

2524 Central Ore. I. D.
 P. O. Box 548
 Redmond, Ore.
 97756

2524

STATUS OF APPLICATION

Change in Place of Use
 Date filed May 18, 1971
 Date of hearing _____
 Place of hearing _____
 Date of order 6-11-71 Vol. 21, page 130
 Date for application of water 10-1-72
 Proof mailed 10-2-81
 Proof received _____
 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 25⁰
 Name of ditch Central Oregon Canal
 Date of priority 10-31-00 & 12-2-07
 In name of Central Oregon I. D.
Deschutes Riv. Adjudication, Vol. 16, page 145
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by slu

FEEES PAID

Date	Amount	Receipt No.
5-18-71	20.00	23620
TOTAL . . .		
	\$1 Cert. Fee	

FEEES REFUNDED

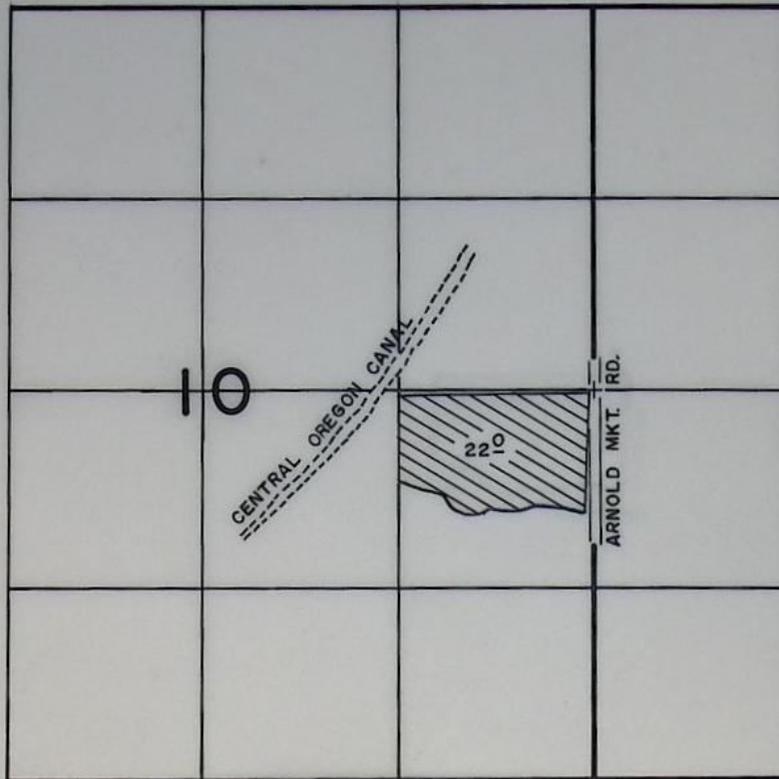
Date	Amount	Check No.

REMARKS

SEE T-4692 A POU 29⁰ ac from NE SE, Sec 10, T18S, R12E, W1M.
 Form I30 sent NOV 3 1981
 Final proof for 22⁰ acres signed 7-22-82. Loss of right for 3.0 acres V36, p396

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Checked
	Entered		
<input checked="" type="checkbox"/> Name	ERB	slu	<input type="checkbox"/>
<input checked="" type="checkbox"/> Stream	ERB	slu	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pt. of Div.		slu	<input type="checkbox"/>
<input checked="" type="checkbox"/> Calendar		slu	<input type="checkbox"/>
CHECKED RECORDS:			
<input checked="" type="checkbox"/> Twp. & lig.	ERB	slu	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-vest	ERB	slu	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-sa	ERB	slu	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cert. of w.	ERB	slu	<input type="checkbox"/>
<input checked="" type="checkbox"/> Per. Folder	ERB		<input type="checkbox"/>
<input checked="" type="checkbox"/> Chaindex	ERB		<input type="checkbox"/>
<input type="checkbox"/> Cross Ref.			<input type="checkbox"/>
<input type="checkbox"/> Power Claim			<input type="checkbox"/>
<input type="checkbox"/> Abstracts	ERB		<input type="checkbox"/>

T.18S. R.12E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2524

Application No. Permit No.

IN NAME OF

.....**DAVID GARCIA**.....

Surveyed DEC. 1, 23. 1980., by L.H. NUJN.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

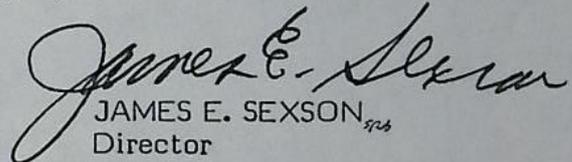
IN THE MATTER OF TRANSFER)
APPLICATION 2524 IN THE NAME) LOSS OF RIGHT
OF CENTRAL OREGON IRRIGATION)
DISTRICT)

Transfer Application 2524, in the name of Central Oregon Irrigation District, proposed a change in place of use of water from Deschutes River under a certain right with priority dates of October 31, 1900 and December 2, 1907, to irrigate a certain 3.0 acres in NE 1/4 SE 1/4, Section 10, Township 18 South, Range 12 East, WM.

The order of the State Engineer, predecessor of the Water Resources Director, entered June 11, 1971, approving Transfer Application 2524, provided: "...that said water so transferred shall be applied to beneficial use on or before October 1, 1972."

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order, therefore, the subject water right was lost.

Dated at Salem, Oregon this 2nd day of August, 1982.


JAMES E. SEXSON^{5/26}
Director

1917B

BEFORE THE STATE ENGINEER OF OREGON
Deschutes County

IN THE MATTER OF THE APPLICATION)
OF CENTRAL OREGON IRRIGATION DIS-)
TRICT FOR THE APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER FROM DES-)
CHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 2524

On May 18, 1971, Central Oregon Irrigation District 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, 25.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 18 South, Range 13 East, W.M., with dates of priority of October 31, 1900, and December 2, 1907, being tabulated in the name of Central Oregon Irrigation 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 25.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 18 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 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 January 6, 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 25.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 18 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 25.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 18 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 Central Oregon Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

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, Betty Stanard, Secretary of the Central Oregon Irrigation District
(Name of applicant)

of Redmond, County of Deschutes
(Postoffice)

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

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 $\frac{1}{4}$
18	13	2															25	✓
(all water to be removed)																		

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 - Page 145 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 $\frac{1}{4}$
18	12	10													25			

None

(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.

District

I, Betty Stanard, Secretary of Central Oregon Irrigation, 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 9th day of February, 1971.

Betty Stanard (Name of applicant)

Subscribed and sworn to before me this 9th day of February, 1971.

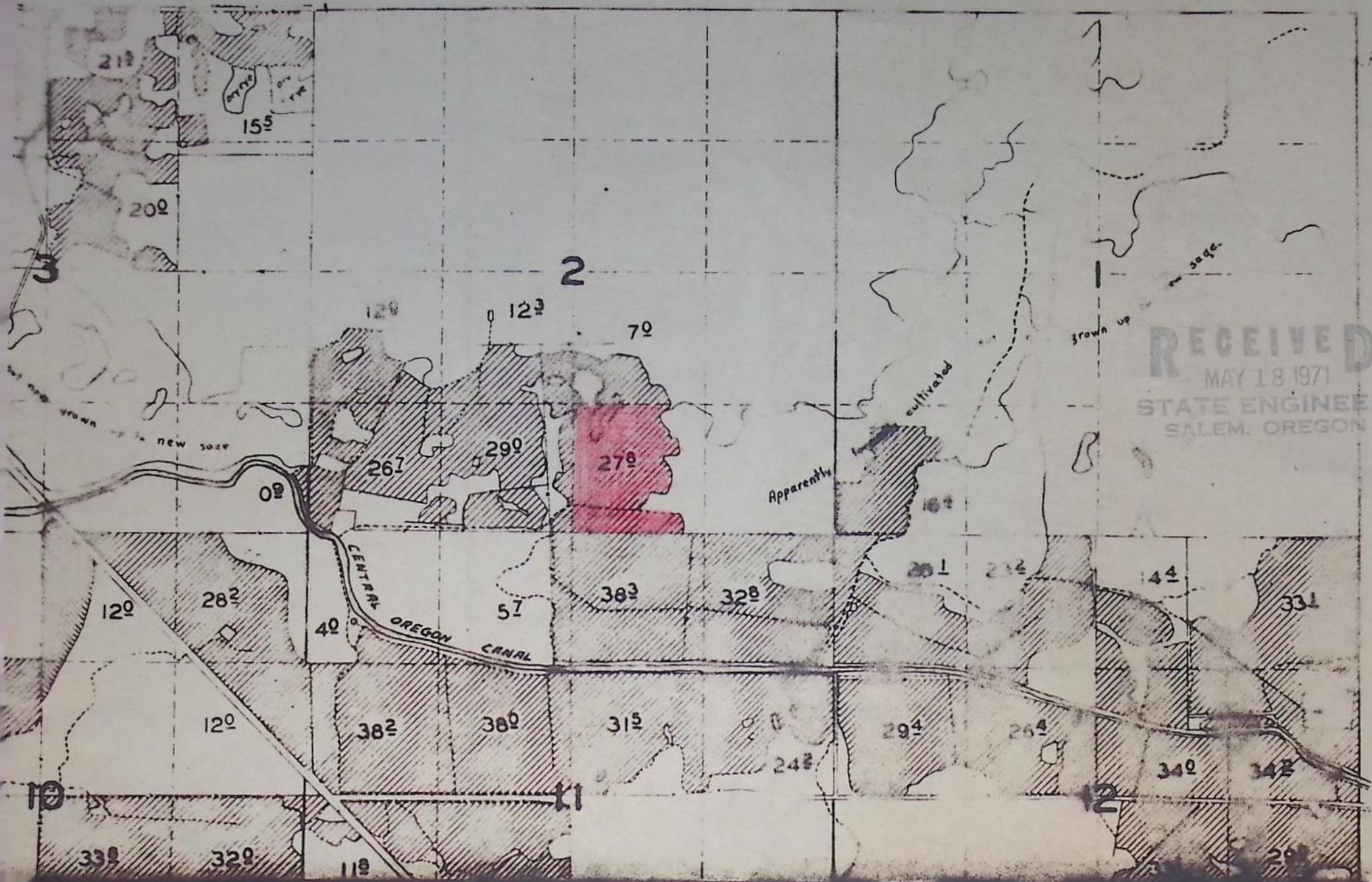
[Notarial Seal]

Loris V. Farleigh NOTARY PUBLIC FOR OREGON

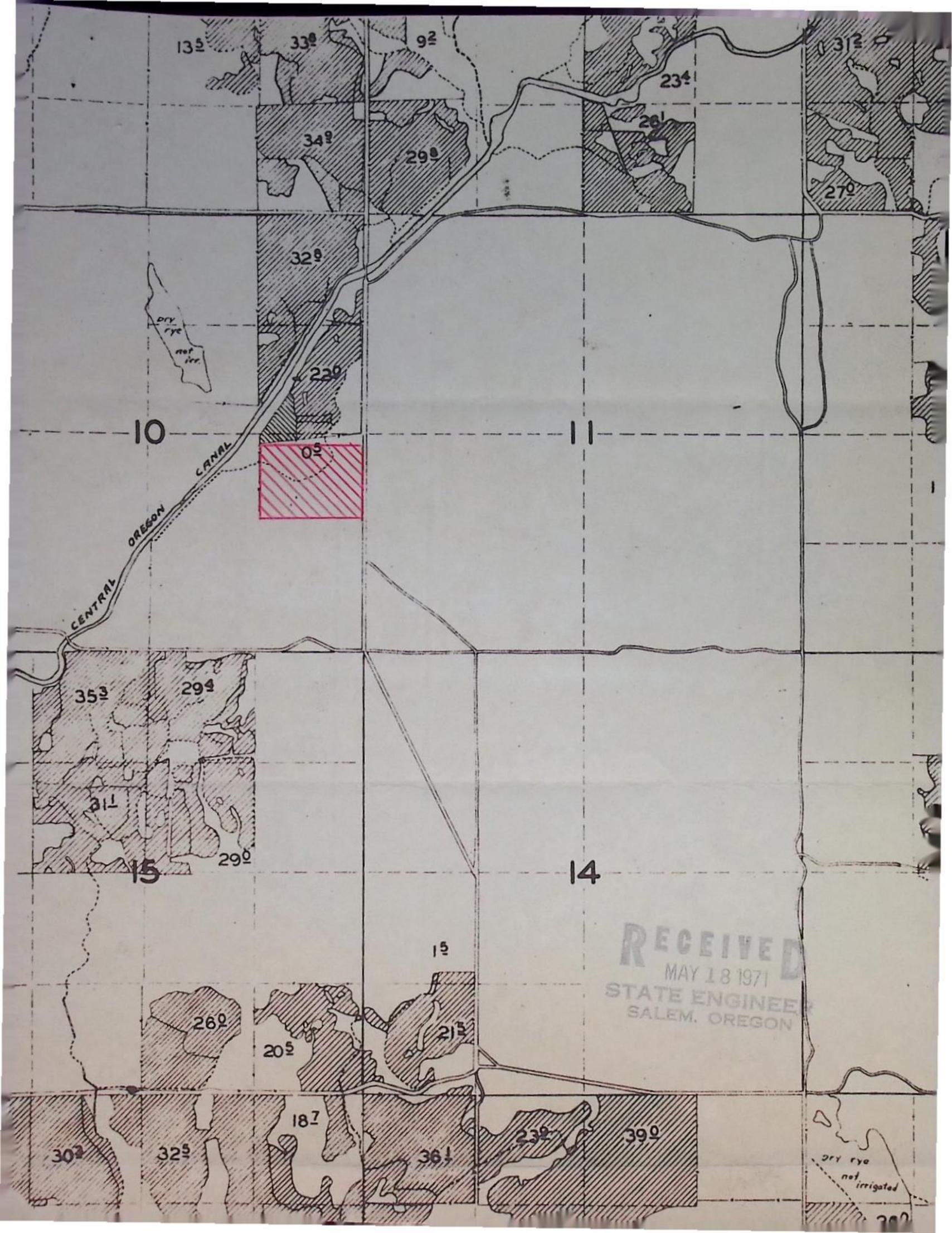
My commission expires May 21, 1973

Remarks Approved by the Board of Directors of the Central Oregon Irrigation District at regular meeting held Jan. 6, 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.



RECEIVED
MAY 18 1971
STATE ENGINEER
SALEM, OREGON



10

11

15

14

RECEIVED
MAY 18 1971
STATE ENGINEER
SALEM, OREGON

dry rye
not irrigated

Permit No. _____

Transfer No. 2524

County DESCHUTES

PROOF OF APPROPRIATION OF WATER

1. Name David Garcia 2. Address c/o Central Oregon Irrigation District
3. Source of Supply Deschutes River
Tributary of Columbia River
4. Amount of water _____ 5. Priority date October 31, 1900
December 2, 1907
6. Use irrigation of 22.0 acres
7. Location of point of diversion _____

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

22.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 10
Township 18 South, Range 12 East, WM

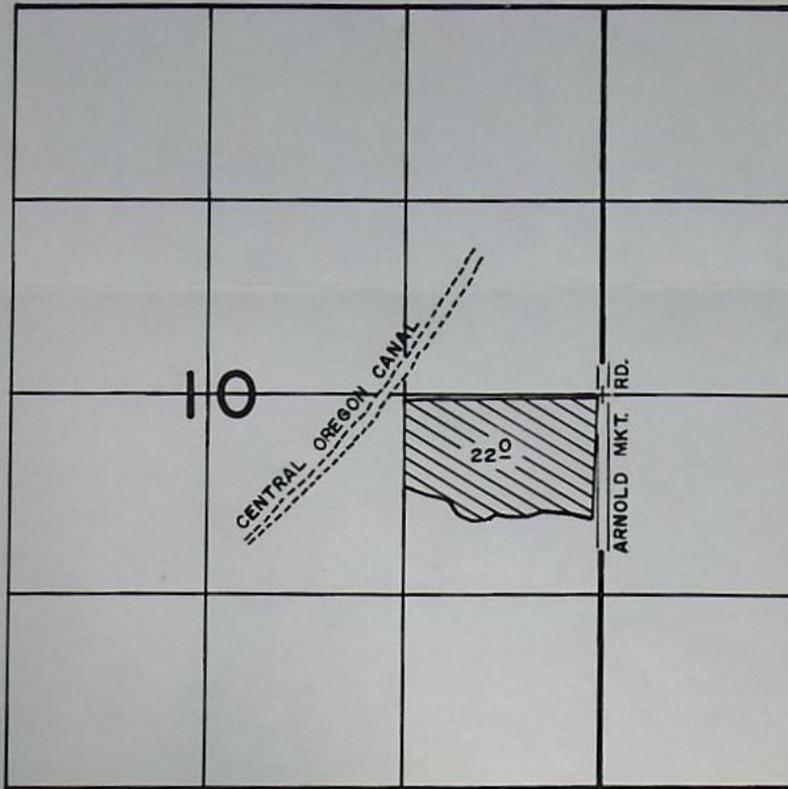
I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of place of use approved by the order of the Water Resources Director entered June 11, 1971; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of July 19 82.

Fred Conly
Legal Owner of the above described lands

RCNT 10-7-81
6-14-82

T.18S. R.12E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2524

Application No. Permit No.

IN NAME OF

..... **DAVID GARCIA**

Surveyed DEC. 1, 23. 1980., by L.H. NUJNN.....

RECEIVED

FEB 8 1982

WATER RESOURCES DEPT
SALEM, OREGON

I, the undersigned, as owner of the described property in application File No. 2524, do swear that the 25 acres with water rights were fully irrigated within the five (5) years immediately preceeding the date that the application was filed with the Central Oregon Irrigation District.

Signed Dotson T. Merritt

Dated 1-11-82

STATE OF OREGON,

County of Deschutes

} ss.

FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 19th day of January, 1982 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Dotson T. Merritt

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Gene H. Dyer
Notary Public for Oregon.

My Commission expires 8/12/84.

RECEIVED

JAN 25 1982

CENT. ORE. IRRIG. DIST.
REDMOND, OR

CENTRAL OREGON IRRIGATION DISTRICT

BOARD OF DIRECTORS

DON MILTENBERGER, PRESIDENT
HAL MEYERS, VICE-PRESIDENT
NEIL DAVIS
TOM KASBERGER
NORAL SIMMONS

MUNICIPAL CORPORATION OF THE STATE OF OREGON

847 SOUTH SIXTH STREET • P.O. BOX 548
REDMOND, OREGON 97756
PHONE: 548-6047

RON NELSON
SECRETARY-MANAGER
ROBERT A. ANDERSON
ASSISTANT-MANAGER
J. VINCE HURLEY
COUNSEL

March 4, 1982

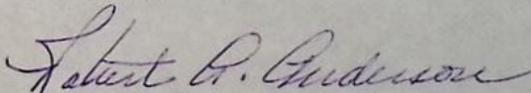
Bruce Estes
Chief Surveying
Water Resources Department
555 13th Street North East
Salem, Oregon
97310

Re: File T-2524
Final Proof Survey

Subsequent to our visit with Larry Nunn to the NE $\frac{1}{4}$ -SE $\frac{1}{4}$ of Section 10, T. 18 S., R. 12 EWM on February 12, 1982 for the purpose of determining if the States' final proof survey encompassed all of the area to which water may have been beneficially applied under the above permit. I have, to the best of my ability, examined our findings of that day and compared the perimeters of our findings to the perimeters found by Larry Nunn and shown on his survey dated December 1, and 23 1980, and find no quarrel with the 22.0 acres surveyed by Mr. Nunn.

The delay of this letter results from the deliberate consideration that I have given this matter.

Sincerely,


Robert A. Anderson
Assistant Manager

RAA:km

RECEIVED

MAR 8 1982

WATER RESOURCES DEPT
SALEM, OREGON

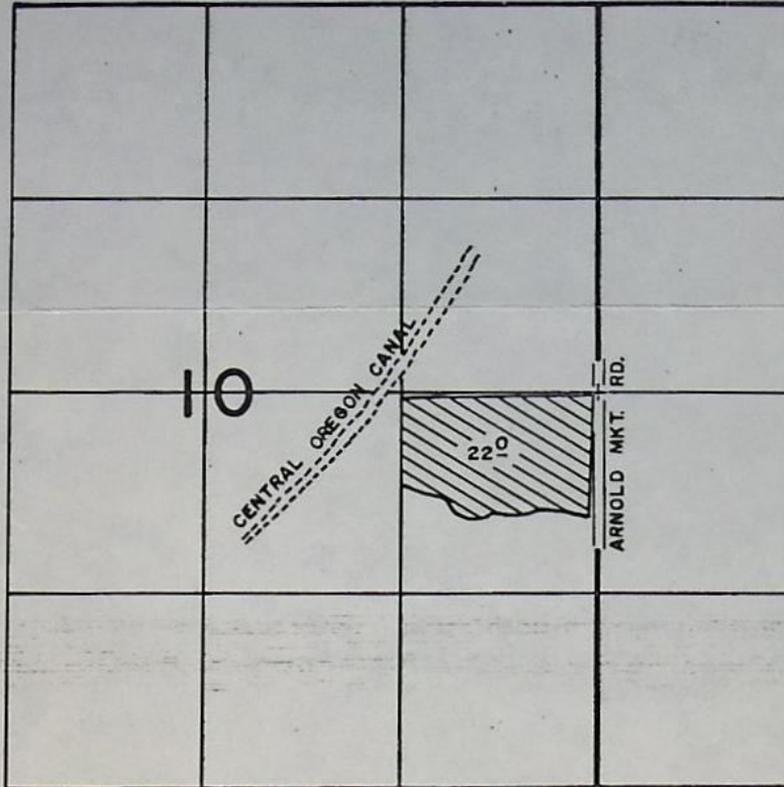
RECEIVED

MAR 8 1982

WATER RESOURCES DEPT
SALEM, OREGON

T18S. R.12E. W.M.

22.96



FINAL PROOF SURVEY
UNDER

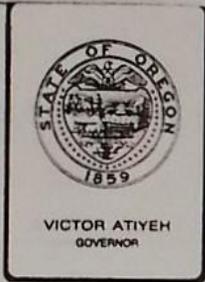
TRANSFER NO. 2524

Application No. Permit No.

IN NAME OF

.....**DAVID GARCIA**.....

Surveyed DEC.1,23. 1980., by L.H. NUJNN.....



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

February 4, 1982

Robert A. Anderson
Assistant-Manager
Central Oregon Irrigation District
PO Box 548
Redmond, OR 97756

REFERENCE: Transfers #2524 and #4642

Dear Bob:

We received your letter of January 29, 1982 along with "T" Merritt's statement. There is no dispute about nonuse for 5 years. "T" had a beautiful field of alfalfa on the lower portion that I personally observed.

Our Water Rights Examiner, Larry Nunn, surveyed this transfer December 1, 1980 and found 17.0 acres which had been in alfalfa. "T" pointed out additional land cleared and irrigated for horse pasture. On December 23, 1980, using a rodperson supplied by C.O.I.D. Larry surveyed this area, now partly covered with rabbit brush and new sage. Subsequently he sent a final proof report to this office for 22.0 acres beneficially irrigated. Unless an error can be pointed out indicating additional land beneficially irrigated prior to October 1, 1972 and continued irrigation without 5 successive years of nonuse until 1980 we must consider only 22.0 acres irrigated within the terms of Transfer #2524.

I have no doubt "T" felt he irrigated 25 acres but we cannot accept his sworn statement without a survey to back it up. We can accept a survey made by a Professional Land Surveyor or Professional Engineer if it meets the test of beneficial use. Such a survey coupled with Mr. Merritt's sworn statement would carry weight.

If you are aware of an error in the final proof survey, please identify the location of the error and we can reinspect that area. Should no errors be evident or no new surveys be submitted then the present legal owner of the land should sign and return to this office the Proof of Appropriation sent to David Garcia October 2, 1981 in order to not be held in violation of ORS 540.530 (2). The signed proof is a condition of the transfer order ("Proof satisfactory to the Director").

Please feel free to contact me if you have any questions about this.

Sincerely,

Bruce A. Estes, Supervisor
Survey/Certificate Section

BAE/jw

CENTRAL OREGON IRRIGATION DISTRICT

BOARD OF DIRECTORS

DON MILTENBERGER, PRESIDENT
KENNETH WERTH, VICE-PRESIDENT
NEIL DAVIS
HAL MEYERS
TOM KASBERGER

MUNICIPAL CORPORATION OF THE STATE OF OREGON

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REDMOND, OREGON 97756

PHONE: 548-6047

RON NELSON
SECRETARY-MANAGER
ROBERT A. ANDERSON
ASSISTANT-MANAGER
J. VINCE HURLEY
COUNSEL

January 29, 1982

RECEIVED
FEB 3 1982
WATER RESOURCES DEPT
SALEM, OREGON

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

RE: T-4642

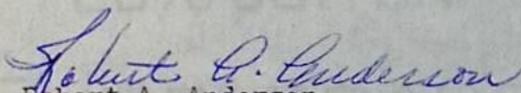
Dear Mr. Allison:

The question arises, as a result of the final proof survey of transfer No. 2524, as to whether a full 25.0 acres of land were developed for irrigation. The final proof survey showed that only 22.0 acres showed evidence of being developed.

Dotson T. Merritt, receiver of the permit rights at the time the permit was issued, swears that he did beneficially apply water to 25.0 acres of land within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T. 18 S., R. 12 EWM and did continue to irrigate the area to within five years immediately preceeding February 11, 1980, when David Garcia, subsequent owner of the lands, filed an application to remove 24.0 of the 25.0 acres named under the permit.

Enclosed is Mr. Merritt's sworn statement that the 25.0 acres were developed and irrigated to within the five years prior to the filing of the application by Garcia for the removal of the 24.0 acres of irrigation rights.

Sincerely,


Robert A. Anderson
Assistant-Manager

RAA/jma

Enclosure: 1

New Owned by: David Garcia

Info: Mr. Garcia

Remarks: This land, according to Mr. Garcia, was last irrigated in 1978 by Dotson Merritt, leasee. Mr. Garcia said that Merritt supplied the equipment, which has since been sold. Mr. Garcia said that Merritt had run a mainline from a small pond east in center of field then lateral North-south. He did not know how many.

The land now is grown up in crested wheat grass, with field boundaries quite visible. The former crop was hay according to Mr. Garcia.

Tie: PTS - 11-1980-A tied to E $\frac{1}{4}$ sec. 10, a rock mark in center of Arnold mkt Rd.

Remarks: The SW corner of field was cut out. It appears to have been cleared at one time, but not irrigated. There is a definite vegetation change.

12-1-80
Larry D. Furze
Field Engineer

Info: T Merritt, former owner & renter

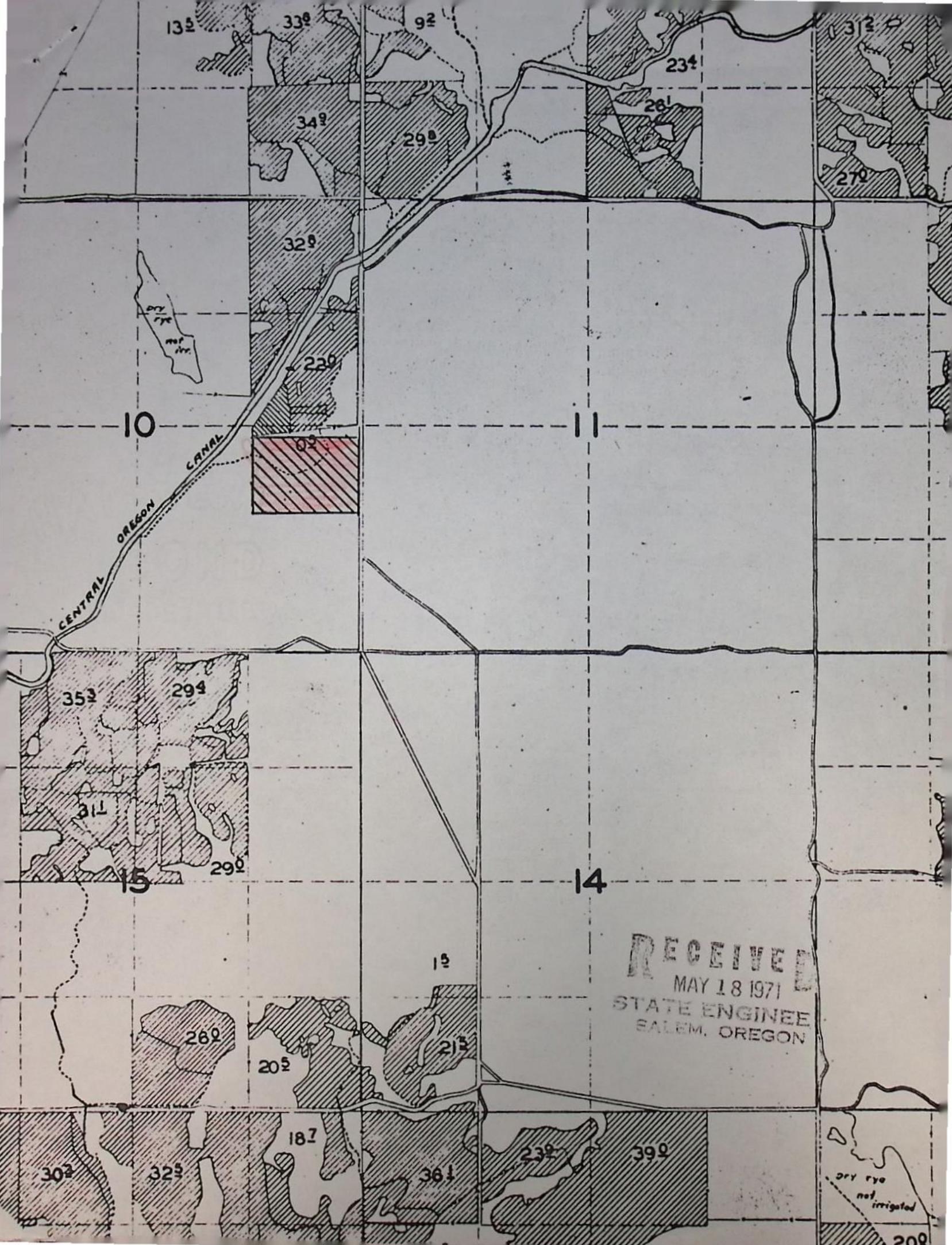
Remarks: Mr. Merritt said he also watered up on the hill side for horse pasture.

I found a definite field line between bitter brush & area with rabbit brush. Pasture area is covered with about 20-30% rabbit brush & new sage. Lower field is covered with mustard.

Tie: 11-1981-A tied to mark in road

Notes: Jon, of COID, acted as rodman

12-23-80
Larry D. Furze
Field Engineer



RECEIVED
MAY 18 1971
STATE ENGINEER
SALEM, OREGON

dry eye
not irrigated

Send map copy

Permit No. _____

Transfer No. 2524

County Deschutes

PROOF OF APPROPRIATION OF WATER

- 1. Name David Garcia 2. Address 1/0 Central Oregon Irrigation District
- 3. Source of Supply Deschutes River
Tributary of Columbia River
- 4. Amount of water _____ 5. Priority date Oct 31, 1900
Dec 2, 1907
- 6. Use irrigation of 22.0 acres
- 7. Location of point of diversion _____

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

*22.0 acres NE 1/4 SE 1/4
Sec 10
T18S R12E WM*

Use statement

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

Legal Owner of the above described lands

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

RECEIVED
NOV 22 1972
STATE ENGINEER
SALEM OREGON

Transfer No. 2524

I, Patson T Merritt hereby certify that
on 10-71, 1971, 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.

4-1-72

Date

Patson T Merritt
Signature

906 Harriman, Bend, Oregon

ok
TJM