

3299 Don Heppner
Flying H Ranch
COT Powell Butte, Or.

3299

STATUS OF APPLICATION

Change in place of use
 Date filed 8-18-75
 Date of hearing _____
 Place of hearing _____
 Date of order 9-28-76 Vol. 27, page 476
 Date for application of water 10-1-77
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____
to SW 4-79

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes R
 Trib. of _____ County of Crook
 Use irrigation
 Quantity of water _____ No. of acres 15⁰
 Name of ditch Central Oregon Canal
 Date of priority October 31, 1900 & December 2, 1907
 In name of Central Oregon Irrigation District
Deschutes Riv. Adjudication, Vol. 16, page 41
Tab. - Don Copley
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
8-18-75	25.00	49007
1-22-76	5.00	51165
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

Finis

	INDEX CARDS:	
	Entered	Checked
WA Name	✓	—
WA Stream	✓	—
WA Pl. of Div.	—	—
WA Calendar	✓	—
CHECKED TO RECORDS:		
✓ Dep. & Rgs.	<i>[initials]</i>	—
✓ Decree-vault	<i>[initials]</i>	—
✓ Decree-safe	<i>[initials]</i>	—
✓ Cert. of W/R	<i>[initials]</i>	—
Per. Folder	—	—
Chaindex	—	—
Cross Ref.	—	—
Power Claim	—	—
Abstracts	—	—

20

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION
OF DON HEPPERLE, BUSINESS MANAGER
AND PARTNER IN FLYING H. K. RANCH,
(CENTRAL OREGON IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM DESCHUTES RIVER

ORDER APPROVING
TRANSFER NO. 3299

On August 18, 1975, Don Hepperle, Business Manager and Partner in Flying H. K. Ranch, filed an application in the office of the Water Resources Director 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 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, 15.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 15 South, Range 14 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. These lands are irrigated by means of the Central Oregon Canal.

The applicant herein, contract purchaser of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 5.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 15 South, Range 14 East, W.M.

ALL COTTON
MILLERS FALLS
GIBBON'S OREGON SKIN

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 August 6, 1975.

Don and Frieda Copley, title holders of the lands from which Don Hepperle proposes to transfer the water right, has submitted written approval of the change in place of use.

Federal Land Bank Association, mortgage holder of the lands from which Don Hepperle proposes to transfer the water right, has submitted written approval of the change in place of use.

No objection 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 15.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 15 South, Range 14 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 5.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 15 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, 1977.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial

ALL COTTON
MILLERS FALLS
GIBBON'S OREGON SKIN

use on the lands to which the water is transferred hereby, a certificate of water right will be issued to the Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 28th day of September, 1976.

/s/ JAMES E. SEXSON
Director



Do-retrons

RECEIVED
JUN 1 1960
WATER RESOURCES DEPT
SALEM, OREGON

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN PLACE OF USE FROM DESCHUTES RIVER

Transfer No. 3299

County Crook
Pl. 1 Box 415

1. Name Don Hepperle, Flying H. K. Ranch Address Powell Butte, Oregon - 548-3354

2. Source of Supply Deschutes River, Trib. of _____

3. Amount of Water _____ Priority Date Oct. 31, 1900; Dec. 2, 1907

4. Use irrigation of 15⁰ ac

5. Proposed Point of Diversion _____

6. Place of Use

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
15 S.	14 E.	25	SW ¹ / ₄ SW ¹ / ₄	5.0 acres
15 S.	14 E.	25	SE ¹ / ₄ SW ¹ / ₄	10.0 acres

Inspection Cont'd 15-17-26
NHT 03-22-5

Info's Mr. Hepperle

Div: 24" cnp from canal into pump box

Pump: GE 30 @ 3540 $p = 150$ $\frac{(6.61)(30)}{155} = 1.28$
Cornell CDD 4x3 $h = 5$

Pipes mainline (5") from pump to Co. Rd., 2640' - 4" wheel

heads: 64 RB 30 $5\frac{1}{2}$ (all max) $\frac{(64)(5.44)}{450} = 0.77$

Lift: $\pm 5'$

Crops: Oats & Wheat

Ties: 15-14-26

Remarks: Mr. Hepperle was watering all land in the SW $\frac{1}{4}$, south of the CO canal. The ~~east~~ western part was last watered in 1978.

Mr. Hepperle has a transfer pending ^{at COID} to move all land onto the eastern part of this land.

5-22-80
Larry A. Jurn
Field Engineer

~~This land~~

All of the land in the $5\frac{1}{2}$ SW $\frac{1}{4}$, south of the canal was irrigated. There is a transfer application in the COID office, with Board approval, which will move the 5° in the SWSW to the SE SW. The application also moves other land into the SE SW.

Inspection - COID wants proof made on this transfer as shown then they will submit the new application

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3299

I, Don Hepperle hereby certify that
on 18 August, 1978, the water has been applied to
the lands to which the water right was transferred by an order of the
Water Resources Director dated 28 Sept. 76, approving an appli-
cation for a change in place of use of water from NW 1/4 SW 1/4 Sec.
15 T. 15S R. 14 E, W.M.

8 Mar. 78
Date

Don Hepperle
Signature

RECEIVED
APR 6 1978
WATER RESOURCES DEPT.
SALEM, OREGON

T-3299

RECEIVED

AUG 18 1975

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 21 1976

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

APR 30 1976

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Don Hepperle, Business Manager & partner in Flying H.K. Ranch, a family partnership,
(Name of applicant)

of Powell Butte, County of Cook
(Postoffice)

State of Oregon, do hereby make application for change

; in 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 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
15	14	25									15							

15² Tab in Name of Don Cooley
0² Tab in Name of C.O.J.D.

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? No, contract purchaser
(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? No. Don Copley Page 41 of Decree 7 acres
(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 $\frac{1}{4}$
15	14	25										5	10					

(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
Mortgage	Federal Land Bank	
Title	Don Copley	

20. Reasons for the proposed changes are More beneficial use

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

} ss.

I, Don Hepperle, Business Mgr. & Partner in Flying H K Ranch, 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 25th day of June, 1974.

Don Hepperle (Name of applicant)

Subscribed and sworn to before me this 25th day of June, 1974.

[Notarial Seal]

Betty Seward NOTARY PUBLIC FOR OREGON

My commission expires May 28, 1977

Remarks Approved at the regular meeting of the Board of Directors of Central Oregon Irrigation District held August 6, 1975

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.

April 21, 1976

T-3299

Central Oregon Irrigation District
P.O. Box 548
Bend, OR 97701

ATTENTION: Mrs. Diana Ewing, Assistant Secretary

Dear Mrs. Ewing:

I am returning the transfer application No. 3299 in the name of Don Hepperle along with the two maps for completion. Our receipts numbered 49007 and 51165 covering the fees of \$30.00 are also enclosed.

Since the water rights involved are tabulated in the names of Don Copley and Central Oregon Irrigation District supplemental claim, it will be necessary to further complete items 5 and 13 on the transfer application by listing separately the acreage tabulated in each name.

I am enclosing a copy of the letter from the Federal Land Bank Association dated July 2, 1974. This letter indicates that they do not wish to have any water right transferred from the SW $\frac{1}{4}$ of Section 25, Township 15 South, Range 14 East. Since they are holders of a mortgage on the property, we will need a statement from them advising us of their approval of the transfer of the water presently appurtenant to 15.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 25 as proposed by Mr. Hepperle.

I apologize for the delay in responding to this application. Upon receipt of the completed application and map along with the required statement from the holder of the mortgage, proper action will be taken.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:cc

June 25, 1974

Central Oregon Irrigation District
P O Box 548
Redmond, Oregon

Gentlemen:

We, Don & Frieda Copley, husband & wife, as title holders have no objection to the transfer of 15 acres of water rights from the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25, T. 15 S., R. 14 E., W.M. to 5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25, T. 15 S., R. 14 E., W.M.

Yours very truly,

Don Copley
Frieda Copley

RECEIVED

AUG 18 1975

WATER RESOURCES DEPT.
SALEM, OREGON

T-3299

FEDERAL LAND BANK ASSOCIATION OF REDMOND

P.O. BOX 577 742 S.W. FOREST. AVE. REDMOND, OREGON 97756
TELEPHONE: 548-2541



NEAL ELLIOTT

July 2, 1974

Central Oregon Irrigation District
P.O. Box 548
Redmond, Oregon 97756

Re: Copley loan
FLB #142418

Gentlemen:

The Federal Land Bank has no objection to the transfer of water rights from one 40 acres to another as long as all present water rights remain in the SW $\frac{1}{4}$ of Section 25, Twp. 15S, Rng 14 EWM, Crook County, Oregon.

Sincerely yours;

A handwritten signature in cursive script that reads "Neal Elliott" with a small "09." at the end.

The Federal Land Bank Assoc.
Neal Elliott
ATTORNEY IN FACT

NE/dj

RECEIVED
AUG 18 1975
WATER RESOURCES DEPT.
SALEM, OREGON



SERVING DESCHUTES, HARNEY, GRANT, CROOK, & JEFFERSON COUNTIES
AND SOUTH PART OF WHEELER COUNTY

T-3299