

2572 City of Bend
(cont)

2572

STATUS OF APPLICATION

Change in Use and Place of Use
Date filed September 22, 1971
Date of hearing December 20, 1971
Place of hearing Bend, Oregon
Date of order 12-21-71 Vol. 21, page 369
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

Surveyed 9/18/84.

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
Trib. of _____ County of Deschutes
Use to Municipal from Irrigation
Quantity of water _____ No. of acres 15.935
Name of ditch Pilot Butte Canal
Date of priority 10-31-00 & 12-2-07
In name of see apps.
Deschutes Riv. Adjudication, Vol. 16, page _____
App. No. _____ Per. No. _____ Cert. No. 29052
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
9-22-71	20.00	25572
9-22-71	PON 50.00	25573
TOTAL . . .		
11-15-71	\$1 Cert. Fee	From Pub. of Mt.

FEES REFUNDED

Date	Amount	Check No.
11-15-71	*25.34 Pub. of Mt.	4463

REMARKS

15.93 a. in 6 Mun

INDEX CARDS:		Entered	Checked
✓	Name	slu	
✓	Stream	slu	
✓	Pt. of Div.	slu	
✓	Calendar	slu	
CHECKED TO RECORDS:			
✓	Twp. & Rge.	slu	WAC
✓	Decree-vault	slu	
✓	Decree-safe	slu	
✓	Cert. of W/R	slu	
✓	Per. Folder		
✓	Chainindex		
✓	Cross Ref.		
✓	Power Claim		
✓	Abstracts		

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF CITY OF REDMOND (CENTRAL ORE-)
GON IRRIGATION DISTRICT) FOR THE)
APPROVAL OF A CHANGE IN USE OF)
WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2572

On September 22, 1971, the Central Oregon Irrigation District filed applications in the office of the State Engineer in the names of Central Oregon Irrigation District, Richard L. and Mary Moss, Evelyn J. Carvell and Genevieve Carvell, James R. and Marilyn R. Stanard, Robert Graham, Executor of Estate of George and Pearl Graham, Jasper N. and Elva F. Robbins, Jack N. and Alta Neel, James W. and Pauline E. Audrain, O. E. and Darleen Dillon, Bertram H. and Dorothy Waggott, Dan Olano, Consolidated Builders, Inc., Dan Heierman, Rolla L. Fultz, Frederick I. and Donna M. Westendorf, Lornie and Shirley Grady, Marlon and Lois Jannuzzi, David R. and Brenda I. Nixon, Doris Latta, holding power of attorney for Lewis J. Audrain, Robert E. and Bonnie DeLude, Roy and Gladys Means, Faril F. and Rosa Lee Reeve, Henry and Violet Ann Dienert, and Fred G. and Faye E. Hall for approval of a change in use of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

In the Deschutes River Adjudication proceedings, a water right was established in the name of Central Oregon Irrigation District, with priority dates of October 31, 1900, and December 2, 1907, for the irrigation of, among other lands, the following lands listed along with the applicants' names:

<u>Present Place of Use</u>	<u>Tabulated in Decree in Name of:</u>	<u>Application Filed in Name of:</u>
0.22 acre in SE¼ SW¼ Section 16	Central Oregon Irrigation District	Central Oregon Irrigation District
0.3 acre in SE¼ NW¼ Section 28 T. 14 S, R. 13 E, WM	Central Oregon Irrigation District	Central Oregon Irrigation District

<u>Present Place of Use</u>	<u>Tabulated in Decree in Name of:</u>	<u>Application Filed in Name of:</u>
0.07 acre in NE¼ NE¼ within Lot 2 of re- survey of Lot 6, Block 4, Rennolds Acres	B. L. Reynolds	Richard L. & Mary Moss
0.07 acre in NE¼ NE¼ within Lot 3 of re- survey of Lot 6, Block 4, Rennolds Acres	B. L. Reynolds	Evelyn J. Carvell & Genevieve Carvell
0.06 acre in NE¼ NE¼ within Lot 4 of re- survey of Lot 6, Block 4, Rennolds Acres	B. L. Reynolds	James R. & Marilyn R. Stanard
0.15 acre in NE¼ SE¼ within Lot 19, Fair Acres Section 9	F. McCaffery	Robert Graham, Executor of Estate of George & Pearl Graham
0.25 acre in NW¼ SW¼	Frank McCaffery	Jasper N. & Elva F. Robbins
0.75 acre in NW¼ SW¼ Section 10	Frank McCaffery	Jack N. & Alta Neel
1.0 acre in SW¼ NW¼	Jim Audrain	James W. & Pauline E. Audrain
0.25 acre in NW¼ SW¼	Central Oregon Irrig- ation District	O. E. & Darleen Dillon
0.34 acre in NW¼ SW¼ within Lot 42, S. Moreland Acres	H. E. Roberts	Bertram H. & Dorothy Waggott
1.0 acre in SW¼ SW¼ Section 16	Tom Cork	Dan Olano
0.5 acre in SE¼ NE¼	Bob Denton	Dan Heierman
1.37 acres in NE¼ SW¼	Russell Metts	Rolla L. Fultz
0.65 acre in SE¼ SE¼ within Lot 2, Block 2, Brown's Addn.	Leo Beimler	Frederick I. & Donna M. Westendorf
0.25 acre in SE¼ SE¼ within E½ Lot 5, Block 1, Windrow Acres	Leo Beimler	Lornie & Shirley Grady
0.25 acre in SE¼ SE¼ within westerly ½ of Lot 5, Block 1, Windrow Acres	Leo Beimler	Marlon & Lois Jannuzzi

<u>Present Place of Use</u>	<u>Tabulated in Decree in Name of:</u>	<u>Application Filed in Name of:</u>
0.05 acre in SE¼ SE¼ part of Lot 7, Block 1, Windrow Acres Section 20	Leo Beimler	David R. & Brenda I. Nixon
0.12 acre in SE¼ NW¼ within Lot 14 of Planerville Section 21	Planerville Addn.	Doris Latta, holding power of attorney for Lewis J. Audrain
0.09 acre in NE¼ NE¼ part of Lot 7, Block 1, Windrow Acres	Leo Beimler	David R. & Brenda I. Nixon
0.245 acre in NW¼ NE¼ part of Lot 1, Block 3, Windrow Acres	Leo Beimler	Robert E. & Bonnie DeLude
0.5 acre in NW¼ NE¼	Leo Beimler	Roy & Gladys Means
0.75 acre in NW¼ NE¼ within Lot 7, Block 5, Brown's Second Addn.	Leo Beimler	Faril F. & Rosa Lee Reeve
0.75 acre in NW¼ NE¼ within Lot 8 of Block 5, Brown's Second Addn.	Leo Beimler	Henry & Violet Ann Dienert
0.75 acre in NW¼ NE¼ within Lot 2, Block 5, Brown's Second Addn.	Leo Beimler	Consolidated Builders, Inc.
5.2 acres in SW¼ NE¼ Section 29 T. 15 S, R. 13 E, WM	V. R. Poppe	Fred G. & Faye E. Hall

The above named applicants propose to transfer the rights for irrigation of the lands listed opposite their names, without loss of priority, to municipal use of the City of Redmond within Sections 9, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, and 30, Township 15 South, Range 13 East, and Sections 24 and 25, Township 15 South, Range 12 East, W.M.

The amount of water used for irrigation is limited to the following:

CUBIC FEET PER SECOND PER ACRE AT DIVERSION					
April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Total Acre Feet per Acre at Diversion During Season
1 c.f.s. to 80 acres	1 c.f.s. to 60 acres	1 c.f.s. to 32.4 acres	1 c.f.s. to 60 acres	1 c.f.s. to 80 acres	9.91 acre feet

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use of water, if any there were, namely: at the county courthouse in Bend, Oregon, on December 20, 1971, at 9:30 a.m. The notice was published in The Redmond Spokesman, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of October 27, November 3 and 10, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Commonwealth, Inc., mortgagee of lands from which Richard L. and Mary Moss, Evelyn J. Carvell and Genevieve Carvell, and James R. and Marilyn R. Stanard propose to transfer water, has submitted written approval of the change in use.

Salem Federal Savings and Loan, mortgagee of lands from which Richard L. and Mary Moss propose to transfer water, has submitted written approval of the change in use.

Gale Evans, mortgagee of lands from which James W. and Pauline E. Audrain propose to transfer water, has submitted written approval of the change in use.

Kathrine Clark, mortgagee of lands from which O. E. and Darleen Dillon propose to transfer water, has submitted written approval of the change in use.

Department of Veterans' Affairs, Farm and Home Loan Division, mortgagee of lands from which Dan Olano proposes to transfer water, has submitted written approval of the change in use.

Billie V. and Doris J. Prince, contract purchasers of lands from which Consolidated Builders, Inc propose to transfer water, have submitted written approval of the change in use.

Pacific First Federal Savings and Loan Association, mortgagee of lands from which Consolidated Builders, Inc., Marlon and Lois Jannuzzi, and

Robert E. and Bonnie DeLude propose to transfer water, has submitted written approval of the change in use.

U. S. Department of Agriculture, Farmers Home Administration, mortgagee of lands from which Frederick I. and Donna M. Westendorf, Lornie and Shirley Grady, and David R. and Brenda I. Nixon propose to transfer water, has submitted written approval of the change in use.

The Connecticut Mutual Life Insurance Company, mortgagee of lands from which Fred G. and Faye E. Hall propose to transfer water, has submitted written approval of the change in use.

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 changes.

No objections having been filed and it appearing that the proposed changes in use may be made without injury to existing rights, the applications should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in use of water are approved and the water rights hereinbefore described as appurtenant to the following lands listed:

0.22 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 16

within Lot 19, Fair Acres
Section 9

0.3 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 28
T. 14 S, R. 13 E, W.M.

0.25 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$

0.75 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 10

0.07 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$
within Lot 2 of re-
survey of Lot 6, Block
4, Rennolds Acres

1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$

0.25 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$

0.07 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$
within Lot 3 of re-
survey of Lot 6, Block
4, Rennolds Acres

0.34 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$
within Lot 42, S.
Moreland Acres

0.06 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$
within Lot 4 of re-
survey of Lot 6, Block
4, Rennolds Acres

1.0 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 16

0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$

0.15 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$

1.37 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$

0.65 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$
within Lot 2, Block 2,
Brown's Addn.

0.25 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$
within E $\frac{1}{2}$ Lot 5, Block
1, Windrow Acres

0.25 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$
within westerly $\frac{1}{2}$ of
Lot 5, Block 1, Windrow
Acres

0.05 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$
part of Lot 7, Block
1, Windrow Acres
Section 20

0.12 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$
within Lot 14 of
Planerville
Section 21

0.09 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$
part of Lot 7, Block
1, Windrow Acres

0.245 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$
part of Lot 1, Block 3,
Windrow Acres

0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$

0.75 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$
within Lot 7, Block 5,
Brown's Second Addn.

0.75 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$
within Lot 8 of Block
5, Brown's Second Addn.

0.75 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$
within Lot 2, Block
5, Brown's Second Addn.

5.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 29

T. 15 S, R. 13 E, W.M.


with dates of priority of October 31, 1900, and December 2, 1907, for irri-
gation purposes, be severed therefrom and simultaneously and without loss
of priority, transferred to municipal use of the City of Redmond within
Sections 9, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, 30, Township 15 South,
Range 13 East, and Sections 24 and 25, Township 15 South, Range 12 East,
W.M.

It is FURTHER ORDERED that complete application of water to the
proposed use shall be completed on or before October 1, 1975.

It is FURTHER ORDERED that the quantity of water diverted for
municipal purposes shall not exceed the following, to-wit:

CUBIC FEET PER SECOND AT DIVERSION					
April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Total Acre Feet at Diversion During Season
0.20	0.27	0.49	0.27	0.20	157.91

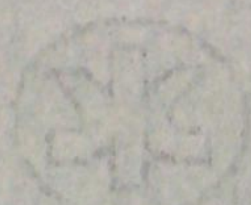
It is FURTHER ORDERED that upon receipt of proof satisfactory to
the State Engineer of complete application of water to beneficial use on



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 21st day of December, 1971.

/s/ CHRIS L. WHEELER
State Engineer



AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Deschutes, } ss.

RECEIVED
NOV 15 1971
STATE ENGINEER
SALEM OREGON

I, Robert K. Moody....., being first
duly sworn, depose and say that I am the ~~publisher~~ publisher,
~~Spokesman~~ of The Redmond Spokesman, a
newspaper of general circulation, as defined by ORS 193.010, printed
and published at Redmond, Oregon, in the aforesaid county and state;
and that the.....**NOTICE OF FILING APPLICATION FOR A**
CHANGE IN USE OF WATER
.....
a printed copy of which is hereto annexed, was published in the entire
issue of said newspaper for.....3.....successive and consecutive
weeks in the following issues.

.....October 27, 1971.....
.....November 3, 1971.....
.....November 10, 1971.....

x Robert K. Moody

Subscribed and sworn to before me this.....10th.....day of

.....November, 1971..

Ellyson J. Aldous
Notary Public for Oregon.

My Commission expires...August 24,.....1975.

NOTICE OF FILING APPLICATION FOR A CHANGE IN USE OF WATER

Notice is given hereby that the Central Oregon Irrigation District has filed applications in the names of Central Oregon Irrigation District, Richard L. and Mary Moss, Evelyn J. and Genevieve Carvell, James R. and Marilyn R. Stanard, Robert Graham, Executor of Estate of George and Pearl Graham, Jasper N. and Elva F. Robbins, Jack N. and Alta Neel, James W. and Pauline E. Audrain, O. E. and Darleen Dillon, Bertram H. and Dorothy Waggott, Dan Olano, Consolidated Builders, Inc., Dan Heierman, Rolla L. Fultz, Frederick I. and Donna M. Westendorf, Lornie and Shirley Grady, Marlon and Lois Jannuzzi, David R. and Brenda I. Nixon, Doris Latta, holding Power of Attorney for Lewis J. Audrain, Robert E. and Bonnie DeLude, Roy and Gladys Means, Faril F. and Rosa Lee Reeve, Henry and Violet Ann Dienert, and Fred G. and Faye E. Hall for the approval of changes in use of water from Deschutes River.

In the Deschutes River Adjudication proceedings, a water right was established in the name of Central Oregon Irrigation District for the irrigation of, among other lands, 0.22 acre in SE 1/4 SW 1/4, Sec. 16, 0.30 acre in SE 1/4 NW 1/4, Sec. 28, T. 14 S., R. 13 E., W.M., 0.20 acre in NE 1/4 NE 1/4, 0.15 acre in NE 1/4 SE 1/4, Sec. 9, 1.0 acre in NW 1/4 SW 1/4, Sec. 10, 1.0 acre in SW 1/4 NW 1/4, 0.59 acre in NW 1/4 SW 1/4, 1.0 acre in SW 1/4 SW 1/4, Sec. 16,

0.75 acre in NW 1/4, NE 1/4, 0.50 acre in SE 1/4 NE 1/4, 1.37 acres in NE 1/4 SW 1/4, 1.20 acres in SE 1/4 SE 1/4, Sec. 20, 0.12 acre in SE 1/4 NW 1/4, Sec. 21, 0.09 acre in NE 1/4 NE 1/4, 2.245 acres in NW 1/4 NE 1/4, and 5.2 acres in SW 1/4 NE 1/4, Sec. 29, T. 15 S., R. 13 E., W.M., with dates of priority of October 31, 1900, and December 2, 1907.

The applicants herein propose to change the use of water from irrigation of the above lands, without loss of priority, to municipal use by the City of Redmond within Secs. 9, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, and 30, T. 15 S., R. 13 E., W.M. and Secs. 24 and 25, T. 15 S., R. 12 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Bend, Oregon, on December 20, 1971, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Central Oregon Irrigation District, P. O. Box 548, Redmond, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 22nd day of October, 1971.

CHRIS L. WHEELER
State Engineer