

2479 D.E. & B.B. Kear
 (COI)
 Bend, Ore. 97701

2479

STATUS OF APPLICATION

Change in Place of Use
 Date filed February 8, 1971
 Date of hearing _____
 Place of hearing _____
 Date of order 3-17-71 Vol. 20, page 467
 Date for application of water 10-1-71
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____
 To Survey 8/31/71

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
 Trib. of _____ County of Deschutes
 Use Irrigation
 Quantity of water _____ No. of acres 5⁰
 Name of ditch Central Oregon Canal
 Date of priority 10-31-00 & 12-2-07
 In name of Harold Harbour
Deschutes Riv Adjudication, Vol. 16, page 52
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by slu

FEEES PAID

Date	Amount	Receipt No.
<u>2-8-71</u>	<u>20.00</u>	<u>22574</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEEES REFUNDED

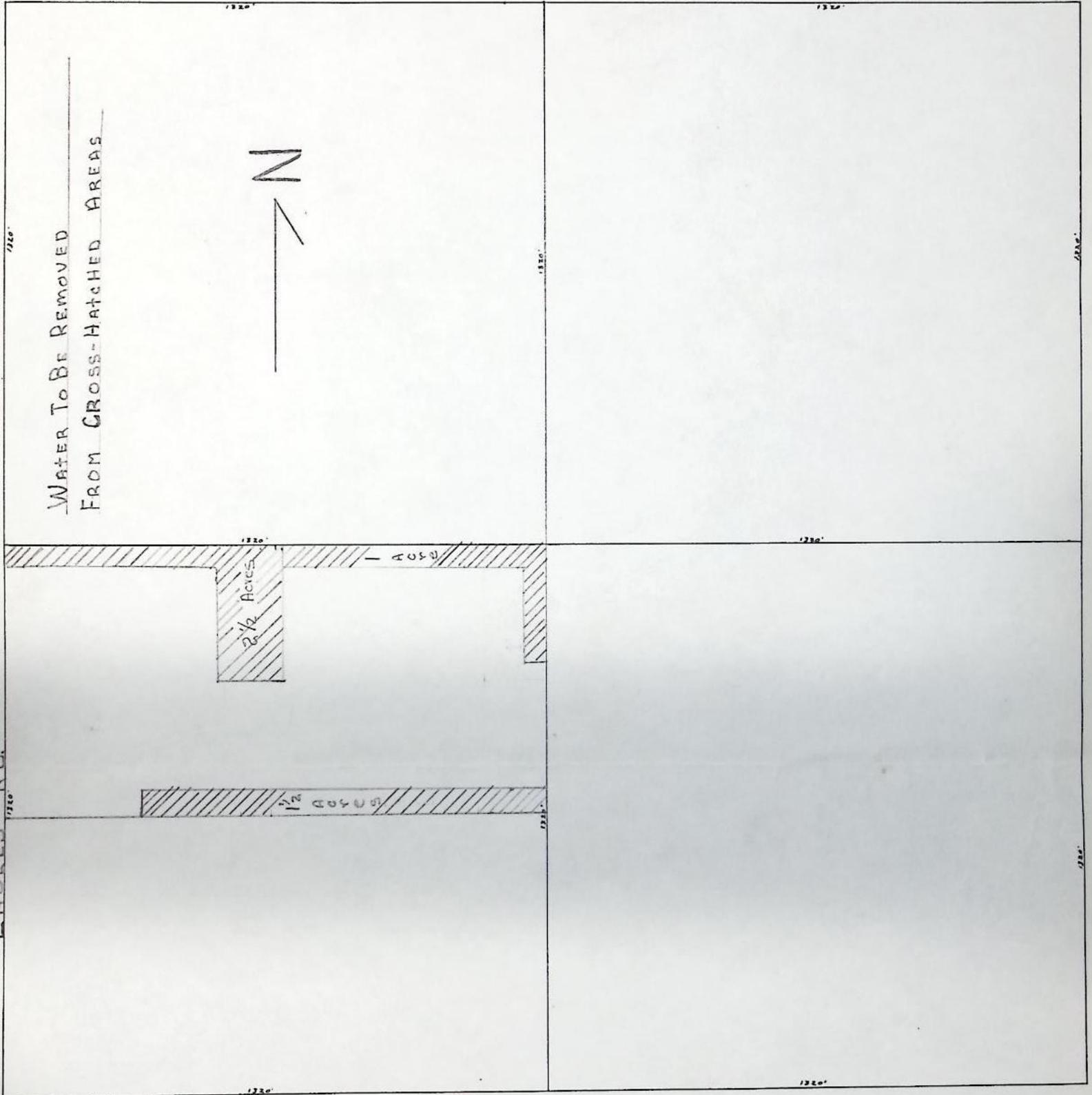
Date	Amount	Check No.

REMARKS

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

Sec. 26 17 - 12
1/4 SEC T. 17 S. R. E.W.M.

1" = 200'



RECEIVED
FEB 8 1971
STATE ENGINEER
SALEM, OREGON

29

28³

28

23²

30³

16¹

25⁸

18²

HIGHWAY

27

27⁹

28⁹

28¹

23¹

4³

23⁵

12

LAWN ROCK SCHOOL

27⁶

27⁸

ALFALFA

ND

27⁵

15⁹

17⁷

20⁴

22¹

22⁸

21⁷

0²

4²

32

24⁸

33

29⁰

22⁵

10⁸

14²

34

27⁹

20⁵

29⁸

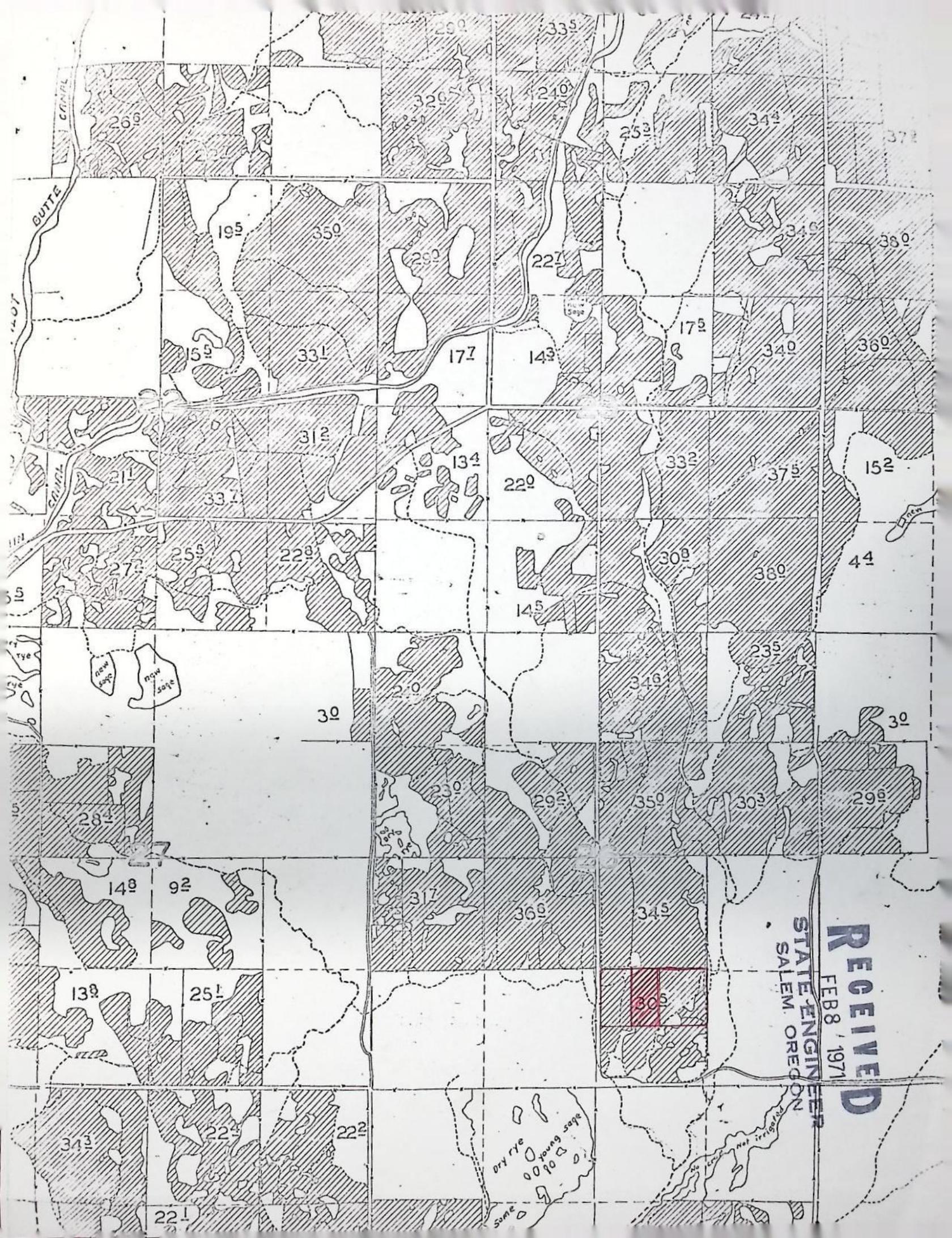
20⁸

8¹

19⁰

26³

RECEIVED
FEB 8 1911
SALEM OREGON



CANAL

BUTTE

CHINA

new sage
new sage

dry rye
young sage
Some

RECEIVED
FEB 8 1971
STATE ENGINEER
SALEM, OREGON

305

268 195 350 290 320 240 253 344 372
155 331 177 143 227 340 380
211 312 134 220 332 375 152
273 255 228 145 308 380 44
30 20 346 235 30
281 230 292 350 303 296
148 92 317 366 345
138 251 305
313 225 222
221

RECEIVED
 FEB 8 1971
 STATE ENGINEER
 SALEM OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I/ We, Daniel E Kearns & Barbara B Kearns
(Name of applicant)

of Bend (Postoffice), County of Deschutes

State of Oregon, do hereby make application for change

place of use
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Deschutes River
(Name of stream)

2. The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Central Oregon Canal

4. The point of diversion is located ft. (N. or S.) and ft. (E. or W.) from the

corner of being within the
(Section or subdivision)

of Section Tp. R. W. M., in the County of
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄
17	12	26															5	

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? Oct. 31, 1900 & Dec. 2, 1907

9. Was your water right acquired by State Engineer's Permit? No If so, give number
(Yes or No)

of permit

10. Do you hold a water right certificate? No If so, give number of certificate 29052
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes If so, give title of proceedings Adjudication of Deschutes River
(Yes or No)

12. Is the water right recorded in your name? Harold Harbour - page 52 of decree
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
17	13	33													5			

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
 corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
 in the county of The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located?

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

.....

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are More beneficial use

.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

} ss.

I, Daniel E Kearns + Barbara B Kearns, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 13th day of October, 1971. Daniel E Kearns Barbara B Kearns (Name of applicant)

Subscribed and sworn to before me this 13th day of October, 1971

[Notarial Seal]

Tilma M. Gaudley NOTARY PUBLIC FOR OREGON

My commission expires Feb 1, 1975

Remarks Approved by the Board of Directors of the Central Oregon Irrigation District at regular meeting held Nov. 4, 1970.

[Empty lined area for additional remarks]

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF DANIEL E. AND BARBARA B. KEARNS)
(CENTRAL OREGON IRRIGATION DISTRICT))
FOR THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2479

On February 8, 1971, Daniel E. and Barbara B. Kearns 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 the Deschutes River and its Tributaries, a water right was established in the name of Central Oregon Irrigation District for the use of the waters of Deschutes River for the irrigation of, among other lands, 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 17 South, Range 12 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, being tabulated in the name of Harold Harbour as evidenced by certificate of water right recorded at page 29052, 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 applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 17 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 Central Oregon 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 November 4, 1970.

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 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 17 South, Range 12 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, be severed therefrom and simultaneously and without loss of priority transferred to 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 17 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 Central Oregon Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 17th day of March, 1971.

/s/ CHRIS L. WHEELER
State Engineer

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

RECEIVED
AUG 31 1971
STATE ENGINEER
SALEM OREGON

Transfer No. 2479

I, Jack Robinson & Sons, Inc. hereby certify that
on June, 1971, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates March 17, 1971, approving an application for a change in place
of use of water from _____ Deschutes River _____.

Aug. 28 - 71 -
~~Aug. 28 - 71 -~~
Date

Jack Robinson
Signature