

(COI) Ben

2480

STATUS OF APPLICATION

Change in Place of Use
 Date filed February 8, 1971
 Date of hearing _____
 Place of hearing _____
 Date of order 6-7-71 Vol. 21, page 116
 Date for application of water 10-1-72
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
 Trib. of _____ County of Deschutes
 Use Irrigation
 Quantity of water _____ No. of acres 3.5
 Name of ditch Central Oregon Canal
 Date of priority 10-31-00 & 12-2-07
 In name of John McLaughlin
Deschutes Riv. Adjudication, Vol. 16, page 60
 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>22573</u>
TOTAL . . .		
	\$1 Cert. Fee	

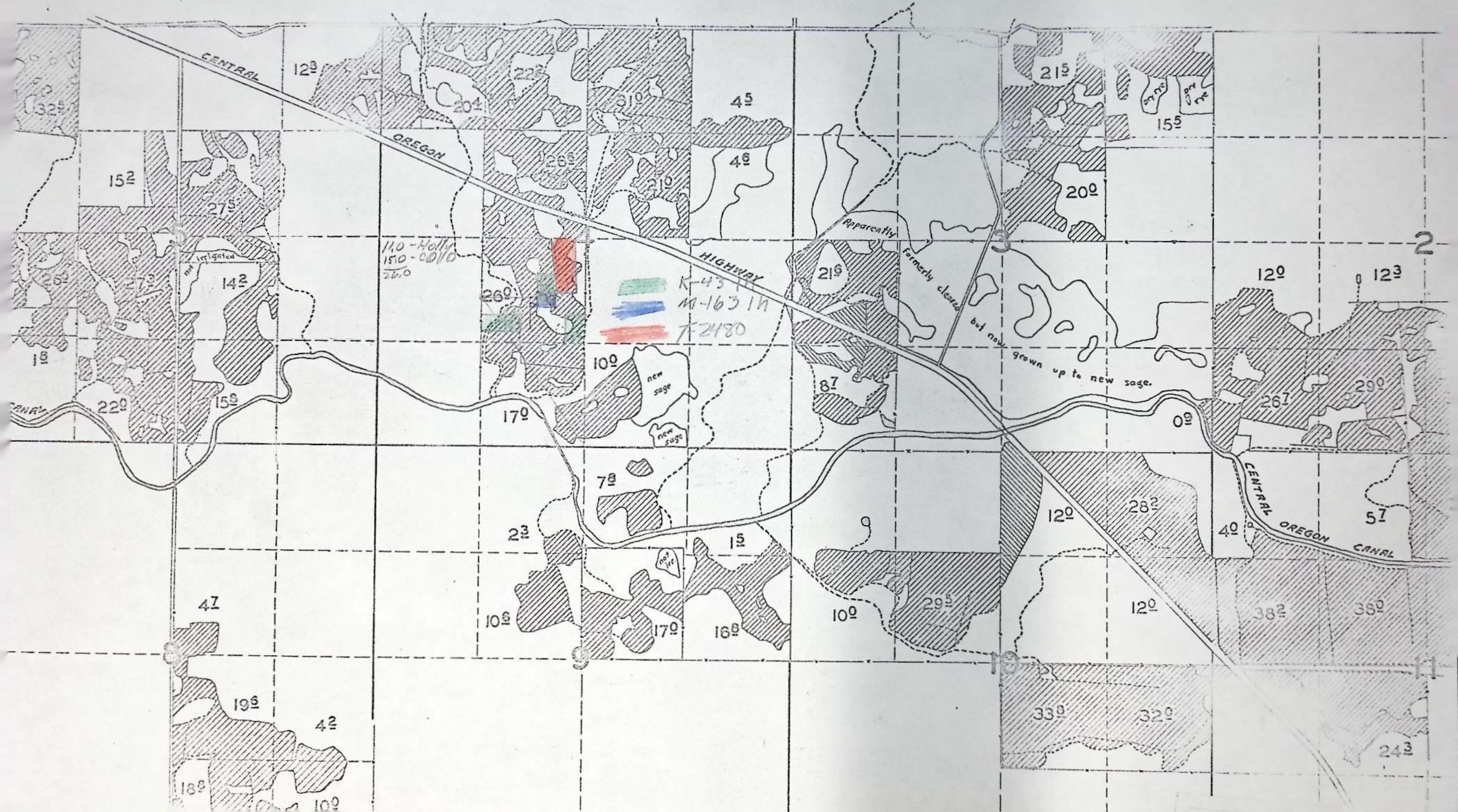
FEEES REFUNDED

Date	Amount	Check No.

Survey
Surveyed a/p/pt (Kemnitz & Rollins)

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	_____	_____



CENTRAL OREGON CANAL

HIGHWAY

- K-43
- M-163 1N
- T-2180

140-Holly
150-00/0
26.0

Apparently Formerly cleared but now grown up to new sage.



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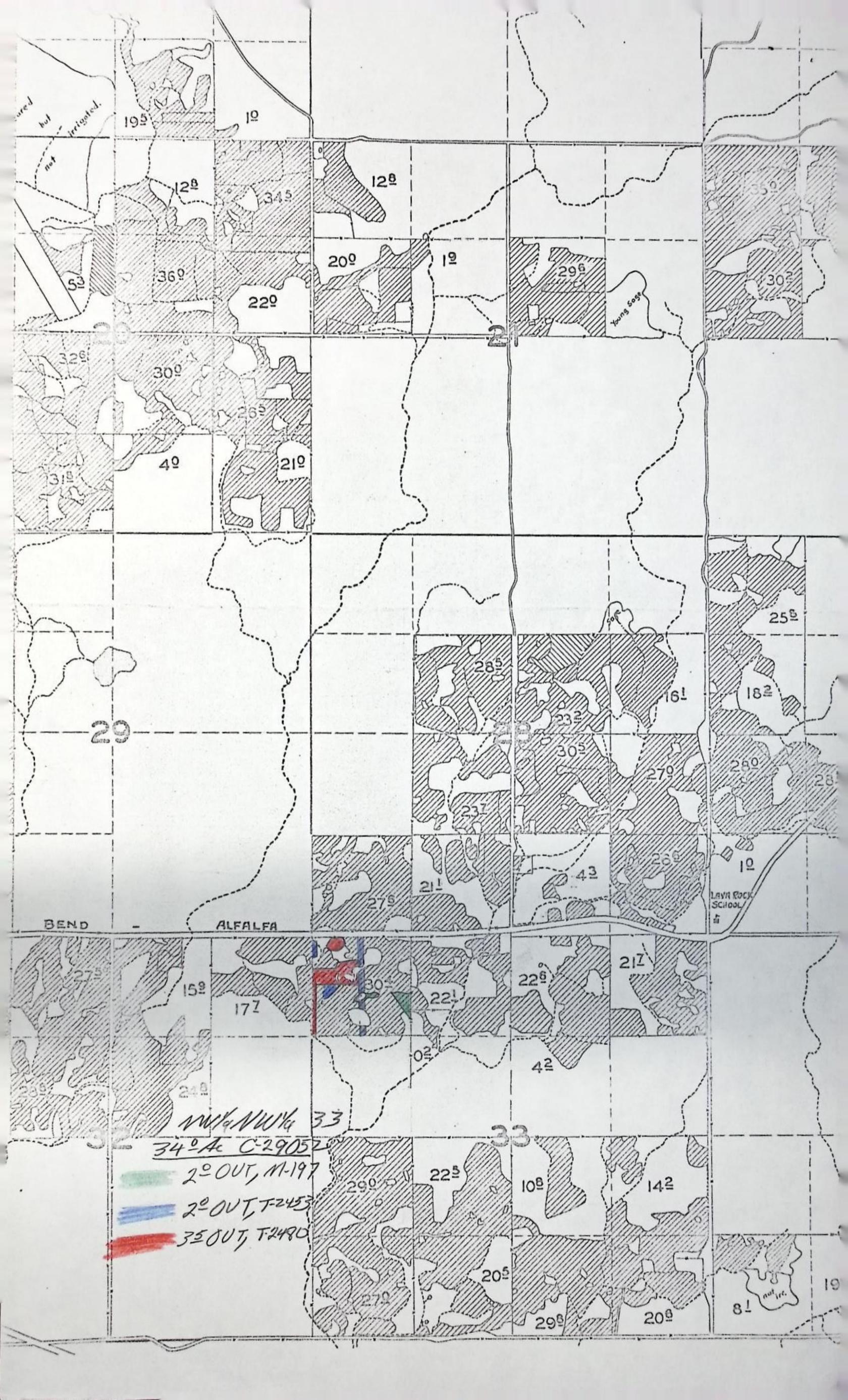
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ured
but
irrigated.

not

53

329

318

29

BEND

32

34° Ac C-29052

2° OUT, M-197

2° OUT, T-2453

35° OUT, T-2490

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BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF JOHN McLAUGHLIN AND CODY SPAHN)
(CENTRAL OREGON IRRIGATION DISTRICT))
FOR THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2480

On February 8, 1971, John McLaughlin and Cody Spahn 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, 3.5 acres in NW¼ NW¼, Section 33, Township 17 South, Range 13 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, being tabulated in the name of John McLaughlin 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 applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 3.5 acres in NE¼ SW¼, Section 4, 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 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 January 6, 1971.

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 3.5 acres in NW¼ NW¼, Section 33, Township 17 South, Range 13 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 3.5 acres in NE¼ SW¼, Section 4, 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, 1972.

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 7th day of June, 1971.

/s/ CHRIS L. WHEELER
State Engineer

RECEIVED
NOV 22 1972
STATE ENGINEER
SALEM, OREGON

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 2480

I, Rhodie K. Thompson hereby certify that
on Jan, 1972, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates June 7, 1971, approving an application for a change in place
of use of water from _____ Deschutes River _____.

March 29-1972
Date


Signature

Rhodie K Thompson, Rt 1, Box 1186, Bend, Oregon
710

RECEIVED
NOV 22 1972

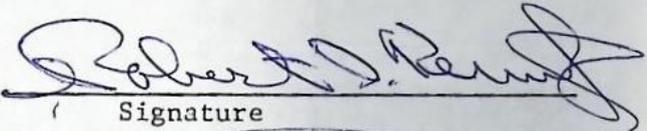
STATE ENGINEER
SALEM OREGON

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 2480

I, ROBERT I. KERNITZ hereby certify that
on 2-15, 1972, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates June 7, 1971, approving an application for a change in place
of use of water from Deschutes River.

2-15-72
Date


Signature

Rt 1, Box 1190, Bend, Oregon

OK

RECEIVED
 FEB 8 1971
 STATE ENGINEER
 SALEM OREGON

RECEIVED
 APR 27 1971
 STATE ENGINEER
 SALEM OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, We, John McLaughlin & Cody Spahn
(Name of applicant)

of Bend (Postoffice), County of Deschutes

State of Oregon, do hereby make application for change

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

- The source of present water right is Deschutes River
(Name of stream)
- The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is Central Oregon Canal
- The point of diversion is located ft. (N. or S.) and ft. (E. or W.) from the

corner of (Section or subdivision) being within the

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

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 $\frac{1}{4}$	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					3.5											

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

*V 18 P 24
20 348*

(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

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? John McLaughlin - page 60 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 $\frac{1}{4}$
18	13	4										3.5						

(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, We, John McLaughlin & Cody Spahn, 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 ^{5th} ~~31st~~ day of January ~~December~~, 19 ~~70~~ ⁷¹.

Cody Spahn
(Name of applicant)

Subscribed and sworn to before me this ^{5th} ~~31st~~ day of December ~~January~~, 19 ~~70~~ ⁷¹.

Billy Leonard
NOTARY PUBLIC FOR OREGON

[Notarial Seal]

My commission expires May 28, 1973

Remarks Approved by the Board of Directors of the Central Oregon Irrigation

District at regular meeting held Jan. 6, 1971.

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.

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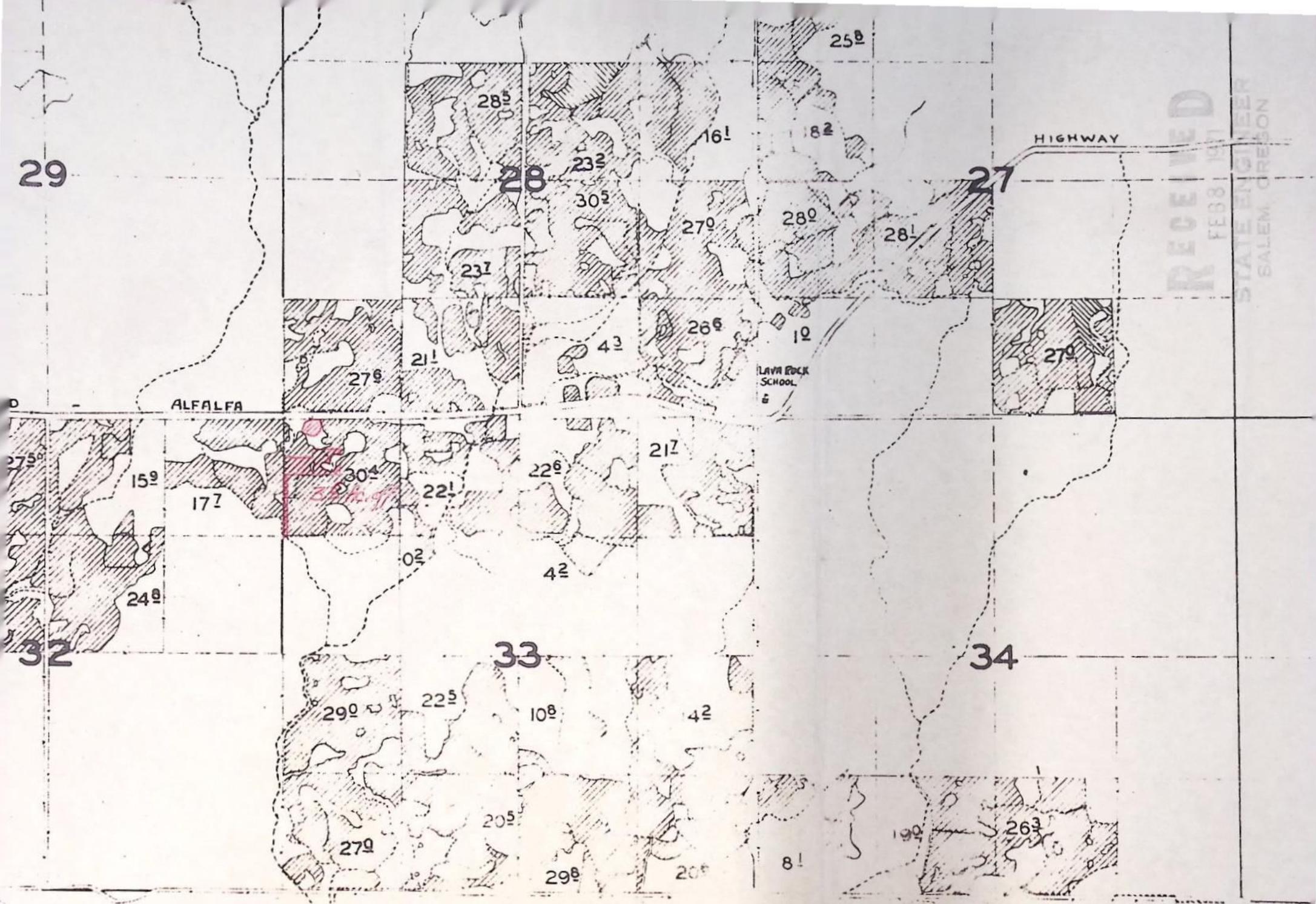
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RECEIVED
FEB 8 1971

STATE ENGINEER
SALEM, OREGON

T-2480



T-2480

RECEIVED
APR 27 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
FEB 8 1971
STATE ENGINEER
SALEM, OREGON