

2848

2848 Robert H. Foley  
4140 IVACY WAY, N.E.  
Salem Ore (COI)

STATUS OF APPLICATION

Change in Place of Use  
Date filed July 13, 1973  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 12-20-73 Vol. 23, page 470  
Date for application of water 10-1-74  
Proof mailed JUL 11 1985 (to R.H. Foley)  
Proof received March 29, 1986  
Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

11-15-85 BE

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River  
Trib. of \_\_\_\_\_ County of MARION  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 3<sup>00</sup>  
Name of ditch C.O.C.  
Date of priority Oct. 31, 1900 + Dec. 2, 1907  
In name of Thomas Burton  
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>7-13-73</u>	<u>25.00</u>	<u>3550.8</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Surveyed 6/24/85 (Foley)

REMARKS

T-5707 Δ POV ALL

	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>WH</u>	<u>   </u>
<input checked="" type="checkbox"/> Stream	<u>WH</u>	<u>   </u>
<input checked="" type="checkbox"/> Pt. of Div.	<u>WH</u>	<u>   </u>
<input checked="" type="checkbox"/> Calendar	<u>WH</u>	<u>   </u>
<input checked="" type="checkbox"/> Twp. & Rge.	<u>WH</u>	<u>   </u>
<input checked="" type="checkbox"/> Decree-vault	<u>WH</u>	<u>   </u>
<input checked="" type="checkbox"/> Decree-safe	<u>WH</u>	<u>   </u>
<input checked="" type="checkbox"/> Cert. of W/R	<u>   </u>	<u>   </u>
<input checked="" type="checkbox"/> Per. Folder	<u>   </u>	<u>   </u>
<input checked="" type="checkbox"/> Chaindex	<u>   </u>	<u>   </u>
<input checked="" type="checkbox"/> Cross Ref.	<u>   </u>	<u>   </u>
<input checked="" type="checkbox"/> Power Claims	<u>   </u>	<u>   </u>
<input checked="" type="checkbox"/> Abstracts	<u>   </u>	<u>   </u>

759

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BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION  
OF ROBERT H. FOLEY (CENTRAL OREGON  
IRRIGATION DISTRICT) FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE OF WATER  
FROM DESCHUTES RIVER

ORDER APPROVING  
TRANSFER NO. 2848

On July 13, 1973, Robert H. Foley 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, 3.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, Township 17 South, Range 12 East, W.M., being tabulated in the name of Thomas Burton, 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 3.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, 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.

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MILLERS FALLS

ALL COTTON

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 5, 1970.

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.

Under the terms of the contract agreement, a copy of which has been submitted along with the application, Alfred Jorgensen, purchaser of the property involved, agrees to the transfer of 3.0 acres of water rights appurtenant to said land.

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 NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 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 3.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, 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 20th day of December, 1973.

/s/ CHRIS L. WHEELER  
State Engineer