

2523 Calvin Sherman
(D.R. #1) Bend Dec 97701

2523

STATUS OF APPLICATION

Change in Place of Use
Date filed May 17, 1971
Date of hearing _____
Place of hearing _____
Date of order 6-11-71 Vol. 21, page 136
Date for application of water 10-1-72
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____
Summary 11/15/71

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
Trib. of - County of Deschutes
Use Irrigation
Quantity of water - No. of acres 85
Name of ditch Swalley
Date of priority Sept. 1, 1899
In name of Fred Meyers
Deschutes Riv Adjudication, Vol. 16, page 167
App. No. _____ Per. No. _____ Cert. No. 29054
Certificate cancelled _____
Notation made on record by sh

FEEES PAID

Date	Amount	Receipt No.
<u>5-17-71</u>	<u>20.00</u>	<u>23598</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

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

204

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF CALVIN SHERMAN (DESCHUTES)
RECLAMATION AND IRRIGATION COMPANY))
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM DESCHUTES)
RIVER)
-----)

ORDER APPROVING
TRANSFER NO. 2523

On May 17, 1971, Calvin Sherman 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, 8.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 17 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of Fred Meyers 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 3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 16 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 8.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 17 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 3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 16 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 11th day of June, 1971.

/s/ CHRIS L. WHEELER
State Engineer

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Calvin Sherman

(Name of applicant)

of Bend

(Postoffice)

County of Deschutes

State of Oregon

, do hereby make application for ~~change transfer~~ of water rights

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 Swalley (The Deschutes Reclamation & Irrigation Co.)

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 Section 29

(Section or subdivision)

being within the SENE

of Section 29 Tp. 17 SR. 12 E 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 $\frac{1}{4}$	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	21							8.5									

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? Sept. 1, 1899

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? 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 Deschutes River
If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? no Fred Meyers Page 157
(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 $\frac{1}{4}$
16	12	16															3	5 $\frac{1}{2}$

(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.

McAdoo White
Rte. 3 Box 1275
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 land where water is now appurtenant has been zoned for industrial use--so water is being transferred to land where it can be used beneficially for irrigation.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

ss.

I, Calvin L. Sherman, 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 13th day of May, 1971.

Calvin L. Sherman
(Name of applicant)

Subscribed and sworn to before me this 13th day of May, 1971.

[Notarial Seal]

Peggy J. Miller
NOTARY PUBLIC FOR OREGON

My commission expires May 3, 1974

Remarks: This transferred has been examined and OKed by the Board of Directors of The Deschutes Reclamation & Irrigation Company at their May 3rd meeting.

Pres.....

Walt Schrock

Director.

Fred Meyers

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.

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

Transfer
RECEIVED
JUL 1 1983
WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, David. B. Johnston % M. EILEEN JOHNSTON
(Name of Applicant)
of 65625 Bend-Redmond Hwy, Bend
(Mailing Address) (City)
State of Oregon, 97701, 389-4218
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

() point of diversion ☒ place of use () use heretofore made
of water under the terms of an order of the Water Resources Director entered
on _____, 19____, approving Transfer 2523, in the name
of McAdoo WHITE,
for _____

IRRIGATION OF 8.5 AC. THIS RISE 16 SWSE 3.0 AC 9 SESE 5.5 AC.

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 19____:

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the
following: _____

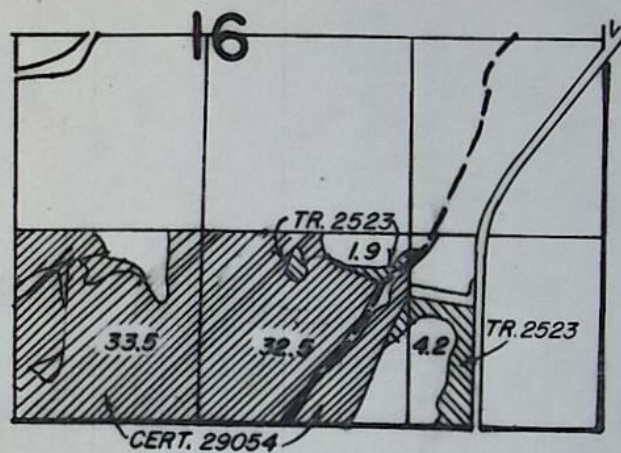
I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because SEE ATTACHED

_____ and request that the
time for completion be extended to October 1, 1985.

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$20 TO:
WATER RESOURCES DEPARTMENT
Mill Creek Office Park
555 13th Street, NE
Salem, Oregon 97310

RECEIVED
JUL 1 1983
WATER RESOURCES DEPT.
SALEM, OREGON

T.16S. R.12E. W.M.



PRELIMINARY

SUBJECT TO REVISION

Application No. Permit No.
IN NAME OF

.....
Surveyed 19....., by

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

RECEIVED
NOV 15 1971
STATE ENGINEER
SALEM OREGON

Transfer No. 2523

I, McAdoo White hereby certify that
on April 15, 1972, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates June 11, 1971, approving an application for a change in place
of use of water from Deschutes River.

11/5/71
Date

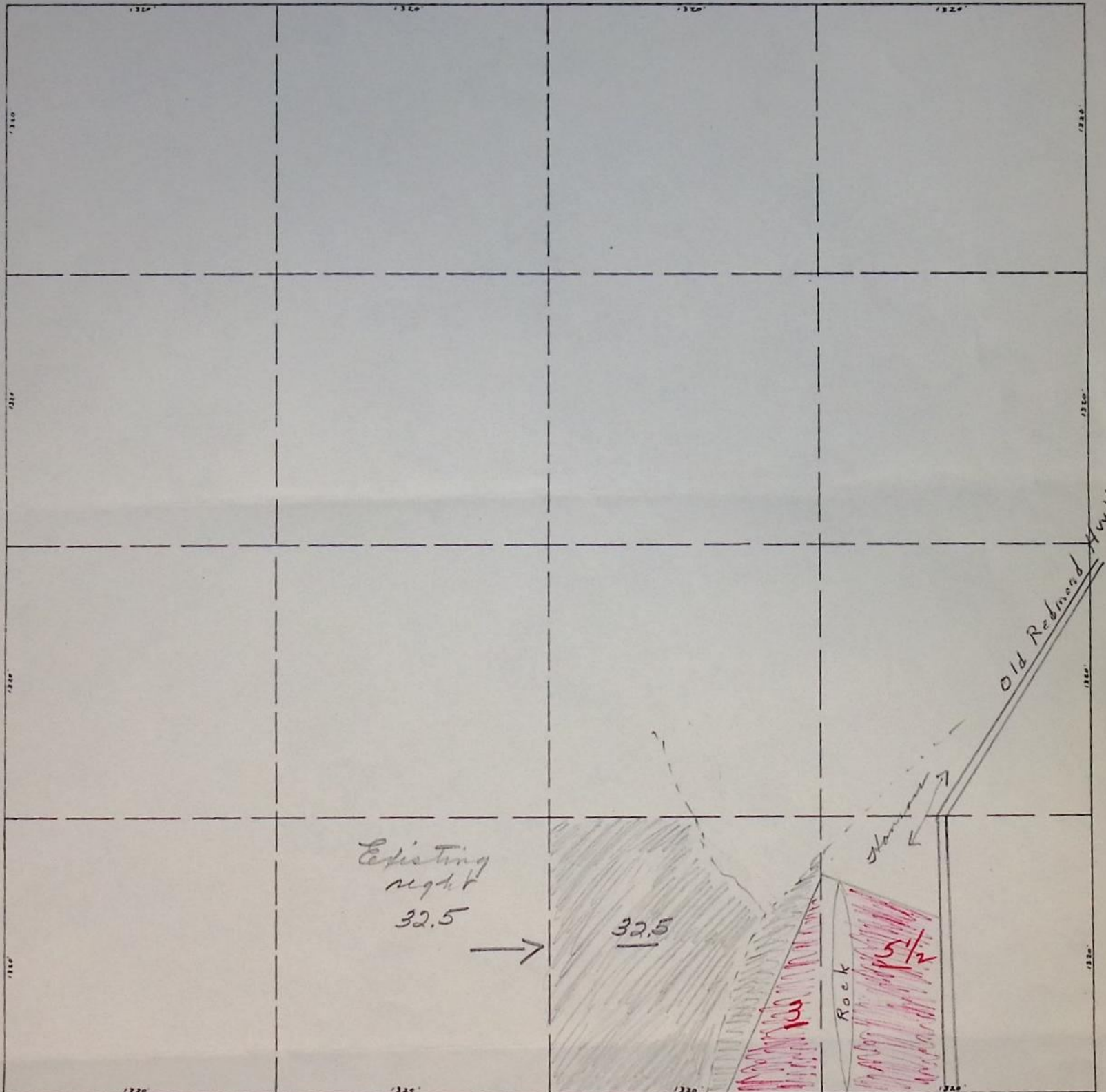
McAdoo White
Signature

RECEIVED

MAY 17 1971

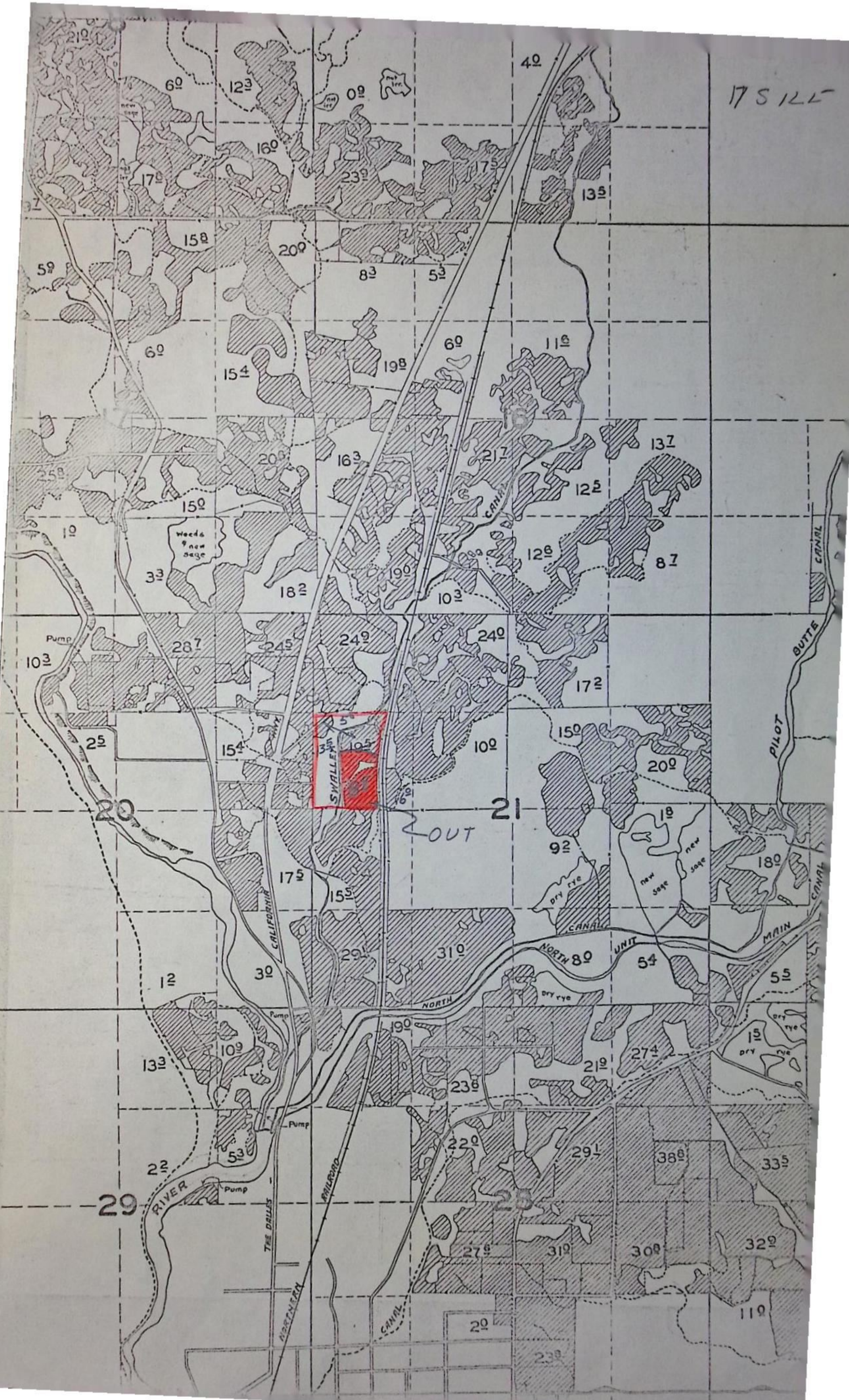
STATE ENGINEER
SALEM, OREGON

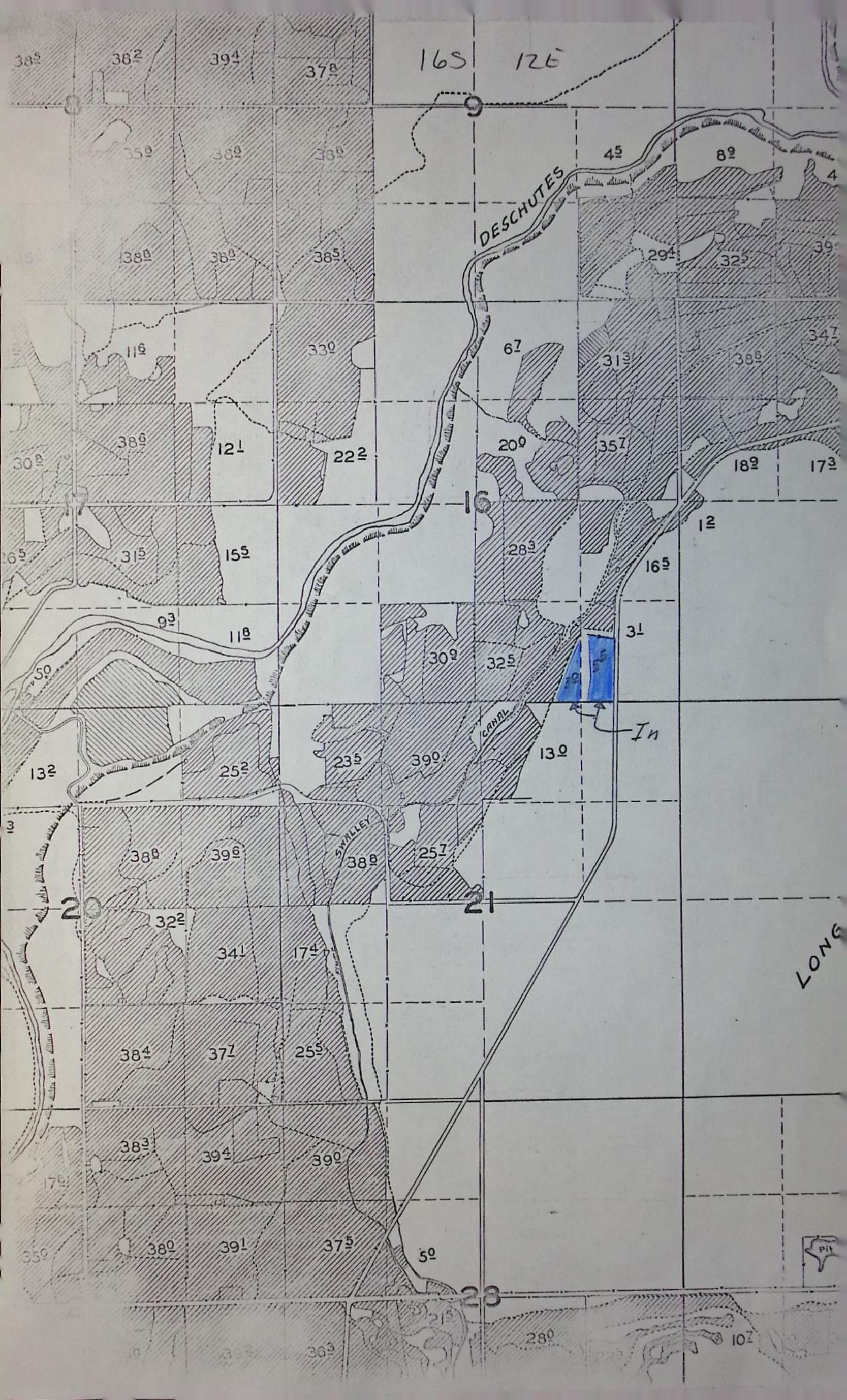
16 16 12
SECTION T. S. R. E.W.M.
1" = 400'



8.5 acres coming from 21-17-12

175125





MAY 17 1971

STATE ENGINEER 17 12 21

SALEM. OREGON Tax Lot 400 Dead
1402

1402

