

2854

2854 Daniel Shelton
(Co) Emily Shelton
Bermond, Ore

STATUS OF APPLICATION

Change in Place of Use
Date filed July 13, 1973
Date of hearing _____
Place of hearing _____
Date of order 12-14-73 Vol. 23, page 432
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

Survey 11/74

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
Trib. of _____ County of Deschutes
Use Irrigation
Quantity of water _____ No. of acres 3²
Name of ditch Pilot Butte Canal
Date of priority Oct. 31, 1900 + Dec. 2, 1902
In name of Lloyd W. Shanks
Deschutes River Adjudication, Vol. 16, page 107
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>35514</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

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BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF DANIEL SHELTON & L. EMILY
SHELTON (CENTRAL OREGON IRRIGATION
DISTRICT) FOR THE APPROVAL OF A
CHANGE IN PLACE OF USE OF WATER
FROM DESCHUTES RIVER

ORDER APPROVING
TRANSFER NO. 2854

On July 13, 1973, Daniel Shelton and L. Emily Shelton 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, 3.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 15 South, Range 13 East, W.M., being tabulated in the name of Lloyd W. Shanks, 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 Pilot Butte Canal.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 3.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 15 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 March 7, 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.

Robert C. Butler and N. B. Moore, dba Pike, Inc., Robert C. and Beverly A. Butler, R. H. and Bertha McCall, James H. and Donna C. Casper, Robert E. and Bonnie DeLude, having an interest in the contract of sale, have submitted written approval of the proposed change in place of use.

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 3.2 acres in $W\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 15 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 3.2 acres in $E\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 15 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, 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 14th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer