

2191 Clarence E. McCay
(D.R. 16) Rt. 2 Box 380
Bend, Ore. 97701

2491

STATUS OF APPLICATION

Change in Place of Use
Clarence E. McCay
Date filed March 1, 1971
Date of hearing _____
Place of hearing _____
Date of order 3-29-71 Vol. 20, page 485
Date for application of water 10-1-71
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 10
Name of ditch Swalley
Date of priority September 1, 1899
In name of James A. Elder
Deschutes Riv. Adjudication, Vol. 16, page 162
App. No. _____ Per. No. _____ Cert. No. 29054
Certificate cancelled _____
Notation made on record by sh

FEES PAID

Date	Amount	Receipt No.
<u>3-1-71</u>	<u>20.00</u>	<u>22810</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
☒ Name	<u>sh</u>	___
☒ Stream	<u>sh</u>	___
☒ Pt. of Div.	<u>sh</u>	___
☒ Calendar	<u>sh</u>	___
CHECKED TO RECORDS:		
☒ Twp. & Rge.	<u>sh</u>	___
☒ Decree-vault	<u>sh</u>	___
☒ Decree-safe	<u>sh</u>	___
☒ Cert. of W/R	<u>sh</u>	___
☐ Per. Folder	___	___
☐ Chainindex	___	___
☐ Cross Ref.	___	___
☐ Power Claim	___	___
☐ Abstracts	___	___

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF CLARENCE E. MCCOY (DESCHUTES)
RECLAMATION AND IRRIGATION COMPANY))
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM DESCHUTES)
RIVER)

ORDER APPROVING
TRANSFER NO. 2491

On March 1, 1971, Clarence E. McCoy 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 Deschutes River and its Tributaries, a water right was established in the name of Deschutes Reclamation and Irrigation Company for the use of the waters of Deschutes River for the irrigation of, among other lands, 1.0 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 16 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of James A. Elder as evidenced by certificate of water right recorded at page 29054, Volume 21, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, 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.

The lands involved herein are within the boundaries of the

Deschutes Reclamation and Irrigation Company and the Board of Directors of said Company approved the proposed change in place of use of water.

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 1.0 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 16 South, Range 12 East, W.M., with a date of priority of September 1, 1899, be severed therefrom and simultaneously and without loss of priority, transferred to 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, 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, 1971.

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 Deschutes Reclamation and Irrigation Company at the time certificate is issued to the Company confirming other transfers within the Company.

Dated at Salem, Oregon, this 29th day of March, 1971.

/s/ CHRIS L. WHEELER
State Engineer

RECEIVED
MAR 1 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAR 16 1971
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Clarence E. McCoy

(Name of applicant)

of Rte. 2 Box 380, County of Deschutes
(Postoffice)

State of Oregon, do hereby make application for ~~change~~ transfer of one acre
of water right from Sect. 29 twp 16 S to Sect 8 twp 16 S Range 12 E

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Deschutes River
(Name of stream)

2. The use to which the water is applied is Irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Swalley

4. The point of diversion is located 300 ft. S and 580 ft. W from the NE
(N. or S.) (E. or W.)

corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$ being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$
(Section or subdivision)

of Section 29 Tp. 17 R. 12 W. M., in the County of Deschutes
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
16 S	12E	29					/											

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? Sept. 1, 1899

9. Was your water right acquired by State Engineer's Permit? -- If so, give number
(Yes or No)

of permit --

10. Do you hold a water right certificate? yes If so, give number of certificate 29054
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

yes If so, give title of proceedings Deschutes River--Page 152
(Yes or No)

12. Is the water right recorded in your name? no James A Elder
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
17S	12	8									1							

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

NA
.....
.....

17. Are there any diversions between your present point of diversion and the proposed point of diversion? NA

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are By consolidating my water rights the
water can be put to better use.
.....
.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

ss.

I, Clarence E. Mc Coy, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 22 day of December, 1970.

Clarence E. Mc Coy
(Name of applicant)

Subscribed and sworn to before me this 22 day of December, 1970.

[Notarial Seal]

Sandra L. Tye
NOTARY PUBLIC FOR OREGON

My commission expires 8-28-74

Remarks Approved:

Signed by Board of Directors of
The Deschutes Reclamation & Irrigation Co.,

President..... *Fred L. Sampels*

Director # 3 *Fred H. Meyers*

Director # 2 *Walter B. Schreiner*

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.