

2492 Calvin Sherman
(D.R. & I. Co.)
Bend, Ore 97701

2492

STATUS OF APPLICATION

Change in Place of Use
Date filed March 2, 1971
Date of hearing _____
Place of hearing _____
Date of order 3-29-71 Vol. 20, page 489
Date for application of water 10-31-71
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____
To Survey 6/2/71

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
Trib. of _____ County of Deschutes
Use Irrigation
Quantity of water _____ No. of acres 40
Name of ditch Swalley
Date of priority September 1, 1899
In name of Fred Meyers
Deschutes Riv. Adjudication, Vol. 16, page 167
App. No. _____ Per. No. _____ Cert. No. 29054
Certificate cancelled _____
Notation made on record by slw

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>3-2-71</u>	<u>20.00</u>	<u>22820</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

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

194

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF CALVIN SHERMAN (DESCHUTES REC-)
LAMATION AND IRRIGATION COMPANY))
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM DES-)
CHUTES RIVER)
-----)

ORDER APPROVING
TRANSFER NO. 2492

On March 2, 1971, Calvin Sherman 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, 4.0 acres in NW¼ NW¼, Section 21, Township 17 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of Fred Meyers 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 SE¼ SW¼ and 3.0 acres in SW¼ SE¼, Section 5, 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 4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 17 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, 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 17 1971

STATE ENGINEER
SALEM, OREGON

RECEIVED

MAR 2 1971

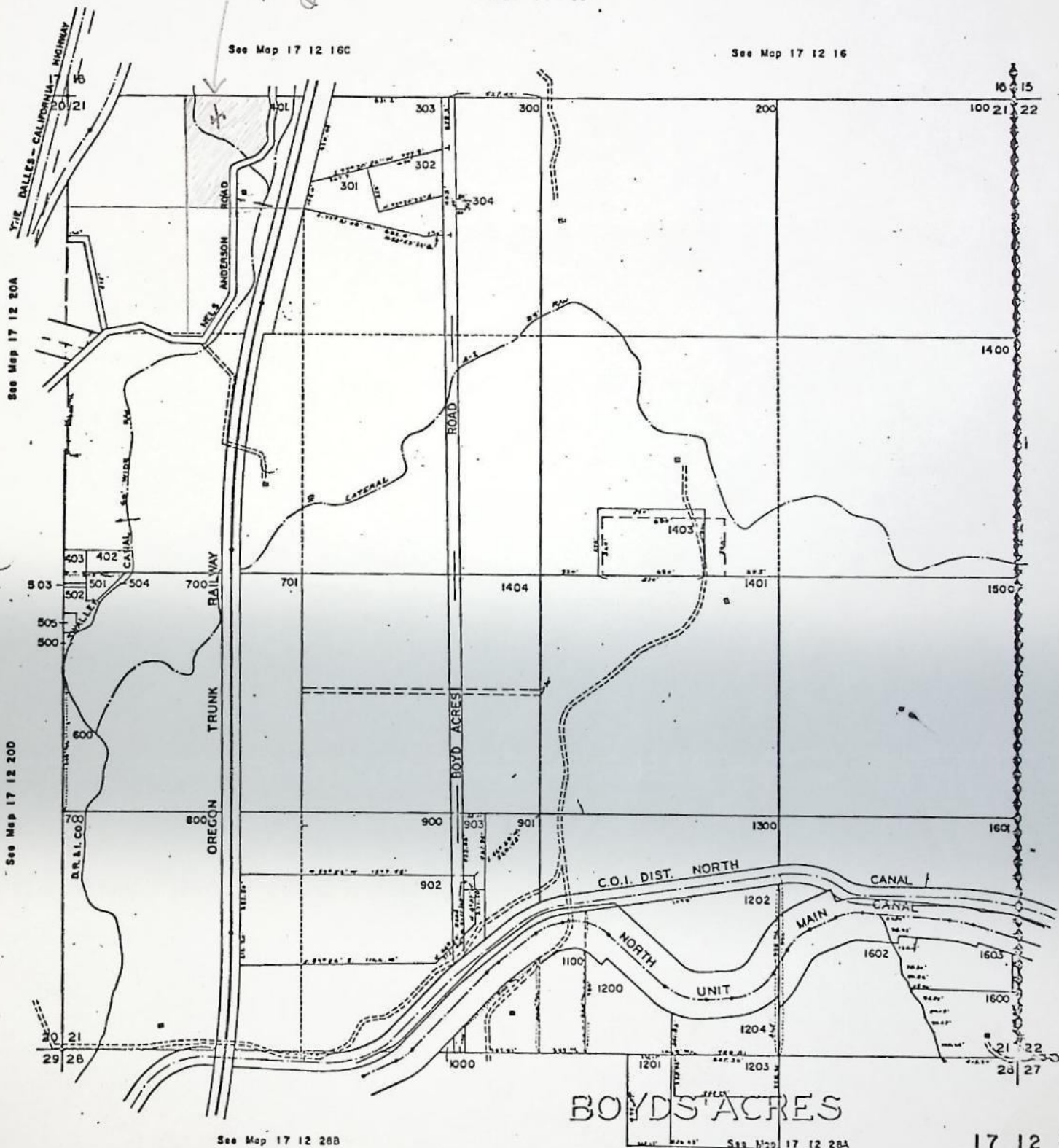
STATE ENGINEER
SALEM, OREGON

SEC. 21 T.17S. R.12E. W.M.

DESCHUTES COUNTY

SCALE: 1" = 400'

*3 for Samuel
1 for Herman
Section 5-17-12*



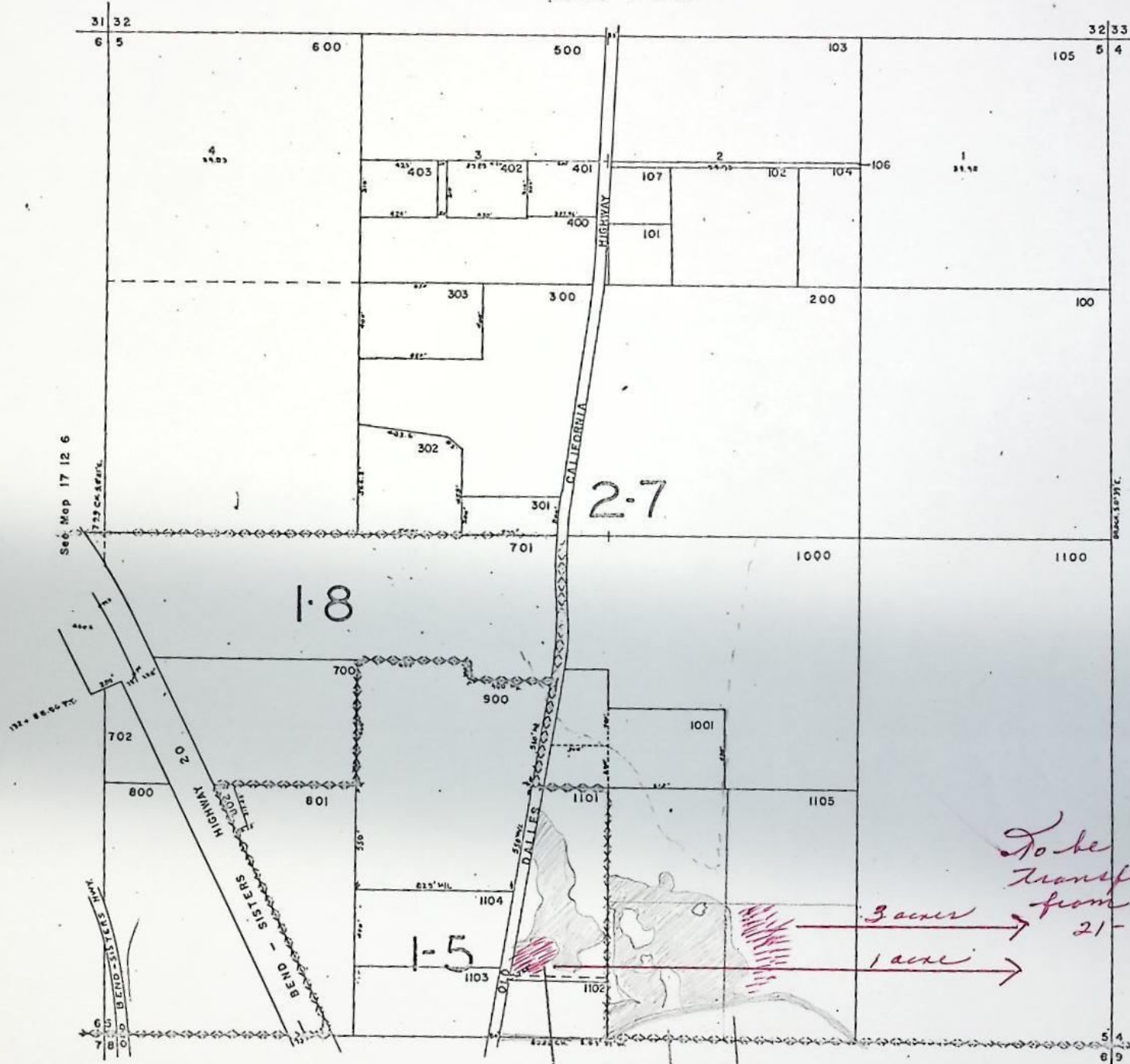
BOYD'S ACRES

17 12 21

RECEIVED
MAR 2 1971
STATE ENGINEER
SALEM, OREGON

17 12 5

See Map 16 12 32



See Map 17 12 4

Existing water

Walker-7

$\frac{1}{\sqrt{2}}$

1

17 12 5

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Calvin Sherman (Name of applicant)
of Bend (Postoffice), County of Deschutes
State of Oregon, do hereby make application for change in place of use of
irrigation water.

(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--The Deschutes Reclamation and Irrigation Company
4. The point of diversion is located 300 ft. S (N. or S.) and 580 ft. W (E. or W.) from the NE corner of Section 29 (Section or subdivision) being within the SENE of Section 29 Tp. 17 S R. 12 E 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			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
17	12	21						4										

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 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
(Yes or No)

12. Is the water right recorded in your name? No Fred Meyers (page 157)
(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 $\frac{1}{4}$
17	12	5															3	OK
17	12	5											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?

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.

~~XXXXXXXXXXXX~~

~~Rt xxx Bxxx Box 1604~~

~~Bend, Oregon xxx 97701~~

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

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.? -----
(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 To improve the use of the water.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes } ss.

I, Calvin L. Sherman, 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 January, 1971
Calvin L. Sherman
(Name of applicant)

Subscribed and sworn to before me this 22 day of January, 1971
[Notarial Seal] Sandra L. Tye
NOTARY PUBLIC FOR OREGON

My commission expires 8-28-74

Remarks Oked by The Board of Directors of
The Deschutes Reclamation & Irrigation Company:
Feb. 1, 1971

President.....Fred C. Lampels
Director #3.....Fred H. Meyers
Director #2.....Thet B. Schauer

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.