

3177
Relinquish

STATUS OF APPLICATION

Change in place of use
Date filed 3-7-75
Date of hearing _____
Place of hearing _____
Date of order 9-28-76 Vol. 27, page 481
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

to survey 6/78

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes R
Trib. of _____ County of Deschutes
Use irrigation
Quantity of water _____ No. of acres 3⁰
Name of ditch Palah Butte Canal
Date of priority Oct 21, 1900 + Dec 2, 1907
In name of Central Oregon Irrig. District
Deschutes Riv. Adjudication, Vol. 16, page 94
Tab. - George Erhler
App. No. _____ Per. No. _____ Cert. No. 29052
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-7-75</u>	<u>25.00</u>	<u>45538</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

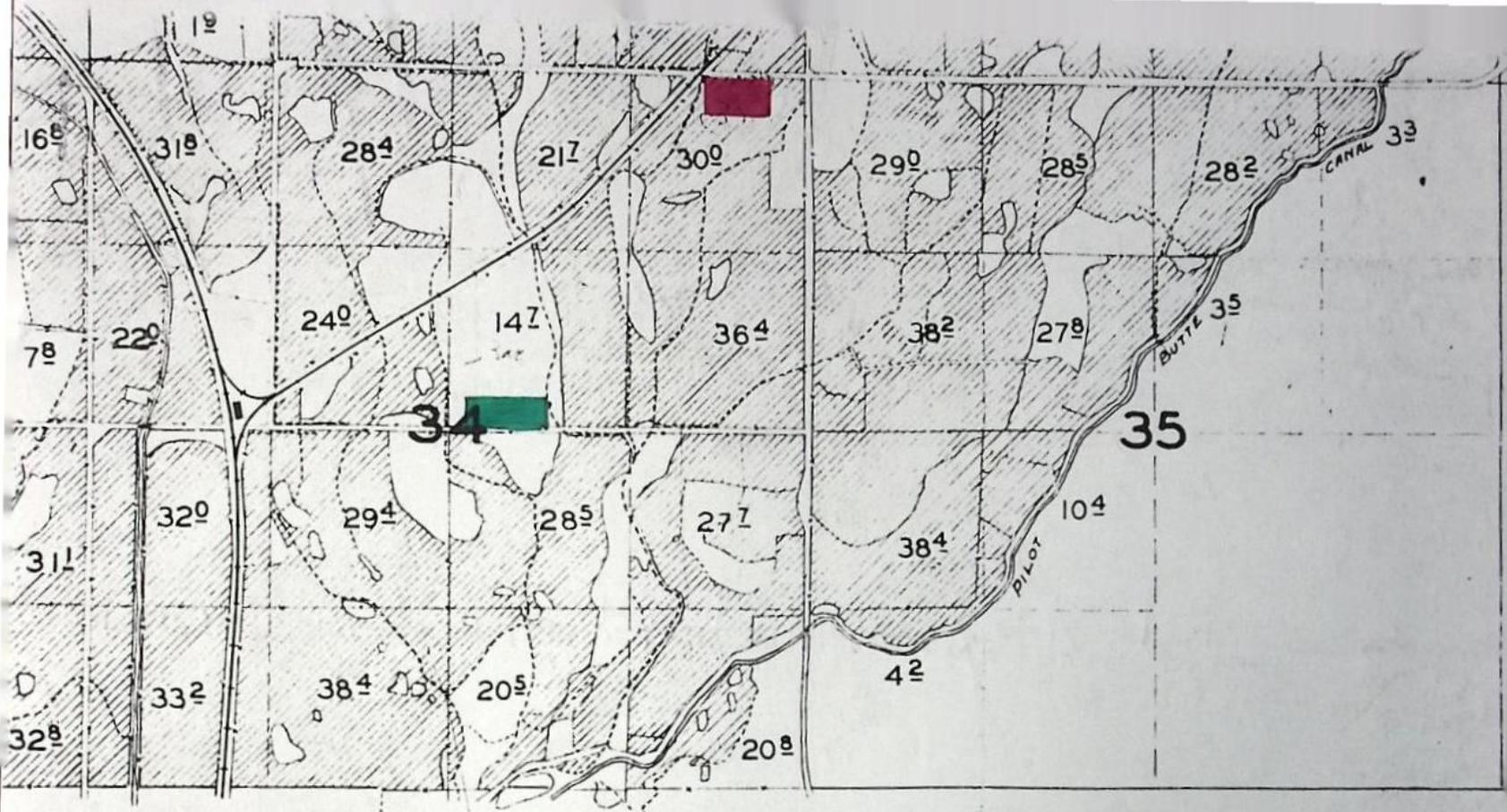
Date	Amount	Check No.

REMARKS

Surveyed 5/31/84

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> 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"/> Chainindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Power Claim	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

304



SURVEYED SEPT 22-30, OCT 1,2,5,6,7, 1947 JU

Sec 34 T14S R13E

- = 30 acres to be transferred from
- = 30 acres to be applied to

RECEIVED
 APR 30 1976
 WATER RESOURCES DEPT
 SALEM, OREGON

T-3177

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF ROY BURK (CENTRAL OREGON)
IRRIGATION DISTRICT) FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM DESCHUTES RIVER))

ORDER APPROVING
TRANSFER NO. 3177

On March 7, 1976, Roy Burk 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, 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, 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. These lands are irrigated by means of the Pilot Butte Canal.

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 $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 14 South, Range 13 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 March 5, 1975.

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 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, 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 3.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, 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, 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 28th day of September, 1976.

/s/ JAMES E. SEXSON
Director



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 12, 1978

Ray Burk
c/o Central Oregon Irrigation District
P.O. Box 548
Redmond, Oregon 97756

RECEIVED

JUN 19 1978

WATER RESOURCES DEPT.
SALEM, OREGON

RE: File No. T-3177

Dear Mr. Burk:

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. 3177, 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. 3177 was accomplished by May, 1976.

June 14-1978
Date

[Signature]
Signature

Please send form for application for extension of time limit.

See Ray Burk

RECEIVED
JUN 19 1978
WATER RESOURCES DEPT.
SALEM, OREGON

ok lg

RECEIVED

MAR 7 1975

STATE ENGINEER
SALEM, OREGON

RECEIVED

APR 30 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3177

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Roy Burk
(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 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 $\frac{1}{4}$	
14	13	34	3																
				3 ^o under Erbler															
				0 ^o under COID															

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
(Yes or No)

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

m Yes If so, give title of proceedings Adjudication of Deschutes River
(Yes or No) COID Supplemental, Page 145-8

12. Is the water right recorded in your name? No. George Erhler, Page 94
(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	34			3													

(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.

I, Roy Burke, 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 7th day of May, 1974.

Roy Burke (Name of applicant)

Subscribed and sworn to before me this 7th day of May, 1974.

[Notarial Seal]

Betty Seaward NOTARY PUBLIC FOR OREGON

My commission expires May 28, 1977

Central Oregon Irrigation District

Remarks Approved by the Board of Directors at the regular meeting held March 5, 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.

TOWNSHIP 14s RANGE 13E W. M. SECTION 34

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				23° 21°												Decree, Vol. 16 Page 92 Findings, Vol. 15 Page 220	2010 29052	
24°		36°														Decree, Vol. 16 Page 94 Findings, Vol. 15 Page 222	29052	George Erbler
	22°	12°		11°												Decree, Vol. 16 Page 94.95 Findings, Vol. 15 Page 223	29052	
											104					Decree, Vol. 16 Page 96 Findings, Vol. 15 Page 224	29052	
												26°	29°	19°	22°	Decree, Vol. 16 Page 96 Findings, Vol. 15 Page 225	29052	
												68	33°			Decree, Vol. 16 Page 97 Findings, Vol. 15 Page 224	29052	
24°	22°	12°	36°	11°	31°	20°	21°	27°	34°	32°	33°	26°	29°	19°	22°	Supplemental 13180	23256	
				5°												Tr. Sa. Cr. Vol. 9 Page 132	29052	
6°	3°			17°	1°	2°	3°	2°							5°	Decree, Vol. 16 Page 147	29052	COID
											14					Tr. Sp. Cr. V. 12 p. 367		
											out 2°					Tr. 3271 Y. 26, P. 124		
3°																T-3177 (out)		
	3°															T-3177 (in)		