

2756 (copy) BENMOND Ore

2756

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in Place of Use  
Date filed Jan 24, 1973  
Date of hearing  
Place of hearing  
Date of order 4-2-73 Vol. 23, page 58  
Amending order 4-26-74 24 257  
Date for application of water 10-1-74  
Proof mailed  
Proof received  
Certificate issued Vol. \_\_\_\_\_, page \_\_\_\_\_

Name of stream Deschutes River  
Trib. of \_\_\_\_\_ County of Deschutes  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 0<sup>33</sup>  
Name of ditch Pilot Butte Canal  
Date of priority Oct 31, 1900 + Dec 2, 1907  
In name of B. L. Reynolds  
Deschutes River Adjudication, Vol. 16, page 109  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052  
Certificate cancelled  
Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
<u>1-24-73</u>	<u>20.00</u>	<u>32235</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

257

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF MARJORY A. MARRS FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM DESCHUTES RIVER )  
-----

ORDER AMENDING ORDER  
DATED APRIL 2, 1973

By an order entered April 2, 1973, a change in place of use of water was approved whereby the right for the irrigation of 0.33 acre was transferred to the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, Township 14 South, Range 13 East, W.M., more specifically described as being 0.06 acre in Lots 19 to 23 inclusive and 0.03 acre in Lot 24 of Hillman Townsite.

The Central Oregon Irrigation District has submitted a statement that an error was made in the application for approval of the change and the application should have been made so the right became appurtenant to 0.06 acre in each of Lots 3 and 4, 0.04 acre in each of Lots 17 and 18, 0.03 acre in Lot 19 and 0.02 acre in each of Lots 20 and 24, inclusive, all within Block 85, Hillman Townsite.

The requested change confines the right to the same block of Hillman Townsite and it appears it can be made without injury to existing rights.

NOW, THEREFORE it hereby is ORDERED that all following the first paragraph of the order entered April 2, 1973, be rescinded and in lieu thereof the following be substituted.

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 Central Oregon Irrigation District for the irrigation of, among other lands, 0.33 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$  (West  $\frac{1}{2}$ , Lot 4, Block 2, Rennolds Acres) Section 9, Township 15 South

Range 13 East, W.M., with dates of priority of October 13, 1900 and December 2, 1907, being tabulated in the name of B. L. Reynolds, as evidenced by certificate of water right recorded at page 29052, Volume 21, State Record of Water Right Certificates. These lands are irrigated by means of the Pilot Butte Canal.

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 February 2, 1972.

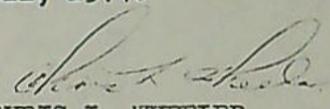
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

It is FURTHER ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.33 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$  (West  $\frac{1}{2}$  of Lot 4, Block 2, Rennolds Acre) Section 9, Township 15 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 0.06 acre in each of Lots 3 and 4, 0.04 acre in each of Lots 17 and 18, 0.03 acre in Lot 19 and 0.02 acre in each of Lots 20 to 24 inclusive, all within Block 85, Hillman Townsite, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, Township 14 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, 1974.

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, a certificate of water right will be issued to the Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 26th day of April, 1974.

  
CHRIS L. WHEELER  
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF MARJORY A. MARRS FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM DESCHUTES RIVER ))  
-----

ORDER APPROVING  
TRANSFER NO. 2756

On January 24, 1973, Marjory A. Marrs 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 Central Oregon Irrigation District for the irrigation of, among other lands, 0.33 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , (West  $\frac{1}{2}$ , Lot 4, Block 2, Rennolds acres) Section 9, Township 15 South, Range 13 East, W.M., with dates of priority of October 31, 1900 and December 2, 1907, being tabulated in the name of B. L. Reynolds, as evidenced by certificate of water right recorded at page 29052, Volume 21, State Record of Water Right Certificates. These lands are irrigated by means of the Pilot Butte Canal.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority to 0.33 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , (Lots 19 to 24 inclusive, Block 85, Hillman Townsite), Section 16, Township 14 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.

OLD COUNCIL TREE  
ONTONSKIN

✓ 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 February 2, 1972.

✓ 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 0.33 in NE¼ NE¼ (West ½ of Lot 4, Block 2, Rennolds acre) Section 9, Township 15 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 0.33 acre in NE¼ SW¼, more specifically located as 0.06 acre in each of lots 19 to 23 inclusive and 0.03 acre in Lot 24 of Hillman Townsite, Section 16, Township 14 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, 1973.

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, a certificate of water right will be issued to the Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 2nd day of April, 1973.

/s/ CHRIS L. WHEELER  
State Engineer

OLD COUNCIL TREE