

3452

STATUS OF APPLICATION

Change in place of use
 Date filed 8-24-76
 Date of hearing _____
 Place of hearing _____
 Date of order 10-7-76 Vol. 28, page 12
 Date for application of water 10-1-77
 Proof mailed 2-17-89 Marthaller
 Proof received _____
 Certificate issued _____ Vol. _____, page _____
to Sun 4-78

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes
 Trib. of _____ County of Deschutes
 Use irrigation
 Quantity of water _____ No. of acres 2^e
 Name of ditch Pilot Butte Canal
 Date of priority Oct. 31, 1900 & Dec. 2, 1907
 In name of Central Oregon Irrig. District
Deschutes Riv. Adjudication, Vol. 16, page 144
Tab. - Glen Rogerson
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-24-76</u>	<u>30.00</u>	<u>55692</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Surveyed - 11-28-83 (F. Marthaller)

HB 3111

INDEX CARDS:	Entered	Checked
	<u>WH</u> Name	<input checked="" type="checkbox"/>
<u>WH</u> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-safe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Chaindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

2/8

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF LAWRENCE AND MARY F. PONCY
(CENTRAL OREGON IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3452

On August 24, 1976, Lawrence and Mary F. Poncy 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, 2.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 17 South, Range 12 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 Pilot Butte Canal.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 17 South, Range 12 East, W.M.

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 4, 1976.

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 described herein, without loss of priority, is approved.

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 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 7th day of October, 1976.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON
COUNTY OF DESCHUTES
PROOF OF APPROPRIATION

RECEIVED
MAR 31 1989
WATER RESOURCES DEPT.
SALEM, OREGON

NAME: FRANK MARTHALLER

ADDRESS: 63951 DESCHUTES MARKET ROAD, BEND, OREGON 97701

C/O BOB ANDERSON, ASSISTANT MANAGER, CENTRAL OREGON IRRIGATION
DISTRICT, P.O. BOX 548, REDMOND, OREGON 97756

SOURCE OF SUPPLY: DESCHUTES RIVER AND CRANE PRAIRIE RESERVOIR

TRANSFERS: T-3452 AND T-3453

TRIBUTARY: COLUMBIA RIVER

PRIORITY DATES: OCTOBER 31, 1900, DECEMBER 2, 1907, AND
FEBRUARY 28, 1913

USE: IRRIGATION OF 5.2 ACRES

LOCATION AND POINT OF DIVERSION: NORTH CANAL

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

2.0 ACRES NE 1/4 NW 1/4 T-3452
3.2 ACRES NE 1/4 NW 1/4 T-3453
SECTION 11
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

I have read the above and foregoing proof of appropriation of water
defining the extent of use of water under the change in PLACE OF USE
approved by the orders of the WATER RESOURCES DIRECTOR entered OCTOBER
7, 1976 AND MARCH 17, 1977; I know the contents thereof, and that the
facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hands this 23rd day of
February, 1989.

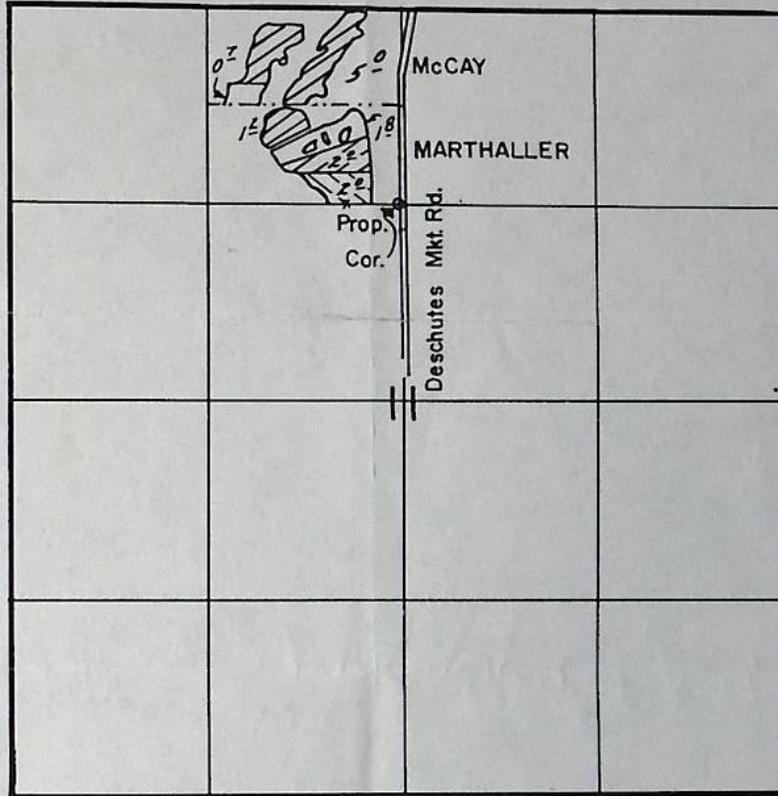
Francis W Marthaller
NE 1/4 - NW 1/4 SEC. 11, T. 17S, R. 12E W.M.
Legal owner of the above described lands

RECEIVED

MAR 31 1989

WATER RESOURCES DEPT.
SALEM, OREGON

T.17 S., R.12 E., W.M.



SCALE: 1" = 1320'

Tr. 3452 

Tr. 3453 

FINAL PROOF SURVEY UNDER

Tr. 3452, 3453

Application No. Permit No.
IN NAME OF

FRANK MARTHALLER; DENNIS McCAY

Surveyed ~~NOV. 28, 1983~~ by ~~D. PANTHER~~.....
JAN. 31 1989 B.W. BISHOP

Revised 1/21/89

Our field examiner found a total of 5.0 acres claimed irrigated in connection with transfer 3453, which exceeds the limit of 3.2 acres under the transfer order. If you wish to establish a legal water right for the additional 1.8 acres, a ~~permit or~~ water right transfer must be obtained. Please contact Central Oregon Irrigation District for assistance in making the appropriate application.

The 1.8 acres overacreage is displayed on the map as an unhatched area. If this area is not located where you prefer, please notify us. It may be possible to locate the area elsewhere on your land.

STATE OF OREGON

COUNTY OF Deschutes ~~Crook~~

Proof of Appropriation of Water

% Bob Anderson, Ass't. Manager
Central Oregon Irrigation District

Name: Frank Marthaller

Address: 63951 Deschutes Mkt. Rd. P.O. Box 548
Bend, Oregon 97701 Redmond, Or 97756

Source of Supply: Deschutes River & Crane Prairie Reservoir

Permit No.: _____ Transfer No.: T-3452 & T-3453

Tributary of: Columbia River

Amount of Water: _____

Priority Date: Oct 31, 1900 December 2, 1907 Feb 28, 1913

Use: irrigation of 5.2 acres

Location and Point of Diversion: Central Oregon Canal
North Canal

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

2.0 acres NE 1/4 NW 1/4 T-3452
3.2 acres NE 1/4 NW 1/4 T-3453

Section 11

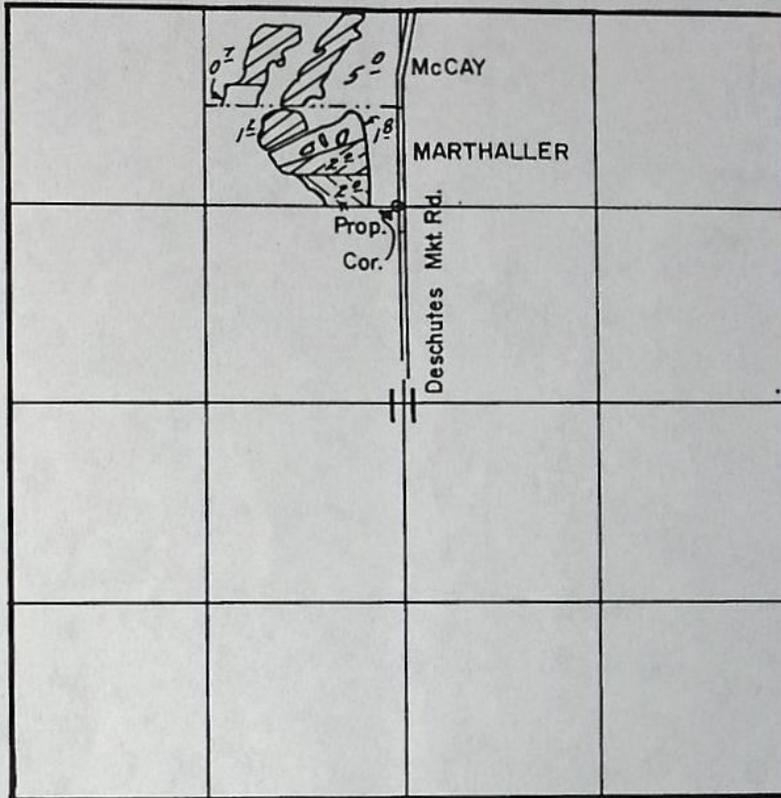
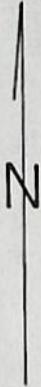
T 17 S, R 12 E, WM

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of in place of use approved by the order of the State Engineer Water Resources Director entered Oct 7, 1976 & March 17, 1977; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____
198_.

Legal owner of the above described lands

T.17 S., R.12 E., W.M.



SCALE: 1" = 1320'

Tr. 3452 

Tr. 3453 

FINAL PROOF SURVEY

UNDER

Tr. 3452, 3453

Application No. Permit No.
IN NAME OF

FRANK MARTHALLER; DENNIS McCAY

Surveyed NOV. 28, 1983, by D. PANTHER.....
JAN. 31 1989 B.W. BISHOP

Info: Mr. Marshall

Source: pond

Crop: hay, pasture, rye

use: irrigation

pumps 2 hp 45 psi

78

Sprinklers: 15 underground heads for lawn

Flood front section that is cleared-rye grass

Lift: 5'

Tie: PTS 11-1983A

2W prop pin

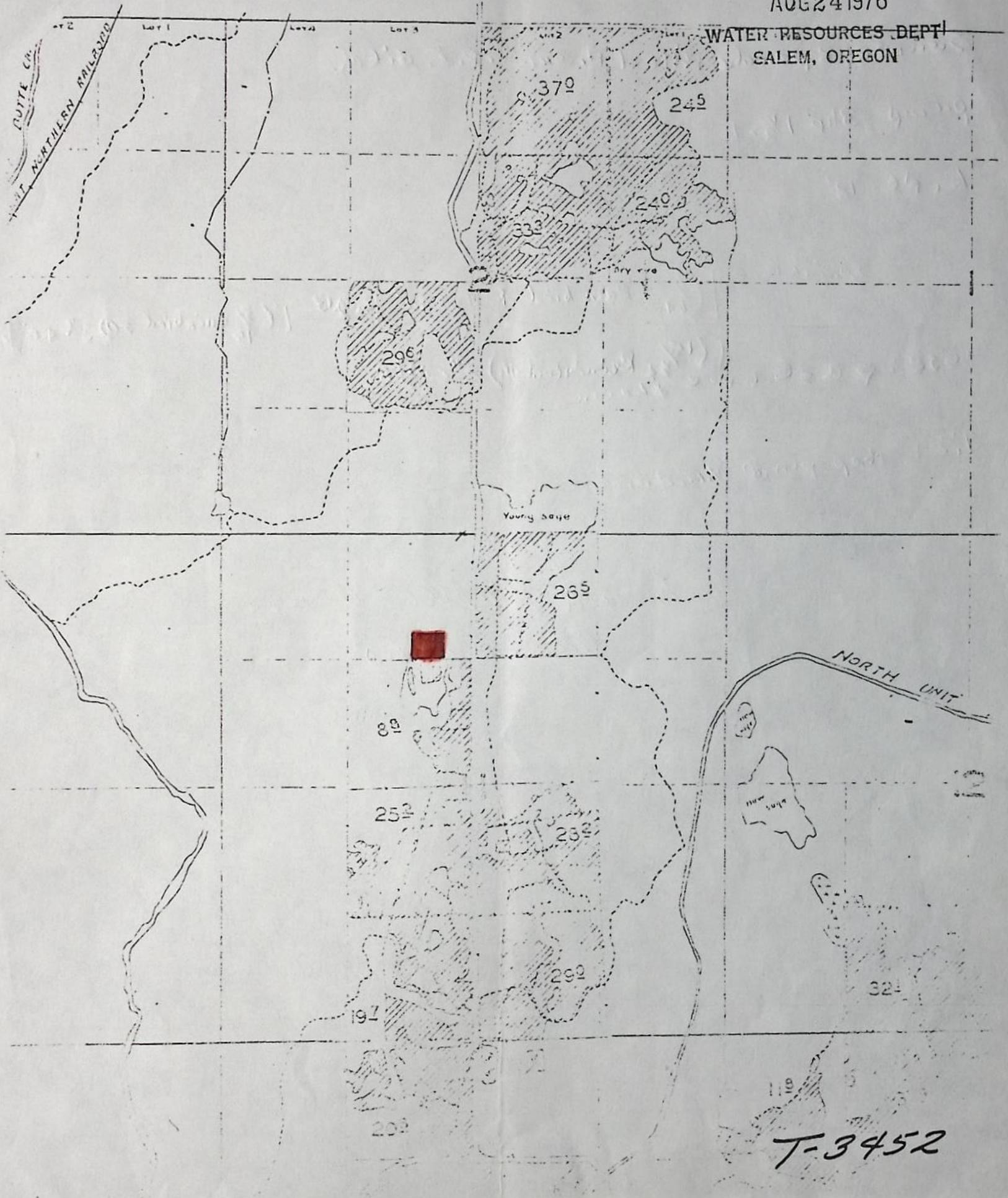
Bessie Olson

11-17-84

RECEIVED

AUG 24 1976

WATER RESOURCES DEPT
SALEM, OREGON



In to: Mr. Black, cut excess from west end of property

Source: 2 ponds filled from C.O.I. ditch

pump 3hp 1 1/2 x 1

Life: 12'

Sprinklers: [(7/64 Rainbird 4) 1 1/2" x 40"] 49.5 [(3/16 Rainbird 30) 3" x 40"] 23

use as pasture # Lawn [(15/32 Rainbird 40) 2" x 40"] 8

Tie: Prop pin @ N.E. Cor

David Panther 11-9-83

D.T.S. 11-1983-A



D. Ferguson

Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 12, 1978

Lawrence & Mary F. Poncy
c/o Central Oregon Irrigation District
P.O. Box 548
Redmond, OR 97756

RECEIVED

APR 6 1978

**WATER RESOURCES DEPT.
SALEM, OREGON**

RE: File No. T- 3452

Dear Mr. and Mrs. Poncy:

The time allowed for completion of the change in place of use of water from Deschutes River, proposed by your water right transfer application No. 3452, expired on October 1, 1977.

If the authorized change was accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were dilligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

James W. Carver Jr.
James W. Carver, Jr.
Engineer

JWC:lcj

STATEMENT OF COMPLETION

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3452 was accomplished by 8-15-77, 1977.

1/25/78

Date

Frank W. Marshall

Signature



Please send form for application for extension of time limit.

RECEIVED

T # 3452

AUG 24 1976

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

We Lawrence Poncy and Mary F. Poncy

(Name of applicant)

of Bend County of Deschutes

(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 Pilot Butte 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 $\frac{1}{4}$	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	14							2									

2nd Tr. under Glen Rogerson

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)

21st Decree V. 16 P. 144
8th Decree V. 16 P. 153
5th Tr. - L-75 (in) SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$
2nd Tr. 2850 (out)

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 and Dec. 2, 1907

9. Was your water right acquired by State Engineer's Permit? No If so, give number

(Yes or No)

of permit _____

File 20-
Fees Rec 10-
30-

10. Do you hold a water right certificate? No (Yes or No) If so, give number of certificate

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes (Yes or No) If so, give title of proceedings adjudication of the Deschutes River
Transfer No. L-75

12. Is the water right recorded in your name? No. Glen Rogerson, page 144. COID 145-H
 (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 $\frac{1}{4}$
17	12	11					2											

None existing

(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
None		

20. Reasons for the proposed changes are more beneficial use

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of DESCHUTES } ss.

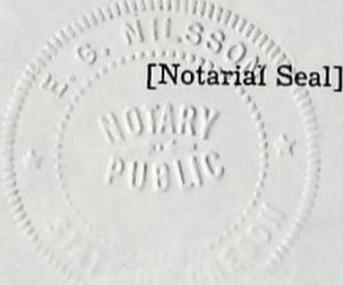
We, LAWRENCE PONCY and MARY F. PONCY, the applicants herein, being first duly sworn, depose and say that we have read the above and foregoing application for transfer of water right; that we know the contents thereof and that the statements therein made are true and correct to the best of our knowledge and belief.

In Witness Whereof, we have hereunto set our hands this 17 day of July, 1976

Mary F. Ponce

Lawrence Ponce
(Name of applicant)

Subscribed and sworn to before me this 17 day of July, 1976



W. S. Nilsson
NOTARY PUBLIC FOR OREGON

My commission expires 28 June 1978

Remarks The reclamation lien on the COID water rights have been paid in full and ownership of the rights turned over to the owners.
Approved by the Board of Directors of the Central Oregon Irrigation District at a regular meeting held August 4, 1976.

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.