

2533

**FEES PAID**

Change in Place of Use  
Date filed June 14, 1971  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 9-20-71 Vol. 21, page 228  
Date for application of water 10-1-72  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Survey 11/15/71

Name of stream Deschutes River  
Trib. of - County of Deschutes  
Use Irrigation  
Quantity of water - No. of acres 2<sup>0</sup>  
Name of ditch Swalley  
Date of priority September 1, 1899  
In name of R. A. Bickford  
Deschutes Riv. Adjudication, Vol. 16, page 158  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29054  
Certificate cancelled \_\_\_\_\_  
Notation made on record by sh

| Date        | Amount        | Receipt No. |
|-------------|---------------|-------------|
| 6-14-71     | 20.00         | 24052       |
| TOTAL . . . | \$1 Cert. Fee |             |

## FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|------|--------|-----------|

## REMARKS

| TO BE ENTERED WHERE CHECKED         | INDEX CARDS:                        |           | Entered                  | Checked                  |
|-------------------------------------|-------------------------------------|-----------|--------------------------|--------------------------|
|                                     | <input checked="" type="checkbox"/> | Name      | <i>sh</i>                | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Stream                              | <i>sh</i> | <input type="checkbox"/> |                          |
| <input type="checkbox"/>            | Pt. of Div.                         |           | <input type="checkbox"/> |                          |
| <input checked="" type="checkbox"/> | Calendar                            | <i>sh</i> | <input type="checkbox"/> |                          |
| CHLORED TO RECORDS:                 |                                     |           |                          |                          |
| <input checked="" type="checkbox"/> | Twp. go.                            | <i>sh</i> | <input type="checkbox"/> |                          |
| <input checked="" type="checkbox"/> | Deeds. suit                         | <i>sh</i> | <input type="checkbox"/> |                          |
| <input checked="" type="checkbox"/> | Deeds. suits                        | <i>sh</i> | <input type="checkbox"/> |                          |
| <input checked="" type="checkbox"/> | Cert. of work                       | <i>sh</i> | <input type="checkbox"/> |                          |
| <input type="checkbox"/>            | Per. folder                         |           | <input type="checkbox"/> |                          |
| <input type="checkbox"/>            | Chainindex                          |           | <input type="checkbox"/> |                          |
| <input type="checkbox"/>            | Cross Ref.                          |           | <input type="checkbox"/> |                          |
| <input checked="" type="checkbox"/> | Power Claim                         |           | <input type="checkbox"/> |                          |
| <input type="checkbox"/>            | Abstracts                           |           | <input type="checkbox"/> |                          |

Note: Where water is being used does not agree with map.

5-17-12  
SECTION T. S. R. E.W.M.  
1" = 400'

① See deeme book  
Page 155  
Ole Gullett  
14 A water NESW,  
west of highway

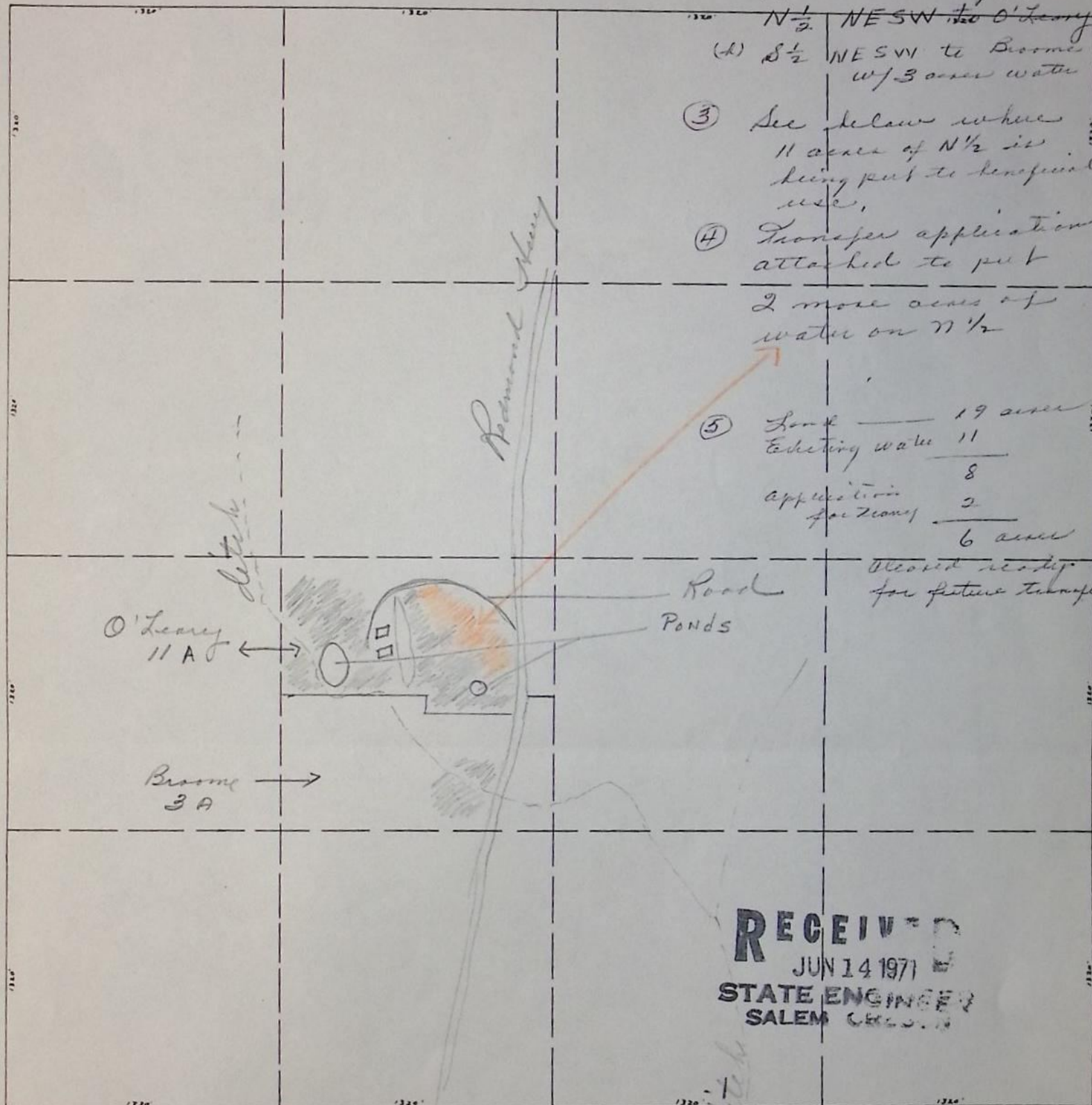
②<sup>(a)</sup> In 1951 Ole Gullett sold  
19 acres land w/ 11 A water  
N  $\frac{1}{2}$  NESW to O'Leary  
(b) S  $\frac{1}{2}$  NESW to Broome  
w/ 3 acres water

③ See below where  
11 acres of N  $\frac{1}{2}$  is  
being put to beneficial  
use,

④ Transfer application  
attached to put  
2 more acres of  
water on N  $\frac{1}{2}$

⑤ Land ——— 19 acres  
Existing water 11  
8  
Application  
for transfer 2  
6 acres

cleared ready  
for future transfer



RECEIVED  
JUN 14 1971  
STATE ENGINEER  
SALEM OREGON

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF M. B. THOMPSON (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. 2533

On June 14, 1971, M. B. Thompson 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, 2.0 acres in NE¼ SE¼, Section 2, Township 16 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of R. A. Bickford 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 2.0 acres in NE¼ SW¼, 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 at a meeting held May 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 2.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, 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 2.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 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, 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 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 20<sup>th</sup> day of September, 1971.

/s/ CHRIS L. WHEELER  
State Engineer

RECEIVED  
JUN 14 1971  
STATE ENGINEER  
SALEM OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, M.B. Thompson

(Name of applicant)

of Redmond, County of Deschutes

(Postoffice)

State of Oregon, do hereby make application for ~~change~~ XXXX transfer of water rights.

(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 (Deschutes Reclamation & Irrigation Company.)
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 1/4 NE 1/4 being within the SE 1/4 NE 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 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   | 12    | 2    |        |        |        |        |        |        |        |        |        |        |        |        | 2      |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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<sup>2</sup> (R.A. Bickford)  
[less 1<sup>2</sup> Trans S. 0. 1. 20 p 218]

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 May 15, 1953  
(Yes or No)

12. Is the water right recorded in your name? No R.A. Bickford Page 148  
(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 |
| 17   | 12    | 5    |        |        |        |        |        |        |        |        | 2      |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

(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.

Ruel O'Leary  
Bend, Oregon.

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 The delivery of water in Section 2-16-12  
was inhibited by a county road and was not from a practical standpoint  
being used beneficially. Where the water is being transferred it will be  
delivered along with several acres of water through a good ditch.

# AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

ss.

I, Marvin B. Thompson, 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 23 day of April, 1971.

*Marvin B. Thompson*  
(Name of applicant)

Subscribed and sworn to before me this 23 day of April, 1971.

[Notarial Seal]

*Lonnie C. Hillman*  
NOTARY PUBLIC FOR OREGON

My commission expires May 3, 1974

Remarks This transfer OKed at the Board of Directors meeting held May 3rd 1971.

*Walt B. Schrock*

President.....

Walt Schrock

*Fred H. Meyers*

Director.....

Fred Meyers

*Fred Sampels*

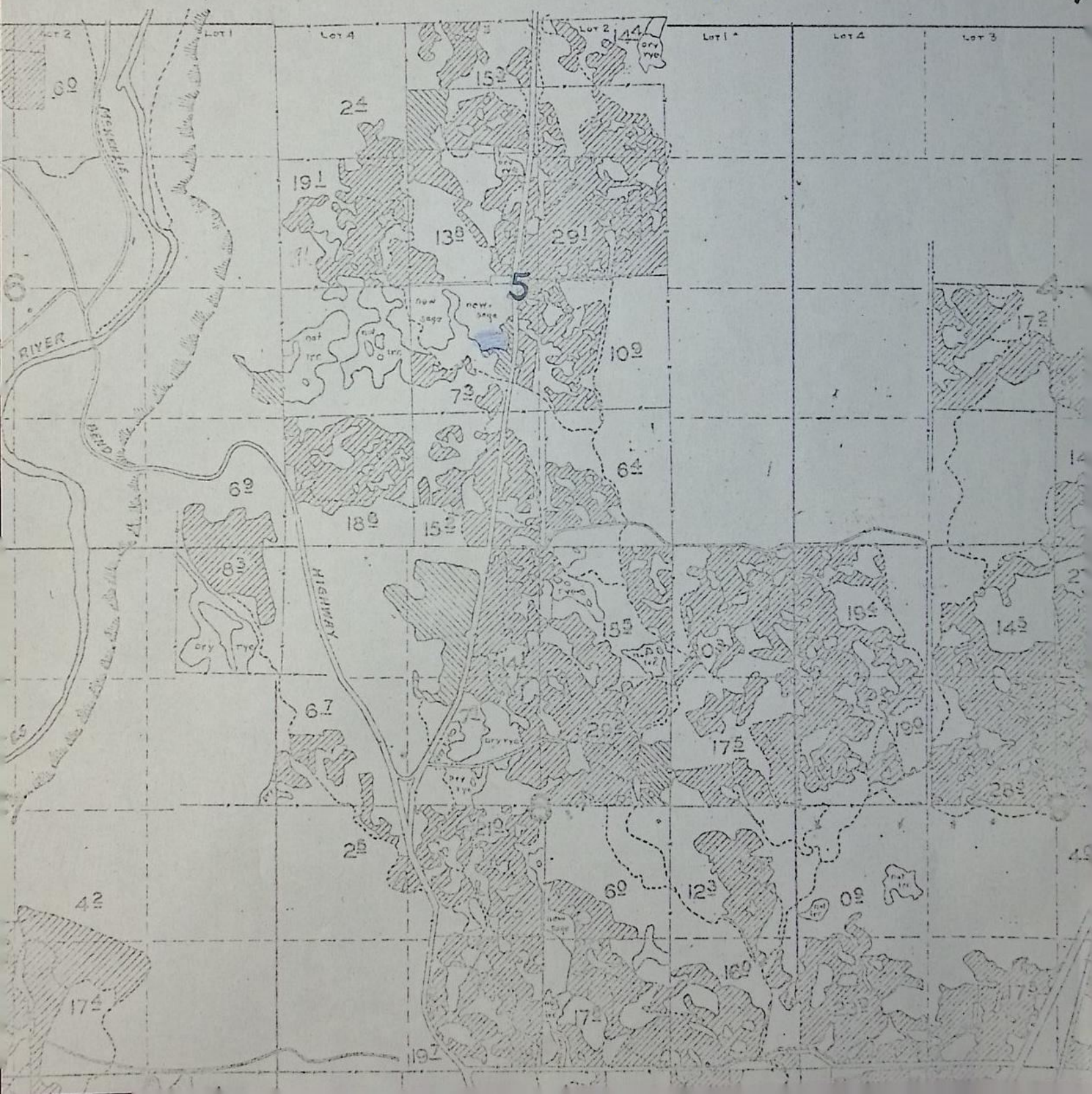
Director.....

Fred Sampels

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.

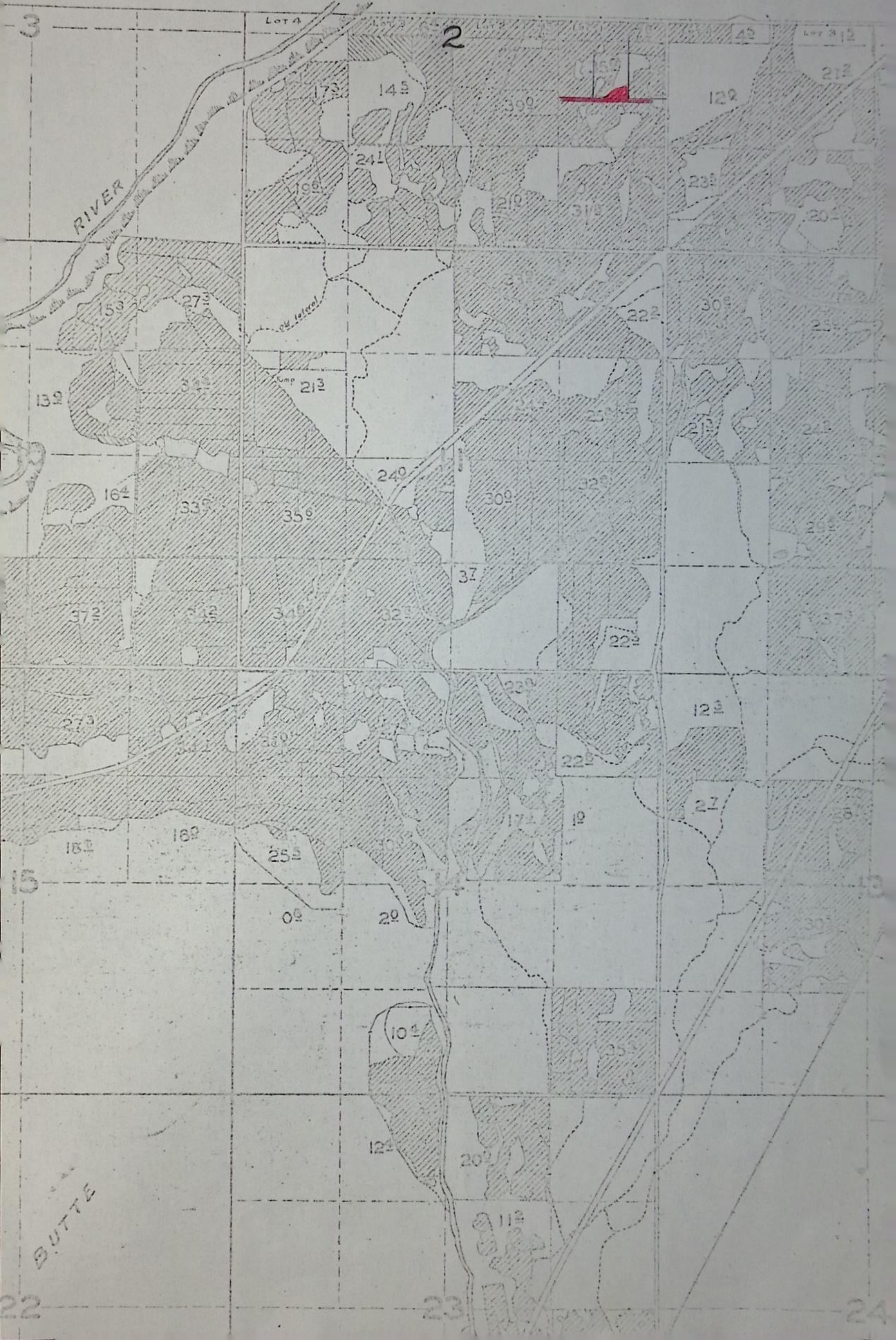
TOWNSHIP 17  
T. 17. S. R. 12 E.

IN



T. 16 S. R. 12 E.

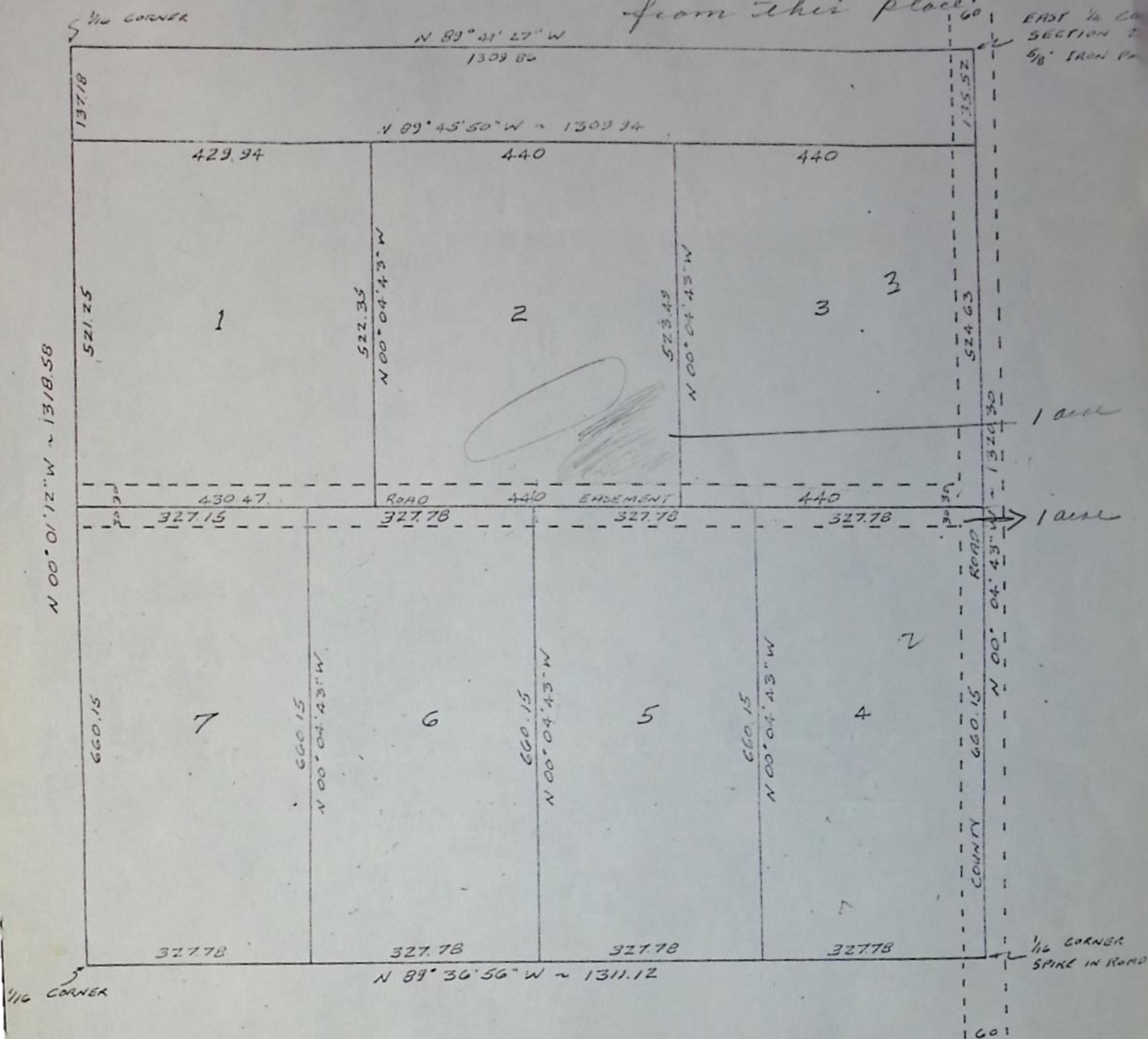
OUT



NE 1/4 SE 1/4 SECTION 2

T. 16 S., R. 12 E.

W. M. This transfer removes  
all swampy water  
from this place.



SCALE 1" = 200'

JUNE 4, 1969

# SURVEY FOR MARVIN THOMPSON

I, RICHARD P. HANKINS, DO HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M. ALL TRACT CORNERS ARE 1/2" IRON PINS WITH WOODEN WITNESS STAKES. SEE SUBDIVISION OF SECTION 2 FOR CONTROL DATA OF THIS SURVEY, SUBDIVISION SURVEY OF SECTION 2 IS FILED WITH COUNTY SURVEYOR.

**RECEIVED**  
JUN 14 1971

STATE ENGINEER  
SALEM, OREGON

PREPARED BY

GE J. COOK & ASSOCIATES

ENGINEERS & SURVEYORS

SEASIDE, OREGON

REGISTERED  
OREGON  
LAND SURVEYOR

*Richard P. Hankins*

NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

**RECEIVED**  
NOV 15 1971  
**STATE ENGINEER**  
**SALEM OREGON**

Transfer No. 2533

I, R B O Heany hereby certify that  
on Aug 4<sup>th</sup>, 1971, the water has been applied to the lands to  
which the water right was transferred by an order of the State Engineer  
dates September 20, 1971, approving an application for a change in place  
of use of water from Deschutes River.

Nov 6 - 1971  
Date

R B O Heany  
Signature