

2508

81 F. & J P.
(COI) Terrebonne, Ore. 97760

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in Place of Use
 Date filed April 14, 1971
 Date of hearing _____
 Place of hearing _____
 Date of order 6-8-71 Vol. 21, page 120
 Date for application of water 10-1-72
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

Name of stream Deschutes River
 Trib. of _____ County of Deschutes
 Use Irrigation
 Quantity of water _____ No. of acres 7⁷
 Name of ditch Pilot Butte Canal
 Date of priority 10-31-00 & 12-2-07
 In name of Oscar Hood & Emil Buhr
Deschutes Riv. Adjudication, Vol. 16, page 97 & 96
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by slw

Date	Amount	Receipt No.
<u>4-14-71</u>	<u>20.00</u>	<u>23269</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Surveyed 6/13/34 (Hulbert)

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

OK

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF JORDAN E. AND JESSIE P. SIMMONS)
(CENTRAL OREGON IRRIGATION DISTRICT))
FOR THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2508

On April 14, 1971, Jordan E. and Jessie P. Simmons 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, 2.2 acres in NW¼ NE¼, 1.3 acres in NE¼ NW¼, being tabulated in the name of Emil Buhr, 0.9 acre in NE¼ SW¼ and 3.3 acres in NW¼ SW¼, being tabulated in the name of Oscar Hood, Section 35, Township 14 South, Range 13 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, 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 applicants herein, contract sellers of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 1.0 acre in NW¼ NE¼ and 6.7 acres in NE¼ NW¼, Section 35, Township 14 South, Range 13 East, W.M.

100% COTTON FIBER

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 April 7, 1971.

Joseph Marshall, contract purchaser of the lands involved, has submitted written approval of the 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 2.2 acres in NW¼ NE¼, 1.3 acres in NE¼ NW¼, being tabulated in the name of Emil Buhr, 0.9 acre in NE¼ SW¼ and 3.3 acres in NW¼ SW¼, being tabulated in the name of Oscar Hood, Section 35, Township 14 South, Range 13 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 1.0 acre in NW¼ NE¼ and 6.7 acres in NE¼ NW¼, Section 35, Township 14 South, Range 13 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 8th day of June, 1971.

/s/ CHRIS L. WHEELER
State Engineer



OLD COUNCIL TREE

UNIONSKIN

100% COTTON FIBER

10. Do you hold a water right certificate? No If so, give number of certificate
(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) Oscar Hood - page 97 of decree

12. Is the water right recorded in your name? Emil Buhr - page 96 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			
			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 $\frac{1}{4}$
14	13	35		1			6.7											
				27			20											

(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.? no
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Contract of sale to Joseph Marshall		Letter of permission attached

20. Reasons for the proposed changes are More beneficial use

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

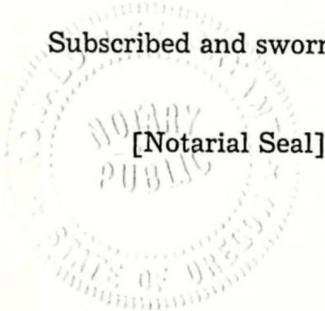
County of Deschutes } ss.

WE JORDAN E. SIMMONS & JESSIE P. SIMMONS, 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 8TH day of MARCH, 1971

X Jordan E. Simmons
X Jessie P. Simmons
(Name of applicant)

Subscribed and sworn to before me this 8TH day of March, 1971



[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires 10/15/72

Remarks Approved by the Board of Directors of the Central Oregon Irrigation
District at regular meeting held April 7, 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.

Robert Anderson
Mgr. C O I Irrigation District
Redmond, Oregon 97756

2-2-71

RECEIVED
APR 14 1971
STATE ENGINEER
SALEM OREGON

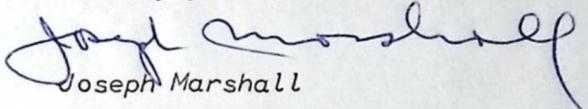
Dear Mr. Anderson;

As contract purchaser of portions of the following described property,
I hereby grant approval for transfer of water rights within said property.

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$

all in section 35, T 14 S, R 13 E, W.M., Deschutes County, Oregon.

Sincerely yours,


Joseph Marshall

June 16, 1971

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2484
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Mrs. Betty Stanard, Secretary
Central Oregon Irrigation District
Post Office Box 548
Redmond, Oregon 97756

Dear Mrs. Stanard:

Enclosed are certified copies of the orders of the State Engineer entered June 7, 8, 10, and 11, 1971, approving your applications in the names of John McLaughlin and Cody Spahn, R. Wayne and Della M. Hamby, Grace Gregg, Gordon R. and Wilma M. Hallin, Jordan E. and Jessie P. Simmons, Central Oregon Irrigation District, Paul F. and Mary E. Meyers, and Donald D. and Dimples I. Peterman for changes in places of use of water from the Deschutes River. Also enclosed is an additional copy of each order for your use.

Along with the orders you will find enclosed eight notices of complete application of water which should be dated, signed, and returned to this office by the owner when the water has been applied to beneficial use.

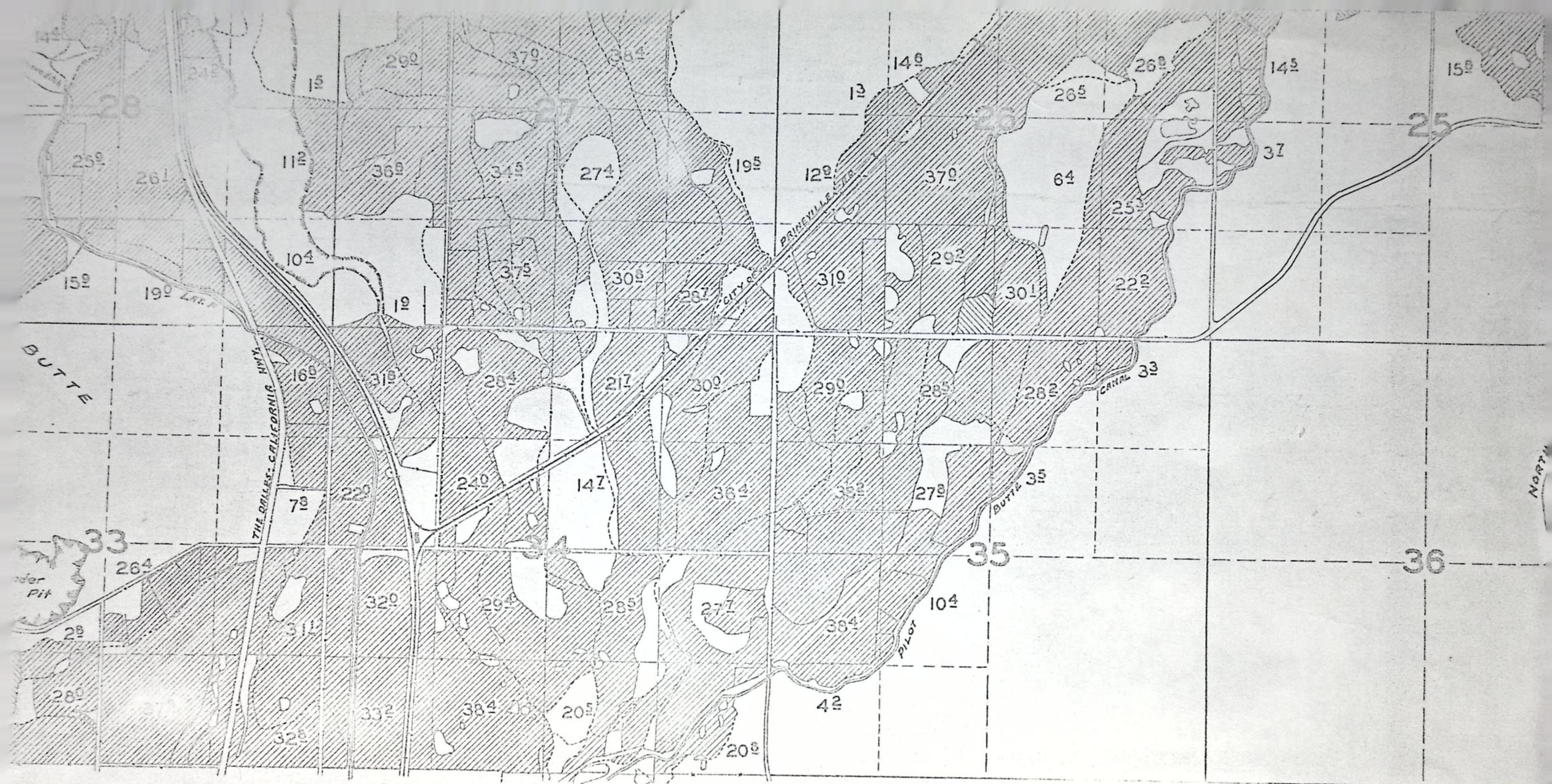
Very truly yours,

Trevor Jones
Assistant

slv

Enclosures

cc: Mr. Bruce A. Estes
Watermaster District No. 11



SURVEYED SEPT 22-30, OCT 1,2,5,6,7, 1947 JULY 24,25, 1950