

2960 *Maryvale Water*  
*Benl. etc. 1901*

2960

STATUS OF APPLICATION

Change in place of use  
Date filed 1-17-74  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 10-29-75 Vol. 26, page 150-152  
Date for application of water 10-1-76  
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 5.0  
Name of ditch Central Oregon Canal  
Date of priority Oct 31, 1900 & Dec 2, 1907  
In name of Pete Kolben & G.R. Burmeister  
Deschutes R. Adjudication, Vol. 16, page 54 & 68  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEE PAID

Date	Amount	Receipt No.
<u>1-17-74</u>	<u>25.00</u>	<u>38259</u>
TOTAL . . .		
	Cert. Fee	

FEE REFUNDED

Date	Amount	Check No.

*to survey 278*  
*Surveyed 11-16-83 (George Cook)*

REMARKS

In Part - retransfer of part of acreage under Transfer No. J-46  
Also see Transfer No. 2959

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Name	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W</u>	
Stream	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W</u>	
Pl. of Div.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W</u>	
Calendar	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W</u>	
CHECKED TO RECORDS:				
Twp & Rge.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W</u>	
Decree-unit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W</u>	
Decree-sale	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W</u>	
Cert. of W/R	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W</u>	
Per. folder	<input type="checkbox"/>	<input type="checkbox"/>		
Chaindex	<input type="checkbox"/>	<input type="checkbox"/>		
Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>		
Power Claim	<input type="checkbox"/>	<input type="checkbox"/>		
Abstracts	<input type="checkbox"/>	<input type="checkbox"/>		

*485*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF PRESTON AND MARJORIE WALLER )  
(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. 2960

On January 17, 1974, Preston and Marjorie Waller filed an application in the office of the Water Resources Director 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, 2.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 3, Township 18 South, Range 12 East, W.M., being tabulated in the name of C. R. Burmeister, and 3.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 3, Township 18 South, Range 12 East, W.M., being tabulated in the name of Pete Klobus, 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 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. On June 23, 1967, an order was entered by the State Engineer wherein the water rights hereinbefore described as appurtenant to the 2.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 18 South, Range 12 East, became appurtenant to 2.0 acres in the

NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 18 South, Range 12 East, W.M. Satisfactory proof has been submitted to the Water Resources Director that water has been applied beneficially to these lands. These lands are irrigated by means of the Central Oregon Canal.

The applicant herein, owner of the lands above described in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 3, Township 18 South, Range 12 East, W.M., propose to transfer the water right therefrom, without loss of priority, to 5.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 13, Township 17 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.

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 the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, Township 18 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 the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 13, Township 17 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, 1976.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director 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 29th day of October, 1975.

/s/ JAMES E. SEXSON  
Director