

2804

2804 Bryan H. & Helen G. Franabarger
201 Bend, Ore.

STATUS OF APPLICATION

Change in Place of Use
Date filed MAY 7, 1973
Date of hearing _____
Place of hearing _____
Date of order 4-2-75 Vol. 25, page 249
Date for application of water ~~10-1-75~~ 10-1-78
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
Trib. of _____ County of Deschutes
Use Irrigation
Quantity of water _____ No. of acres 875
Name of ditch Central Oregon Canal
Date of priority Oct. 31, 1900 & Dec. 2, 1907
In name of E. W. Paul
Deschutes River Adjudication, Vol. 16, page 66
App. No. _____ Per. No. _____ Cert. No. 29052
Certificate cancelled _____
Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|---------------|--------------|--------------|
| <u>5-7-73</u> | <u>20.00</u> | <u>33683</u> |
| TOTAL . . . | | |
| | Cert. Fee | |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

to serial 12/81

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> | _____ |
| <input checked="" type="checkbox"/> Twp. & Rge. | <u>WH</u> | _____ |
| <input checked="" type="checkbox"/> Decree-vault | <u>WH</u> | _____ |
| <input checked="" type="checkbox"/> Decree-safe | <u>WH</u> | _____ |
| <input checked="" type="checkbox"/> Cert. of W/R | <u>WH</u> | _____ |
| <input type="checkbox"/> Per. Folder | _____ | _____ |
| <input type="checkbox"/> Chainindex | _____ | _____ |
| <input type="checkbox"/> Cross Ref. | _____ | _____ |
| <input type="checkbox"/> Power Claim | _____ | _____ |
| <input type="checkbox"/> Abstracts | _____ | _____ |

12/81

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF BRYAN H. AND HELEN O. FRONABARGER
(CENTRAL OREGON IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM DESCHUTES RIVER

ORDER APPROVING
TRANSFER NO. 2804

On May 7, 1973, Bryan H. and Helen O. Fronabarger 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, 8.75 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 18 South, Range 12 East, W.M., being tabulated in the name of E. W. Paul, 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 applicants herein, contract purchasers of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 8.75 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 18 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 May 2, 1973.

The First Missionary Baptist Church of Bend and Nina L. Williamson, personal representative of the Estate of Joel Hammagren, have 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 8.75 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 18 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 8.75 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 18 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, 1975.

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 2nd day of April, 1975.

/s/ CHRIS L. WHEELER
State Engineer