

Route 1, Box 5325  
Bend, Ore. C.O.I.

2967

STATUS OF APPLICATION

Change in place of use  
Date filed 2-5-74  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 3-18-74 Vol. 24, page 187-188  
Date for application of water 10-1-74  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

3-9-85 SOK

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River  
Trib. of \_\_\_\_\_ County of Deschutes  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 2.0  
Name of ditch Central Oregon Canal  
Date of priority 10-31-1900 and 12-2-1907  
In name of Leo Fisher  
Deschutes River Adjudication, Vol. 16, page 52  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>2-5-74</u>	<u>25.00</u>	<u>38509</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Surveyed 10-9-89, Advice Report

Deschutes Riv. Adjud. Vol. 39 p. 91

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
_____ Name	<u>WH</u>	_____
_____ Stream	<u>WH</u>	_____
_____ Pt. of Div.	_____	_____
_____ Calendar	<u>WH</u>	_____
_____ CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>WH</u> <u>926</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>WH</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>WH</u>	_____
_____ Cert. of W/R	_____	_____
<u>2-2967</u> _____ Per. Folder	_____ <u>504</u>	_____
_____ Chaindex	_____	_____
_____ Cross Ref.	_____	_____
_____ Power Claim	_____	_____
_____ Abstracts	_____	_____

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION  
OF EARL E. FISCHER (CENTRAL OREGON  
IRRIGATION DISTRICT) FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE OF WATER  
FROM DESCHUTES RIVER

ORDER APPROVING  
TRANSFER NO. 2967

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On February 5, 1974, Earl E. Fischer 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, 2.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 17 South, Range 12 East, W.M., being tabulated in the name of Leo Fischer, 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 Central Oregon Canal.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, 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 September 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 2.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 17 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 2.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, 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, 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 18th day of March, 1974.

/s/ CHRIS L. WHEELER  
State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
DESCHUTES COUNTY

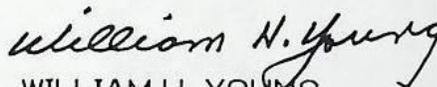
IN THE MATTER OF TRANSFER )  
APPLICATION 2967 IN THE ) LOSS OF RIGHT  
NAME OF EARL E. FISCHER (CENTRAL )  
OREGON IRRIGATION DISTRICT) )

Transfer Application 2967, in the name of Earl E. Fischer, proposed a change in place of use of water from Deschutes River under a certain right with priority dates of October 31, 1900 and December 2, 1907, to irrigate a certain 2.0 acres in SW 1/4 SW 1/4, Section 23, Township 17 South, Range 12 East, WM.

The order of the State Engineer, predecessor of the Water Resources Director, entered March 18, 1974, approving Transfer Application 2967, provided: "...that said water so transferred shall be applied to beneficial use on or before October 1, 1974."

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order, therefore, the subject water right was lost.

Dated at Salem, Oregon this 20th day of March, 1985.

  
WILLIAM H. YOUNG, <sup>3/24</sup>  
Director

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