

2571 (L.A. F. Terry
(COI)
Bend, Ore. 97701

2571

2571

STATUS OF APPLICATION

Change in Place of Use
 Date filed September 9, 1971
 Date of hearing _____
 Place of hearing _____
 Date of order 11-8-71 Vol. 21, page 272
 Date for application of water 10-1-72
 Proof mailed NOV 26 1984 12-28-84 SA
 Proof received _____
 Certificate issued _____ Vol. _____, page _____
Survey 7-7-72

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
 Trib. of _____ County of Deschutes
 Use Irrigation
 Quantity of water _____ No. of acres 30
 Name of ditch Central Ore Canal
 Date of priority 10-31-00 + 12-2-07
 In name of W. H. Henderson
Deschutes Riv Adjudication, Vol. 16, page 60
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>9-9-71</u>	<u>20.00</u>	<u>25417</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Surveyed 6/12/84 (McElroth) - see also T 2995
- back to re-survey 12/12/84

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

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF CECIL LESTER AND FAYTHE E.)
TERRY (CENTRAL OREGON IRRIGATION)
DISTRICT) FOR THE APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2571

On September 9, 1971, Cecil Lester and Faythe E. Terry 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 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, 3.0 acres in the W½ NE¼ SE¼, Section 31, Township 17 South, Range 13 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, being tabulated in the name of W. H. Henderson 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.

The applicants herein, contract purchasers of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 3.0 acres in E½ NE¼ SE¼, Section 31, Township 17 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 August 4, 1971.

Richard P. Birchell, contract seller of the lands involved, has submitted written approval of the 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 3.0 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 17 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 3.0 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 17 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, 1972.

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, certificate of water right shall be issued to Central Oregon Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 8th day of November, 1971.

/s/ CHRIS L. WHEELER
State Engineer