

1007-1100 Jesse E. Mitchell
 Virginia Mitchell
 Reynolds, Ore. 97756

2706

STATUS OF APPLICATION

Change in Place of Use
 Date filed Sept. 15, 1972
 Date of hearing _____
 Place of hearing _____
 Date of order Nov. 9, 1972 Vol. 22, page 277
 Date for application of water October 1, 1973 ✓
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____
Survey 11/74

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
 Trib. of _____ County of Deschutes
 Use Irrigation
 Quantity of water _____ No. of acres 0³⁸
 Name of ditch CO1 (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 _____

FEES PAID

| Date | Amount | Receipt No. |
|--------------------|------------------|--------------|
| <u>9-15-72</u> | <u>20.00</u> | <u>30710</u> |
| TOTAL . . . | | |
| | Cert. Fee | |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

Surveyed 9-7-84 (DeWitt)

REMARKS

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: | |
|-----------------------------|--------------|---------|
| | Entered | Checked |
| _____ Name | _____ | _____ |
| _____ Stream | _____ | _____ |
| _____ Pt. of Div. | _____ | _____ |
| _____ Calendar | _____ | _____ |
| _____ Twp. & Rge. | <u>WAC</u> | _____ |
| _____ Decree-vault | <u>PR</u> | _____ |
| _____ Decree-safe | <u>PR</u> | _____ |
| _____ Cert. of W/R | <u>PR</u> | _____ |
| _____ Per. Folder | _____ | _____ |
| _____ Chaindex | _____ | _____ |
| _____ Cross Ref. | _____ | _____ |
| _____ Power Claim | _____ | _____ |
| _____ Abstracts | _____ | _____ |

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BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF JESSE EDWARD AND VIRGINIA)
MITCHELL FOR THE APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2706

On September 15, 1972, Jesse Edward and Virginia Mitchell 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, .38 acre in NE¼ NE¼ (Part of Lot 5, Block 4, 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 .38 acre in SE¼ SE¼, Section 20, Township 15 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 May 3, 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 .38 in NEXNEX (Part of Lot 5, Block 4, 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 .38 acre in SEX SEX, Section 20, Township 15 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 9th day of November, 1972.

/s/ CHRIS L. WHEELER
State Engineer