

Ubrothy L. Rex
 225 Miller
 (COF) Bend, Ore. 97701

2510

STATUS OF APPLICATION

Change in Place of Use
 Date filed April 14, 1971
 Date of hearing _____
 Place of hearing _____
 Date of order 5-28-71 Vol. 21, page 98
 Date for application of water 10-1-72
 Proof mailed JAN 12 1987
 Proof received Feb 9, 1987 finis
 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 7⁰
 Name of ditch Central Ore Canal
 Date of priority 10-31-00 & 12-2-07
 In name of Lawrence Keyte
Deschutes Riv. Adjudication, Vol. 16, page 52
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by slu

FEEES PAID

Date	Amount	Receipt No.
<u>4-14-71</u>	<u>20.00</u>	<u>23267</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

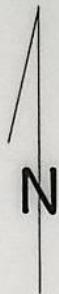
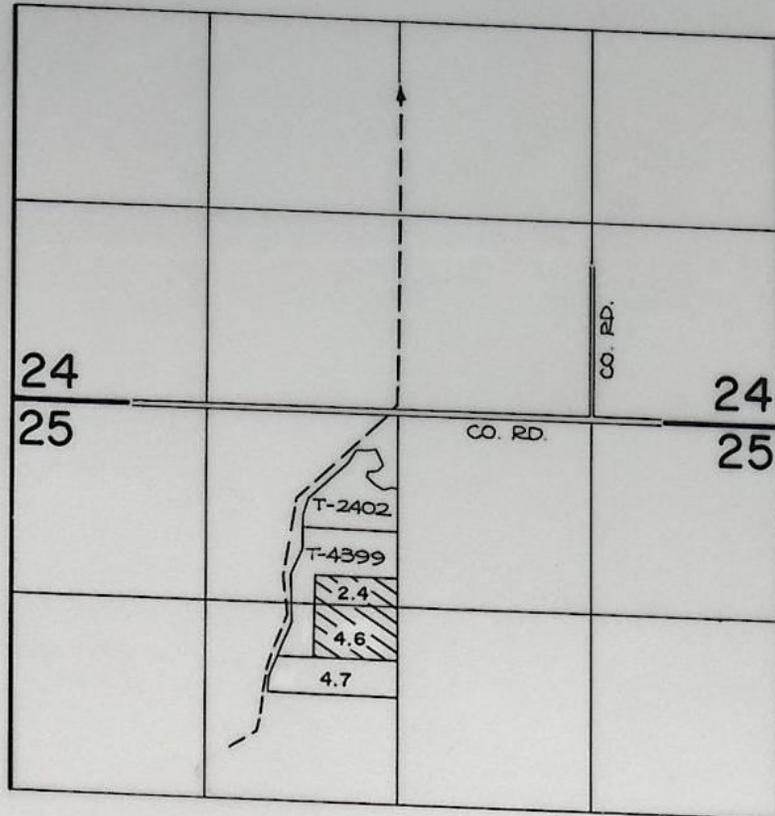
REMARKS

SEE T-4635
Surveyed 5/22/84 (Dept. of Veterans Affairs) finis

213-89 BE

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<input checked="" type="checkbox"/>	Name	<u>slu</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>slu</u>	_____	
<input checked="" type="checkbox"/>	Pt. of Div.	<u>slu</u>	_____	
<input checked="" type="checkbox"/>	Calendar	<u>slu</u>	_____	
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Transcript	<u>slu</u>	_____	
<input checked="" type="checkbox"/>	Deed	<u>slu</u>	_____	
<input checked="" type="checkbox"/>	Certificate	<u>slu</u>	_____	
<input type="checkbox"/>	Permit	_____	_____	
<input type="checkbox"/>	Change	_____	_____	
<input type="checkbox"/>	Cross Ref.	_____	_____	
<input type="checkbox"/>	Power Claim	_____	_____	
<input type="checkbox"/>	Abstracts	_____	_____	

T.17S., R.14E., W.M.



FINAL PROOF SURVEY
UNDER

SCALE: 4" = 1 MILE

TRANSFER NO. 2510

IN NAME OF

D. V. A.

Surveyed MAY 22, 1984, by L. OLSON

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF DOROTHY L. REX (CENTRAL OREGON)
IRRIGATION DISTRICT) FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2510

On April 14, 1971, Dorothy L. Rex 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 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, 7.0 acres in NW¼ NE¼, Section 26, Township 17 South, Range 12 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, being tabulated in the name of Lawrence Keyte as evidenced by certificate of water right recorded at page 29052, Volume 21, State Record of Water Right Certificates. These lands also have a supplemental right under permit No. 23256 to the use of the water stored in Crane Prairie Reservoir with a date of priority of February 28, 1913.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 7.0 acres in NE¼ NW¼, Section 25, Township 17 South, Range 14 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 March 3, 1971.

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 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 17 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 7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 17 South, Range 14 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 Central Oregon Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 28th day of May, 1971.

/s/ CHRIS L. WHEELER
State Engineer

RECEIVED

FEB 9 1987

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
COUNTY OF DESCHUTES
PROOF OF APPROPRIATION OF WATER

Name: Department of Veterans' Affairs
Address: 700 Summer Street NE, Salem, Oregon 97310
c/o Bob Anderson, Assistant Manager, Central Oregon Irrigation District
Address: PO Box 548, Redmond, Oregon 97756
Source of Supply: Deschutes River and Crane Prairie Reservoir
Tributary of: Columbia River
Transfer: 2510
Priority Date: October 31, 1900, December 2, 1907, February 28, 1913
Use: irrigation of 7.0 acres
Location and Point of Diversion: Central Oregon Canal

The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

2.4 acres NE 1/4 NW 1/4
4.6 acres SE 1/4 NW 1/4
Section 25
Township 17 South, Range 14 East, WM

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change in place of use approved by the order of the State Engineer entered May 28, 1971; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day
of February, 19887.

The State of Oregon, Acting by and
through the Director of Veterans' Affairs
BY: Frederick J. Blanchfield
Legal owner of the above described lands
Frederick J. Blanchfield
Manager, Bend Field Office

STATE OF OREGON

COUNTY OF Deschutes ~~Crook~~

Proof of Appropriation of Water

% Bob Anderson, Ass't. Manager
Central Oregon Irrigation District

Name: Dept. of Veterans Affairs

Address: 700 Sumner St. NE, Salem, 97310 P.O. Box 548
Redmond, Or 97756

Source of Supply: Deschutes River & Crane Prairie Reservoir

Permit No.: _____ Transfer No.: 2510

Tributary of: Columbia River

Amount of Water: _____

Priority Date: Oct 31, 1900 December 2, 1907 Feb 28, 1913

Use: irrigation of 7.0 acres

Location and Point of Diversion: Central Oregon Canal
North Canal

The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

2.4 ac ^a NE ^b NW

4.6 ac ^d SE ^b NW

Sec 25

T 17S, R 14E, WM

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of in place of use approved by the order of the State Engineer entered Mar 28, 1971; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____ 1981.

8054D

Legal owner of the above described lands

179-212L
5-22-84
L610

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

c/o Bob Anderson, Asst Manager
Central Or Irr. Dist.
PO Box 548
Redmond, Or 97756

Transfer No. 2510 (COI) County Deschutes

1. Name Dorothy L. Rex ^{Dept of Veterans Affairs} DVA Address 225 Miller, Bend, Or.

2. Source of Supply Deschutes R. ^{Crane Prairie Res}, Trib. of Columbia River

3. Amount of Water _____ Priority Date 10/31/1900, 12/2/07, Feb 28, 13

4. Use irrigation of 7.0 acres

5. Proposed Point of Diversion C.O. Canal

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/72

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
<u>T17 S</u>	<u>R14 E</u>	<u>Sec 25</u>	<u>NE 1/4 NW 1/4</u> <u>4 1/2 SE NW</u>		<u>7.0 acres</u>

No "C" RECD

SURVEY ALL IRR LAND IN 40

L-51
2402
-4399
-123

place of use
State Engineer
May 28, 1971

Info: Gary P. Biv, DVA & pers. obs.

This land was ~~re~~ deeded back this past winter.
It was occupied & irrigated last irr. season.

Former owner (Rex?) took all of the irr. equipment
with him. All that is left is a buried mainline
running to east fum. pond. Grass & alfalfa

See also TR-2402, 4399 & L-81

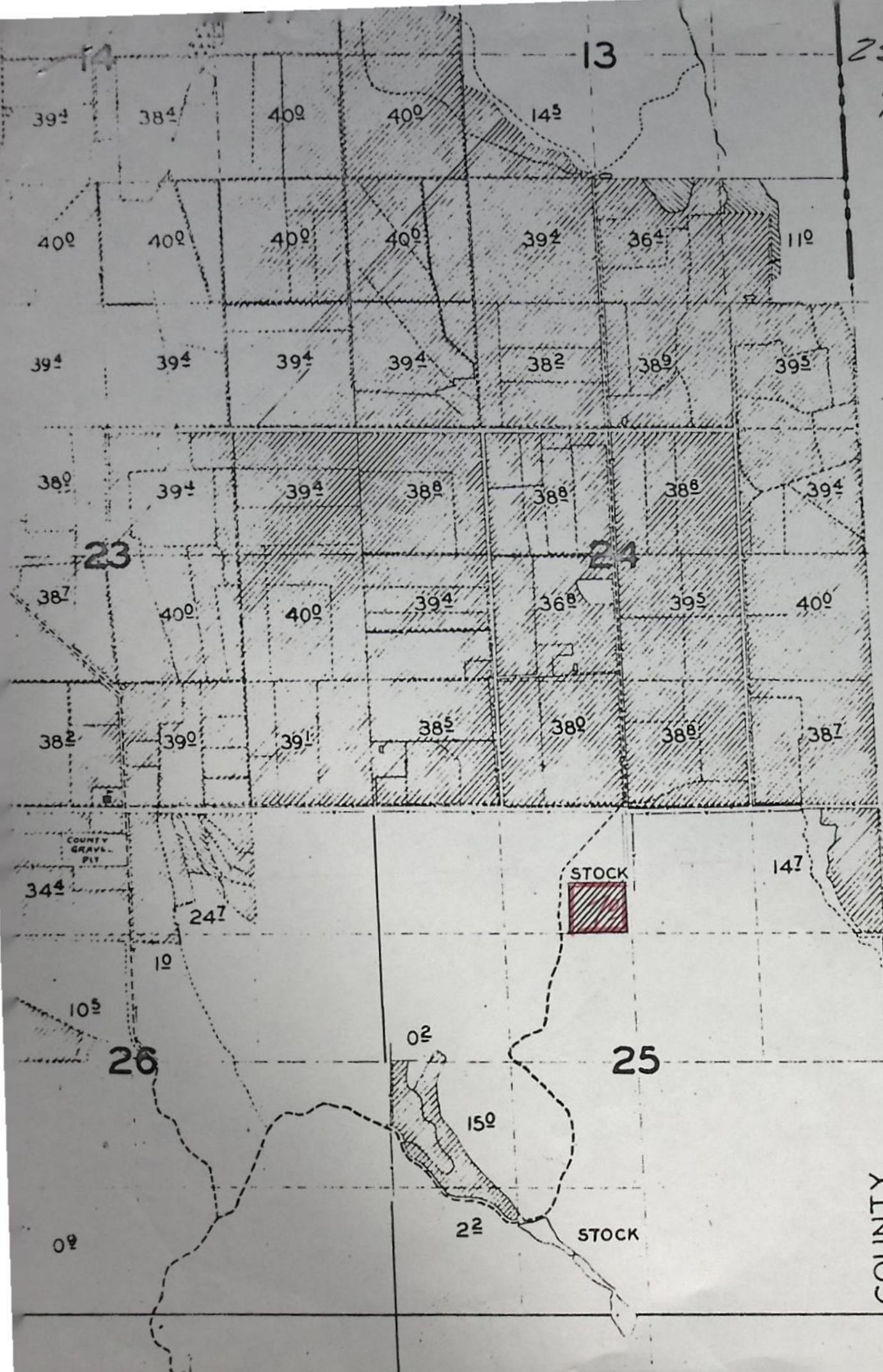
TG: 179-212 L

5-22-89

Scott Olson

WRE

25-17-14
7 Hc. On
2510



COUNTY COUNTY

STOCK

STOCK

23

24

25

26

13

02

150

22

147

39 1/4

38 1/4

40 1/4

40 1/4

14 1/2

40 1/4

40 1/4

40 1/4

40 1/4

39 1/2

36 1/4

11 1/2

39 1/4

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40 1/4

39 1/4

36 1/2

39 1/2

40 1/4

38 1/2

39 1/2

39 1/2

38 1/2

38 1/2

38 1/2

38 1/2

34 1/4

24 1/2

10

10 1/2

0 1/2

CENTRAL OREGON IRRIGATION DISTRICT

BOARD OF DIRECTORS

DON MILTENBERGER, PRESIDENT
KENNETH WERTH, VICE-PRESIDENT
WILLIAM PREWITT
DON FARRIER
TOM KASBERGER

MUNICIPAL CORPORATION OF THE STATE OF OREGON

847 SOUTH SIXTH STREET • P.O. BOX 548
REDMOND, OREGON 97756

PHONES 548-2413, 548-3151

ROBERT A. ANDERSON

SECRETARY-MANAGER
DIANA L. EWING
ASSISTANT SECRETARY
J. VINCE HURLEY
COUNSEL

November 5, 1980

RECEIVED

NOV 7 1980

WATER RESOURCES DEPT
SALEM, OREGON

Samuel R. Allison
Water Resources Department
555-13th St., N.E.
Salem, Oregon 97310

Dear Mr. Allison:

Please refer to T-2510.

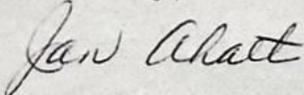
The 7.0 acres of water right which was transferred off this forty was wrongly mapped when submitted to your office in 1971.

I have remapped it as it should have been and am enclosing a water right map to replace the one now with T-2510.

If you have any questions, please contact me.

Thank you.

Sincerely,



Jan Ahalt
Water Rights Clerk

Enclosure

T-2510 Correction of map

On April 17, 1971, application No. T-2510 was filed by COID in the name of Dorothy L. Rex. The application divested the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T17S, R12E, W.M. of 7.0 acres. The application map showed the property in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26.

No correspondence was found in file 2510 regarding a correction of the map or application. On May 28, 1971, an order was entered in Special Order V. 21, p. 98, approving the change in place of use, and citing the right as coming from the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26.

On November 7, 1980, a letter was received from COID stating that the map submitted with T-2510 was in error, that the actual location of the 7.0 acres was in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and that a new map was enclosed showing the right being divested from the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T17S, R12E, W.M.

T-2510 (2)
11-7-80

Deed documents submitted 11-7-80 in support of an application for change in place of use in the name of Robert L. Montgomery show ownerships of the parcel in question since May 22, 1972, when the southerly 15 acres of the NW 1/4 NE 1/4 of Section 26, with 3 acres of COLD water, was sold by Dorothy L. Rex (Keyte) to Edward C. and Mable C. Sullivan. Documents showing the ownership of the parcel as of April 17, 1971, the application date for T-2510, are not in our files.

In March, 1972, Sullivan sold the parcel, ^{with 3 ac water,} to Robert L. & Deanna Montgomery via contract.

Note: All deeds subsequent to May 22, 1972 refer to 3 acres of COLD water. The application by Montgomery proposes to transfer 6.0 acres of right. How did he get 6 acres?

there were (prior to T-2510) 3.0 acres of decree right tabulated at V16, P 52, in the name of Lawrence Keyte and 5.0 acres tabulated under COLD Supplemental at

V 16, Page 153 (undifferentiated).

Conclusions - to date:

↓ * We have no concrete evidence such as deed or legal description to show conclusively that Mrs Rex was owner of the 7.0 acres in question as of the date of T-2510.

Wording on subsequent deeds and contract leave

some doubt whether the parcel sold to Montgomery

contains [Note: 3 ac from Keyte & 3 ac COI Supplemental SRA
6 acs or 3 acs - or something else. 11-13-80]

SRA

* Deed copy received 11-13-80 shows that the S 15 ac of the NW NE of Sec 26, T17S, R12E, W.M. was deeded to Dorothy L. Keyte on June 9, 1970.

SO, the obvious conclusion is that application T-2510 and order are correct, and the old map is incorrect.

The newly submitted map just corrects a mapographical error.

SRA
11-13-80



7.0 ACRES OFF
AS PER T-2510
PREVIOUS TRANSFER
MAPPED WRONG

RECEIVED
NOV 7 1980
WATER RESOURCES DEPT
S. EM. OREGON

RICHARDSON
SCHOOL

DRY RYE
00 10 00
Some

crop
not
OREGON
DRY RYE
HWY

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Dorothy L. Rex (Name of applicant)

of 225 Miller, Band (Postoffice), County of Deschutes

State of Oregon, do hereby make application for change

place of use
 (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 Central Oregon Canal

4. The point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____ (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.

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	26		7														

Part of 30²

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? Oct. 31, 1900 & Dec. 2, 1907

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

of permit _____

10. Do you hold a water right certificate? No If so, give number of certificate 29052
(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 Adjudication of Deschutes River
(Yes or No)

12. Is the water right recorded in your name? Yes Lawrence Keyte - page 52 of decree ✓
(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			
			NE¼	NW¼	SW¼	SE¼												
17	14	25					7											

(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.

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 More beneficial use

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

} ss.

I, Dorothy L. Rex, 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 15th day of December, 1970.

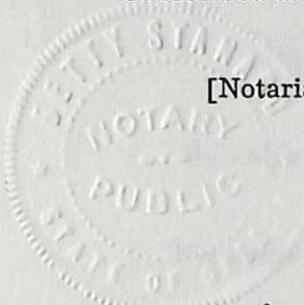
Dorothy L. Rex (Name of applicant)

Subscribed and sworn to before me this 15th day of December, 1970.

[Notarial Seal]

Betty Stancove NOTARY PUBLIC FOR OREGON

My commission expires May 28, 1973

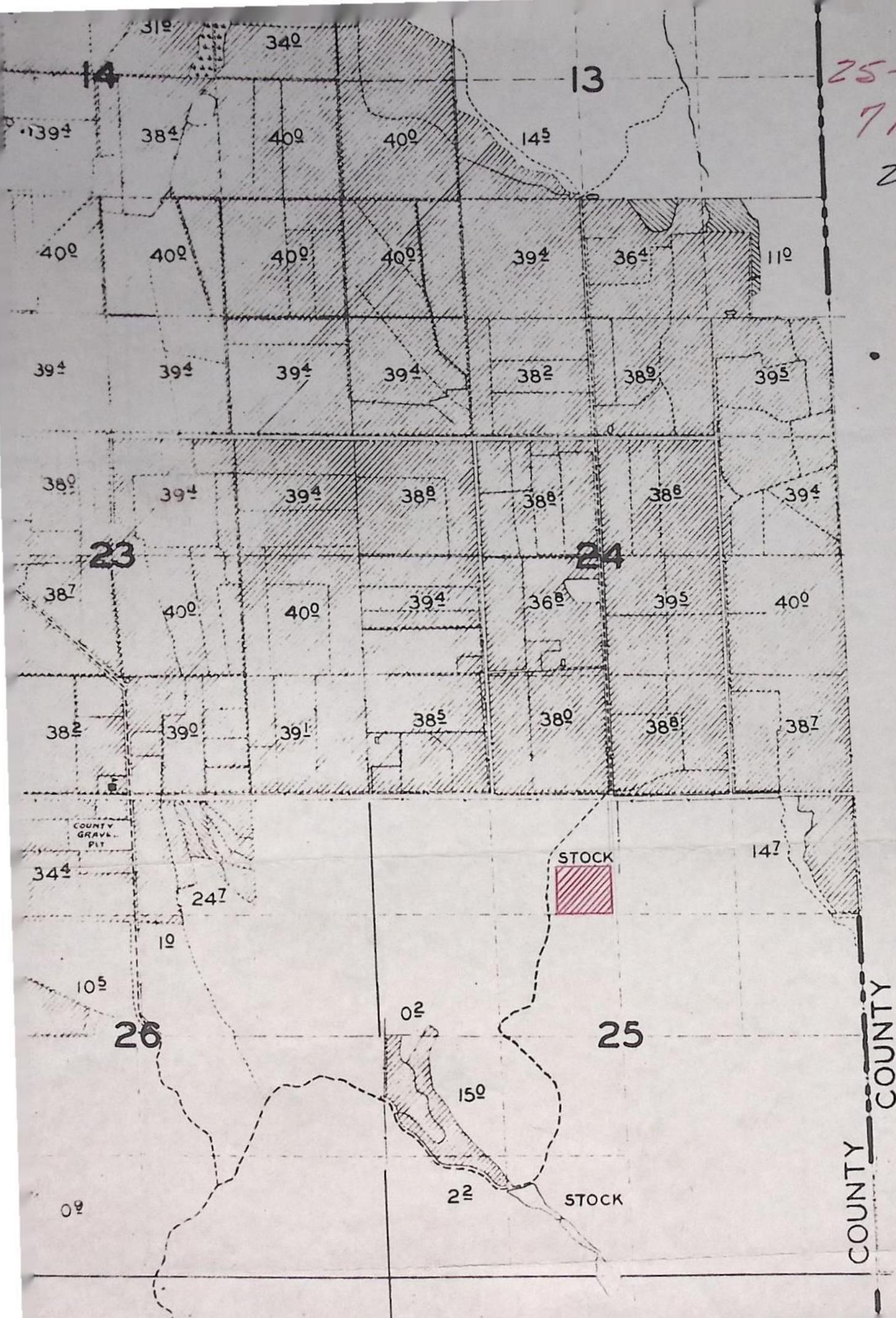


Remarks Approved by the Board of Directors of the Central Oregon Irrigation

District at regular meeting held March 3, 1971.

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.

25-17-14
7 Ac. On
2510



COUNTY COUNTY