The certificate confirmed a total of 4,414.25 acres.

Two transfers filed before the issuance of Certificate #29053 remained unconfirmed but are confirmed herein. These are:

Sp.Or. V.10, P.588 & Sp.Or. V.11, P.2 - The acres/equivalent involved in these transfers was included at the original location on Certificate 29053.

Eight orders canceling water rights have been issued.

Cancellation V.34, P.103	-8.30 acres
Cancellation V.35, P.255	-1.00 acres
Cancellation V.35, P.396	-2.00 acres
Cancellation V.36, P.282	-2.00 acres
Cancellation V.36, P.555	-2.00 acres
Cancellation V.36, P.556	-0.22 acres
Cancellation V.36, P.608	-2.00 acres
Cancellation V.40, P.468	-4.00 acres

There has been one order rescinding Loss of Right Order, V.40, P.468.

Volume 46, Page 515

+4.00 acres

Arnold Irrigation District made other changes after Certificate 29053 was issued but no certificates confirming the changes have been issued. These changes are listed in ATTACHMENT A and are confirmed herein.

Six point of diversion transfers are outstanding. These are as follows:

Volume 8, Page 210

Volume 12, Page 198

Volume 29, Page 70

Volume 29, Page 496

Volume 30, Page 107

Volume 31, Page 505

Although these transfers cannot be confirmed by the district remapping process, Arnold Irrigation District has made proof satisfactory to the director through the normal final proof process for the listed point of diversion transfers. These point of diversion transfers are confirmed herein.

Incorporating these changes to certificate #29053, there remains 4,396.73 acres/equivalent eligible to petition. These rights are tabulated under "Right of Record" in ATTACHMENT A.

The petitioner requests to change the use and place of use of the above rights to 3,976.05 acres of irrigation, 347.59 acres/equivalent for quasi-municipal use, 35.71 acres/equivalent for pond maintenance, 23.2 acres/equivalent for industrial use, and 1.5 acres/equivalent for domestic use, to locations as tabulated under "Petitioned Lands" in ATTACHMENT B.

The petitioner states that the difference, 12.68 acres, is no longer used and requests that it be canceled.

FINDINGS

The Director has examined the petition and maps submitted by Arnold Irrigation District and a report prepared by Department staff. The report is on file at the Water Resources Department. Based on the examination and report, the Director finds:

1. Arnold Irrigation District is a district eligible to petition as defined by ORS 541.325(1).
2. The district filed its petition and maps in a timely manner.
3. The District paid the fees required under ORS 536.050(1)(o).
4. The district certified that they met the notice requirements of ORS 541.329(4).

5. The content and quality of the district's petition and maps meet the requirements of ORS 541.329.
6. The acreage petitioned is within the limits of the eligible rights and the limits set in ORS 541.331(4).
7. The District has met the notice requirements of ORS 541.329(5).
8. Arnold Irrigation District may make the proposed changes without injury to existing rights.
9. No user filed a protest pursuant to ORS 541.331(1).
10. The right of record acreage was incorrectly listed in the Proposed Order. The correct right of record acreage is 4,396.73 acres. This change will not affect the petitioned lands.
11. Arnold Irrigation District has made proof, satisfactory to the Director, for that portion of supplemental Permit #23256 appurtenant to lands described as "Petitioned Lands" in ATTACHMENT B.
12. Arnold Irrigation District has made proof, satisfactory to the Director, for the point of diversion portions of Transfer Orders Volume 8, Page 210; Volume 12, Page 198; Volume 29, Page 70; Volume 29, Page 496; Volume 30, Page 107; and Volume 31, Page 505.

Therefore, the Director finds that ARNOLD IRRIGATION DISTRICT has met the requirements of ORS 541.325 to 541.331.

FINAL ORDER

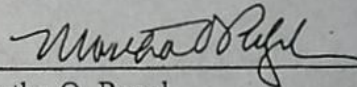
NOW, THEREFORE, it is hereby ORDERED that the petition and maps of water rights for the ARNOLD IRRIGATION DISTRICT are accepted and approved. Certificate #29053 has been canceled.

A new certificate conforming to the approved petition totaling 3,976.05 acres of irrigation, 347.59 acres/equivalent for quasi-municipal use, 35.71 acres/equivalent for pond maintenance, 23.2 acres/equivalent for industrial use, 1.5 acres/equivalent for domestic use, and stock water, and confirming the listed outstanding point of diversion transfers shall be issued to ARNOLD IRRIGATION DISTRICT.

It is FURTHER ORDERED that the original season, rate, duty limitations, and all other conditions and limitations contained in the original decree, as modified by all subsequent decrees, shall remain in effect for the rights petitioned.

It is FURTHER ORDERED that when, to the satisfaction of the Director, proof has been made for those lands not included in this petition but covered by supplemental permit #23256, a certificate confirming the use as limited by the terms of the inter-district contract dated January 4, 1938, be issued.

WITNESS the signature of the Oregon Water Resources Director, affixed
this 14th day of July 1997



Martha O. Pagel
Oregon Water Resources Director

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

This Is to Certify, That the ARNOLD IRRIGATION DISTRICT

Bend Oregon, State of Oregon, has a right to the use of the waters of Deschutes River for the purpose of Irrigation, Domestic, Commercial and Manufacturing use.

and this right has been confirmed by decree of the Circuit Court of the State of Oregon for County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 16, at page 1 & 390 that the priority of the right thereby confirmed dates from February 1, 1905 for 25.0 cubic feet per second and April 25, 1905 for balance allowed by decree.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount which may be beneficially used for said purposes and shall not exceed the quantity determined by the Circuit Court for Deschutes County, dated March 24, 1933.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows: Arnold Irrigation District

Table with columns: Sec, NE, NW, SW, SE, NE, NW, SW, SE, NE, NW, SW, SE, NE, NW, SW, SE, Total. Rows include Township 17 South, Range 12 East, W.M. and Township 18 South, Range 11 East, W.M. with various acreage values.

Sec	NE				NW				SE				Total
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Township 18 South, Range 13 East, W.M.													
6													60.2
7													56.6
8		4.7											57.5
17													122.8
18													106.3
20		12.0	38.0	30.0									240.8
29													1.1
30	27.4	24.0	2.6	26.0	27.5	37.5	9.0	15.5					169.5
Total Acres												4,393.25	

Equivalent acres of water right for other uses than irrigation
 16.0 ac in SE 1/4, for manufacturing
 Section 17
 5.0 ac in SW 1/4 & NW 1/4 for domestic and commercial
 Section 17
 T. 18 S., R. 12 E., W.M.
 Total 22.0
 Grand Total 4,415.25

NOTE: This certificate also includes and confirms transfers in place of use and/or character of use, approved by Special Orders of the State Engineer pursuant to the provisions of ORS 540.510 to 540.530, to date of April 1, 1961, said transfers being designated by applicants name and State Engineer's Order of approval as follows:

Name of Applicant	Date of Order
Glenn Gregg, etal	6-28-51
Rodney Rosebrook, etux, etal	6-1-54
Geo. E. Hamilton, etux, etal	8-26-57
Ashley T. Tabor, etux	4-22-58
Duncan L. McKay, etal	9-23-58
Walter Roy & Clinton Palmer, etux	10-20-58
Harold L. Maker	3-5-59
J. A. Pausch, etux	4-25-60

PENDING TRANSFERS UNDER ARNOLD IRRIGATION DISTRICT
 As of April 1, 1961

State Engr No.	Name of Applicant	Acres to be transferred		Date of Order of Approval
		From	To	
M-127	Duncan L. McKay	20.0 SWSW 24-18-12	5.0 NESW	12-15-60
	Owen M. Panner	20.0 SWNW 25-18-12	15.0 NWSW	
	W. C. Coyner and		15.0 SWSW	
	D. J. Ward		5.0 SESE 16-18-12	
W-80	D. J. Ward and	7.0 SESE 8-18-12	5.0 ESE 21-18-12	1-3-61
	Frank R. Gilchrist		2.0 NESE 21-18-12	

Note: The above tabulation showing Pending Transfers is presented only for information and is not to be construed as being a part of the water right confirmed by this certificate. And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed
 this 29th day of September, 1961.
 LEWIS A. STANLEY
 State Engineer

T 3247 T 3246 T 3248 T 3249

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
CLIFFORD D. ROSE AND ASSOCIATES)
(ARNOLD IRRIGATION DISTRICT) FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER OF DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3702

On June 10, 1977, Clifford D. Rose and Associates filed an application in the office of the Water Resources Director for 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 irrigation of, among other lands, 21.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 7.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 18 South, Range 12 East, W.M., being tabulated in the name of W. O. Fowles at Volume 16, page 30, with dates of priority of February 1, 1905 and April 25, 1905, as evidenced by the 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 applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to a certain 25.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 25.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 23.

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.

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P211-212

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 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 August, 1977.

/s/ James E. Sexson
Director