

2501 Jack N. Vogt
(T.I.D.) Rt. 2
Bend Ore 97701

2501

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 67
Date for application of water 10-1-72
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

to survey 5/75

Surveyed 3/25/87 - Weldon

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Tumalo Creek
Trib. of — County of Deschutes
Use Irrigation
Quantity of water — No. of acres 40
Name of ditch Bend Canal & Columbia Southern Canal
Date of priority 10-29-13
In name of Tumalo Irr. Dist.
Tumalo Creek Adjudication, Vol. _____, page _____
App. No. _____ Per. No. _____ Cert. No. 31410
Certificate cancelled _____ 26508
Notation made on record by slu 26050
26051
31412
P. 27841

} primary
}
} supplemental

FEES PAID

Date	Amount	Receipt No.
<u>3-11-71</u>	<u>20.00</u>	<u>22916</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

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

VOGT-WALDREN

CORRECTED MAP

TO

T-2501

Sec 11 TWP 16 RANGE 11

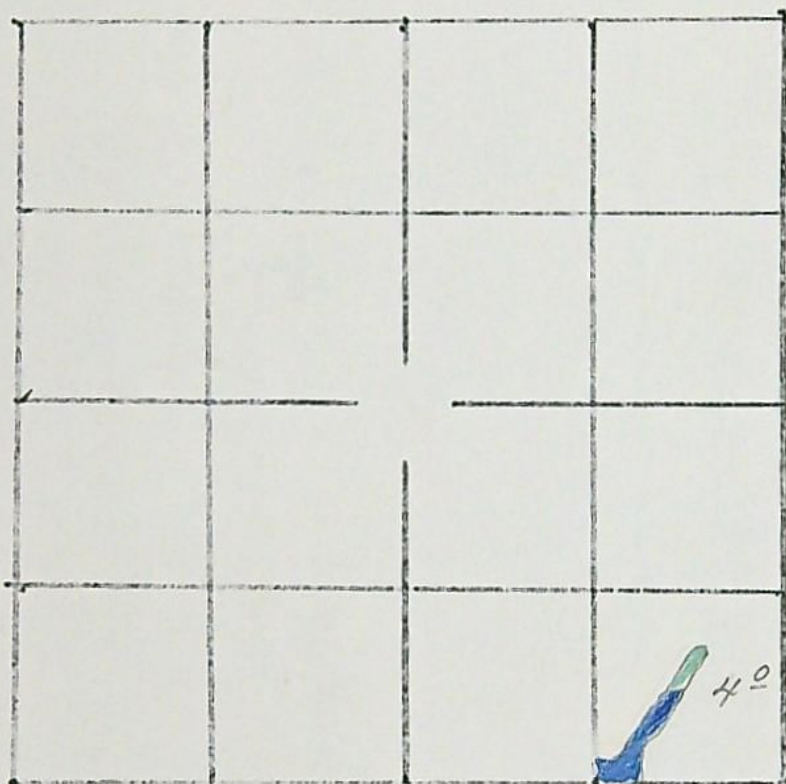
3⁰ Priority Date
Sept 1900
CERT 31410



1⁰ Priority Date
June 1 1903
CERT 26508



Supplemental
right Priority
Date April 7 1911
CERT # 26051



Transferred To Sec 11 S E 1/4 S E 1/4 Sec 11-16-11

Transferred From S E 1/4 S E 1/4 Sec 12-16-11

RECEIVED
APR 22 1971
STATE ENGINEER
SALEM, OREGON

T-2501

FROM

Sec 12 TWP 16 RANGE 11

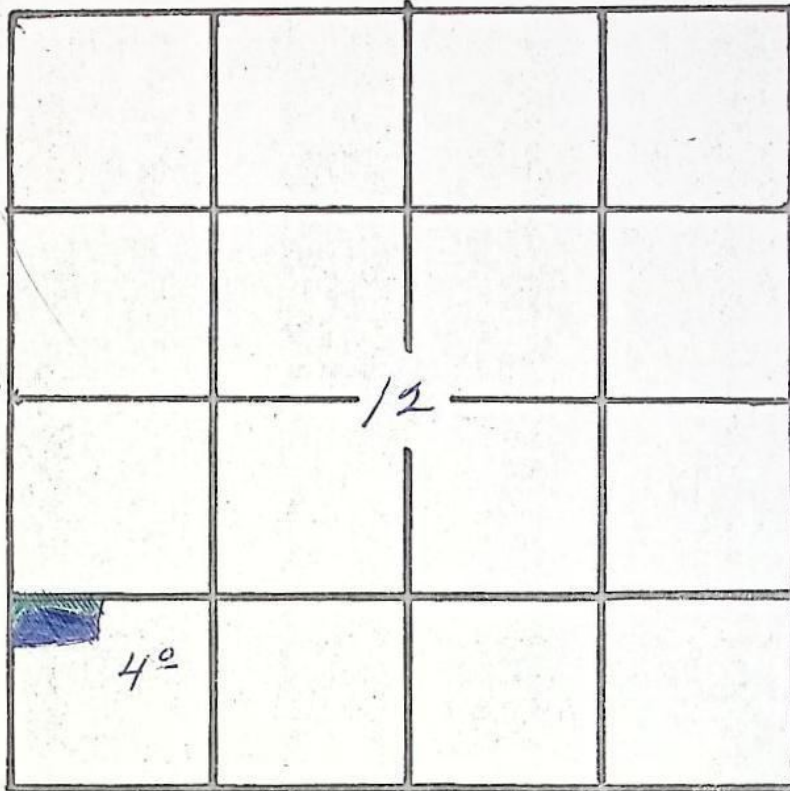
3 acres Priority Date
Sept. 1900
Cert. 31410



1st Priority Date
June 1, 1907
Cert. 26508



Supplemental
Right Priority Date
April 7, 1911
Cert # 26051



Transferred From S W 1/4 S W 1/4 Sec 12 - 16 - 11

Transferred to Sec 11 S E 1/4 S E 1/4 16 - 11

RECEIVED
APR 22 1971
STATE ENGINEER
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF JACK N. VOGT (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. 2501

On March 11, 1971, Jack N. Vogt 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, 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, 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 Warren Higginbotham, for the irrigation of, among other lands, 1.0 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 16 South, Range 11 East, W.M., with a date of priority of June 1, 1907, 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 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 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 16 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 1.0 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at page 26508, with a date of priority of June 1, 1907, together with the supplemental rights evidenced by certificates recorded at pages 26050,

* certificate recorded at page 31412, Volume , SR of WRC, to the use of the waters of Deschutes River with a date of priority of 1905;

and 3/4/12,
and 26051, be severed therefrom and simultaneously and without loss
of priority transferred to 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township
16 South, Range 11 East, W.M. and the water right appurtenant to 3.0
acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, 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, and 26051, ^{and 3/4/12,} be
severed therefrom and simultaneously and without loss of priority,
transferred to 3.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 16 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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF JACK N. VOGT (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 AMENDING
ORDER APPROVING
TRANSFER NO. 2501

The administrative order of the State Engineer entered May 6, 1971, approving water right transfer application No. 2501, in the name of Jack N. Vogt (Tumalo Irrigation District) was in error due to clerical error of omission of reference to the water right described by the certificate recorded at Page 31412, Volume 23, State Record of Water Right Certificates.

NOW, THEREFORE, it hereby is ORDERED that the said administrative order of the State Engineer recorded at Pages 67, 68 and 69 of Volume 21, Special Order Record, be corrected to read as follows:

(a) Page 68, paragraph 1,

"These lands also have supplemental rights evidenced by 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; certificate recorded at Page 31412, Volume 23, State Record of Water Right Certificates, to the use of the waters of the Deschutes River with a date of priority of 1905; and permit No. 27841 for the use of the waters of Crescent Lake Reservoir, with a date of priority of December 8, 1961." and,

(b) Page 68, paragraph 6,

MILLERS FALLS
ALL COTTON

"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 SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at Page 26508, with a date of priority of June 1, 1907, together with the supplemental rights evidenced by certificates recorded at Page 26050, 26051 and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 16 South, Range 11 East, W.M., and the water right appurtenant to 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, 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 3.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 16 South, Range 11 East, W.M."

Dated at Salem, Oregon, this 14th day of January, 1977.

/s/ JAMES E. SEXSON
Director

Gibraltar Onion Skin
MILLERS FALLS
ALL COTTON

Vogt WALDREN

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

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

THIS IS PEOPLE'S COPY

I, Jack N. Vogt

(Name of applicant)

of Rt. 2 - Bend

(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
(Name of stream)
Crescent Lake Storage

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
(same as present) (N. or S.) (E. or W.)

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.

Cest #	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
26508	16	11	12											1.0					
31410	16	"	12											3.0					
26051 sup	16	"	12											4.0					

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?

Primary right
Priority date
Sept. 1900
Cest. 31410

Primary right
Priority date
June 1, 1907
Cest. 26508

Supp.
Priority date
April 7, 1901
Cest. 26051

9. Was your water right acquired by State Engineer's Permit?

Yes

If so, give number

(Yes or No)

of permit 19628

86508 SUP 26051
31410

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

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

If so, give title of proceedings FUMALO CREEK ADJUDICATION
(Yes or No)

12. Is the water right recorded in your name? Fumalo Irrigation District
C-26508 Talm Warren Higginbotham
(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 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	11													CERT 31410			32
															CERT 26508			10
															SUP CERT			
															26051			40

(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 _____ corner of _____ being within the _____ of Section _____ Tp. _____ R. _____ W. M.,
(N. or S.) (E. or W.)
(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.

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 land is being sold.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

} ss.

I, Jack N. Vogt, 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 5 day of Feb, 1921

Jack N. Vogt
(Name of applicant)

Subscribed and sworn to before me this 5 day of Feb, 1921

[Notarial Seal]

Morgan H. Elliott
NOTARY PUBLIC FOR OREGON

My commission expires March 28, 1923

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.

TUMALO IRRIGATION DISTRICT

Route 2, Box 79 -- Bend, Oregon 97701

March 8, 1971

Chris Wheeler
State Engineer
1178 Chemeketa St. N.E.
Salem, Oregon 97310

Dear Sir:

We ask that the portion of lands covered under Permit no.
33478 be cancelled and that primary and supplemental rights written
on attached maps be applied there to.

Respectfully,
TUMALO IRRIGATION DISTRICT

cc/cdh

RECEIVED
MAR 11 1971
STATE ENGINEER
SALEM, OREGON