

2500 Robert Couch
(T.I.D.) Bend, Ore. 97701

2500

STATUS OF APPLICATION

Change in Place of Use
Date filed March 11, 1971
Date of hearing _____
Place of hearing _____
Date of order 5-6-71 Vol. 21, page 70
Date for application of water 10-1-72
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Tumalo Creek etc.
Trib. of _____ County of Deschutes
Use Irrigation
Quantity of water _____ No. of acres 10.0
Name of ditch Bend Canal & Columbia Southern Canal
Date of priority 10-29-13 & 4-7-11 & Sept. 1900
In name of Tumalo Irr. Dist.
Tumalo Creek Adjudication, Vol. _____, page _____
App. No. _____ Per. No. _____ Cert. No. 31410
Certificate cancelled _____
Notation made on record by slw 326508 } primary
026050
31412 } supplemental
P. 27841

FEES PAID

Date	Amount	Receipt No.
<u>3-11-71</u>	<u>20.00</u>	<u>22915</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Surveyed 7/11/86 (Coll)

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

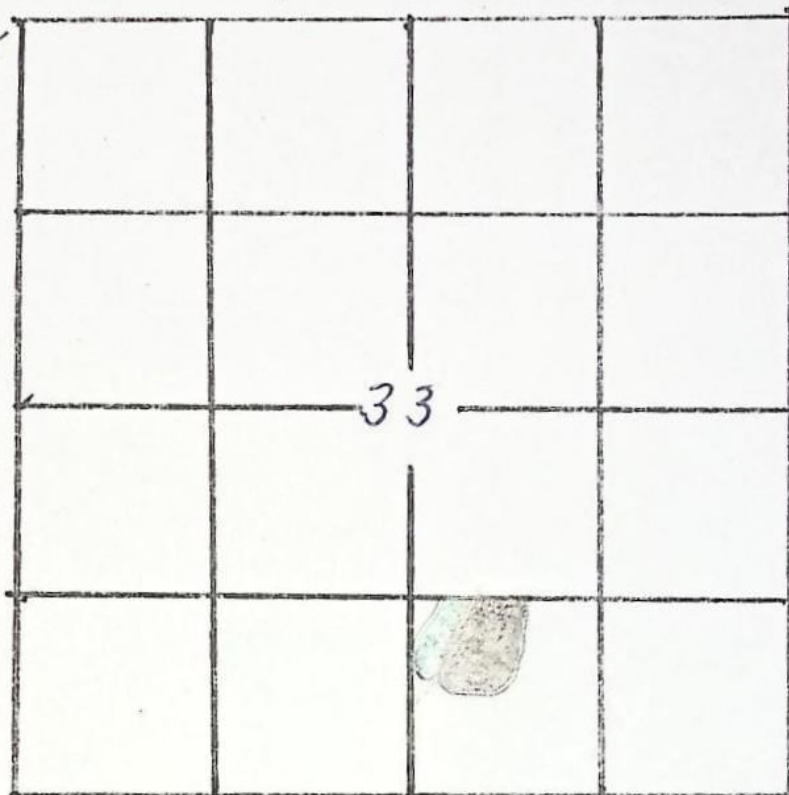
FROM

Sec 33

TWP 16

RANGE 11

9³ A CERT 26508
7² A CERT 31410
10^A SUP 26051



Transferred From SW 1/4 SE 1/4 33-16-11

Transferred To NW 1/4 NE 1/4 Sec 4-17-11

RECEIVED
APR 22 1971
STATE ENGINEER
SALEM, OREGON

To

Sec 4 TWP 17 RANGE 11

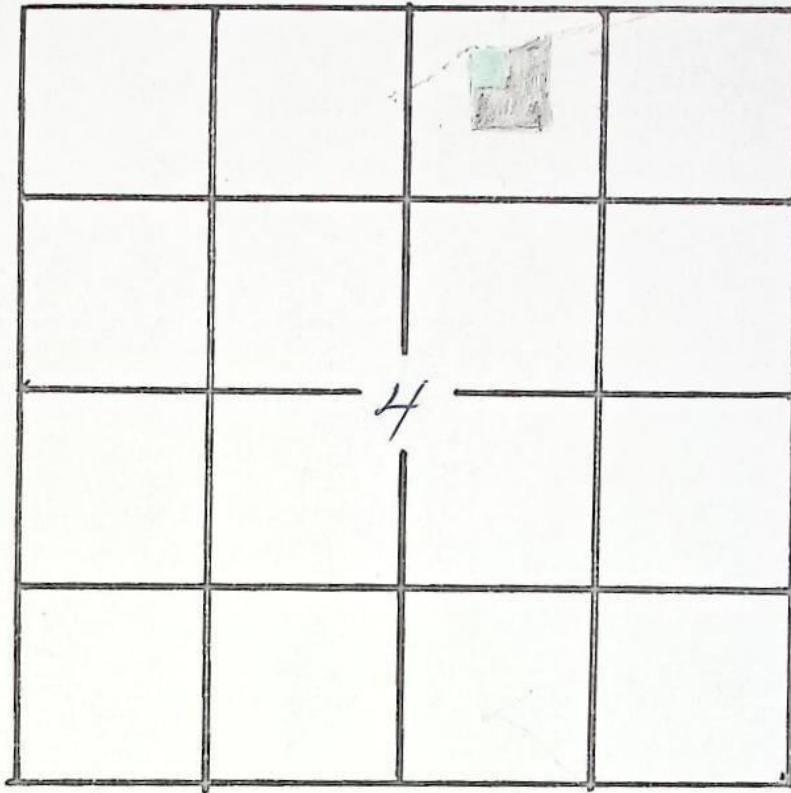
2³ CERT 26508



7² A CERT 31410



10^A SUP 26051



Transferred To Sec 4 T17S R11E NW $\frac{1}{4}$ NE $\frac{1}{4}$

Transferred From Sec 33 T16S R11E SW $\frac{1}{4}$ SE $\frac{1}{4}$

RECEIVED
APR 22 1971
STATE ENGINEER
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF ROBERT COUCH (TUMALO IRRIGATION)
DISTRICT) FOR THE APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
FROM TUMALO CREEK, DESCHUTES RIVER,)
CRATER CREEK, LITTLE CRATER CREEK)
AND THREE SPRINGS AND CRESCENT LAKE)
RESERVOIR)

ORDER APPROVING
TRANSFER NO. 2500

On March 11, 1971, Robert Couch filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and Three Springs and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Crook County, Oregon, entered May 1, 1911, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of the Deschutes River, a water right was established in the name of Tumalo Irrigation District for the irrigation of, among other lands, 7.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 16 South, Range 11 East, W.M., with a date of priority of September, 1900, as evidenced by certificate recorded at page 31410, Volume 23, State Record of Water Right Certificates.

By Decree of the Circuit Court for Deschutes County, Oregon, entered August 27, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, a water right was established in the name of Tumalo Irrigation District, tabulated in the name of M. A. Couch, for the irrigation of, among other lands, 2.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 16 South, Range 11 East, W.M., with a date of priority of September, 1900, as evidenced by certificate recorded at page 26508,

Volume 18, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; certificate recorded at page 26050, Volume 18, State Record of Water Right Certificates, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Springs, with a date of priority of October 29, 1913; certificate recorded at page 26051, Volume 18, State Record of Water Right Certificates, to the use of the waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and permit No. 27841 for the use of waters of Crescent Lake Reservoir, with a date of priority of December 8, 1961.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to 10.0 acres in NW¼ NE¼, Section 4, Township 17 South, Range 11 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 Tumalo Irrigation District and the Board of Directors of said District 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 2.3 acres in SW¼ SE¼, Section 33, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at

page 26508, with a date of priority of September, 1900, together with the supplemental rights evidenced by certificates recorded at pages 26050, 26051, and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 2.3 acres in NW¼ NE¼, Section 4, Township 17 South, Range 11 East, W.M. and the water right appurtenant to 7.7 acres in SW¼ SE¼, Section 33, Township 16 South, Range 11 East, W.M. as evidenced by certificate recorded at page 31410, with a date of priority of September, 1900, together with the supplemental rights evidenced by certificates recorded at pages 26050, 26051, and 31412, be severed therefrom and simultaneously and without loss of priority, transferred to 7.7 acres in NW¼ NE¼, Section 4, Township 17 South, Range 11 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

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 Tumalo Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 6th day of May, 1971.

/s/ CHRIS L. WHEELER
State Engineer

RECEIVED
FEB 22 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAR 11 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAR 22 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
APR 22 1971
STATE ENGINEER
SALEM, OREGON

2500
Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Robert Couch (Name of applicant)

of Rt. 2 - Bend (Tumalo) (Postoffice), County of Deschutes

State of Oregon, do hereby make application for change in

place of use

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

1. The source of present water right is Tumalo Creek and/or Deschutes River and/or Crescent Lake Storage and others

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 Bend Canal and/or Columbia-Southern Canal

4. The point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
(same as present diversion)

corner of being within the
(Section or subdivision)

of Section Tp. R. W. M., in the County of
(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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
16	11	33														10.0	7.1	Cert 31410
16	11	33															2.3	Cert 26508
16	11	33															10.0	Supplemental Cert 26051
																		Cert 26050 C-31412

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? 36.0 suppl Oct. 29, 1913 (Cert. 26050)
36.0 suppl Apr. 7, 1911 (Cert. 26051)
Sep 1900, Apr 7, 1911, Oct 29, 1913
30.5 suppl Sept. 1900 (Cert. 31410)
5.5 SWSE Sept. 1900 (Cert. 26508)

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

of permit 19628, 624

10. Do you hold a water right certificate? yes If so, give number of certificate 26050, 26508
(Yes or No) 31410, 26051,

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

yes If so, give title of proceedings Tumalo Creek Decree MAY 1, 1911
(Yes or No)

12. Is the water right recorded in your name? No : Tumalo Irrig. District, P. V. Swisher
(If not, give name) 26508 M.A. Couch

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 $\frac{1}{4}$
<u>26508</u>	<u>17</u>	<u>11</u>	<u>4</u>	<u>2$\frac{1}{2}$</u>														
<u>31410</u>	<u>17</u>	<u>11</u>	<u>4</u>	<u>7$\frac{1}{2}$</u>														
<u>sup</u>	<u>26051</u>	<u>17</u>	<u>11</u>	<u>4</u>	<u>10</u>													

(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.
(Name or address of owner)

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.? 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 SALE OF WATER & LAND

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

} ss.

I, Robert J. Couch, 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 15 day of July, 1970.

x Robert J. Couch
(Name of applicant)

Subscribed and sworn to before me this 15 day of July, 1970

[Notarial Seal]

Margaret H. Elliott
NOTARY PUBLIC FOR OREGON

My commission expires March 28, 1973

Remarks

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.