

2950 JAMES HUTCHENS  
COL. BEND 97201

2950

STATUS OF APPLICATION

Change in place of use  
Date filed Dec. 27, 1973  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 2-5-74 Vol. 24, page 97-98  
Date for application of water 10-1-74  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes R.  
Trib. of \_\_\_\_\_ County of Deschutes  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 10<sup>0</sup>  
Name of ditch Pilot Butte Canal  
Date of priority Oct. 31, 1900 + Dec. 2, 1907  
In name of Milton Odem  
Deschutes River Adjudication, Vol. 16, page 134  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>12-27-73</u>	<u>25.00</u>	<u>87979</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Surveyed 5/8/84 (Wright)

INDEX CARDS:	Entered	Checked
— Name	<u>WN</u>	—
— Stream	<u>WH</u>	—
— Pt. of Div.	—	—
— Calendar	<u>WN</u>	—
CHANGED TO REC-3:		
— Type	<u>WAC</u>	—
— Decree	<u>WAC</u>	—
— Decree	<u>WAC</u>	—
— Cert. of Div.	—	—
— Per. Order	—	—
— Chaindex	—	—
— Cross Ref.	—	—
— Power of Att.	—	—
— Abstracts	—	—

TO BE ENTERED WHERE CHECKED

475

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF  
JAMES HUTCHENS AND ROBERT J. SIMMONS  
(CENTRAL OREGON IRRIGATION DISTRICT)  
FOR THE APPROVAL OF A CHANGE IN PLACE  
OF USE OF WATER FROM DESCHUTES RIVER  
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ORDER APPROVING  
TRANSFER NO. 2950

On December 27, 1973, James Hutchens and Robert J. Simmons 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 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, 10.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 15 South, Range 13 East, W.M., being tabulated in the name of Milton Odem, with dates of priority of October 31, 1900 and December 2, 1907, 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 applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 7.5 acres in SE $\frac{1}{2}$  SE $\frac{1}{2}$ , Section 35 and 2.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36, Township 15 South, Range 12 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 December 5, 1973.

Alice Bail, title holder, has submitted written approval of the proposed change in place of use.

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 10.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, 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 7.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 35, and 2.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36, Township 15 South, Range 12 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 5th day of February, 1974.

/s/ CHRIS L. WHEELER  
State Engineer