

*W. H. H. of Edmonds, Wash.  
Luna, Wash. Paul C. Ramsey  
COT Bank, OS*

3458

**STATUS OF APPLICATION**

Change in place of use  
 Date filed 8-24-76  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 5-3-82 Vol. 36, page 152  
 Date for application of water complete  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

*5-12-80 SRA*

**DESCRIPTION OF WATER RIGHT**

Name of stream Deschutes  
 Trib. of \_\_\_\_\_ County of Deschutes  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 2 55  
 Name of ditch Central Oregon Canal  
 Date of priority \_\_\_\_\_  
 In name of HA-VI Inc Farms  
Deschutes Adjudication, Vol. 16, page 48  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052 <sup>SRA</sup>  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
<u>8-24-76</u>	<u>30.00</u>	<u>55686</u>
TOTAL . . .		
	Cert. Fee	

**FEES REFUNDED**

Date	Amount	Check No.
<u>5/30/80</u>	<u>10.00</u>	<u>4214 cancelled</u>

**REMARKS**

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

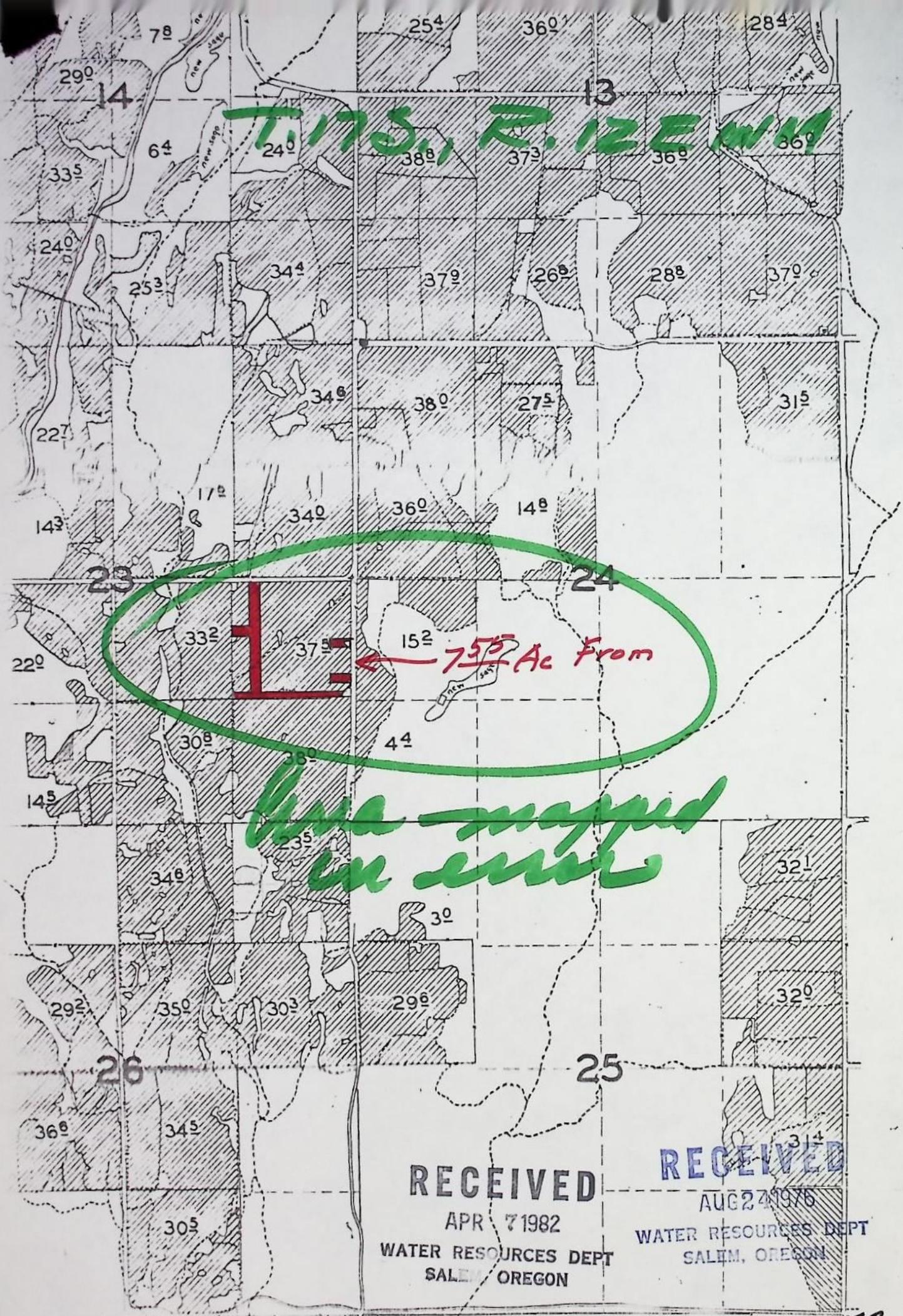
\_\_\_\_\_

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	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	_____
<b>CHECKED TO RECORDS</b>		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>SRA</u>	_____
<input checked="" type="checkbox"/> Decree-ent	<u>SRA</u>	_____
<input checked="" type="checkbox"/> Decree-note	<u>SRA</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>SRA</u>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chalindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	_____
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	_____

*283*



RECEIVED

APR 7 1982

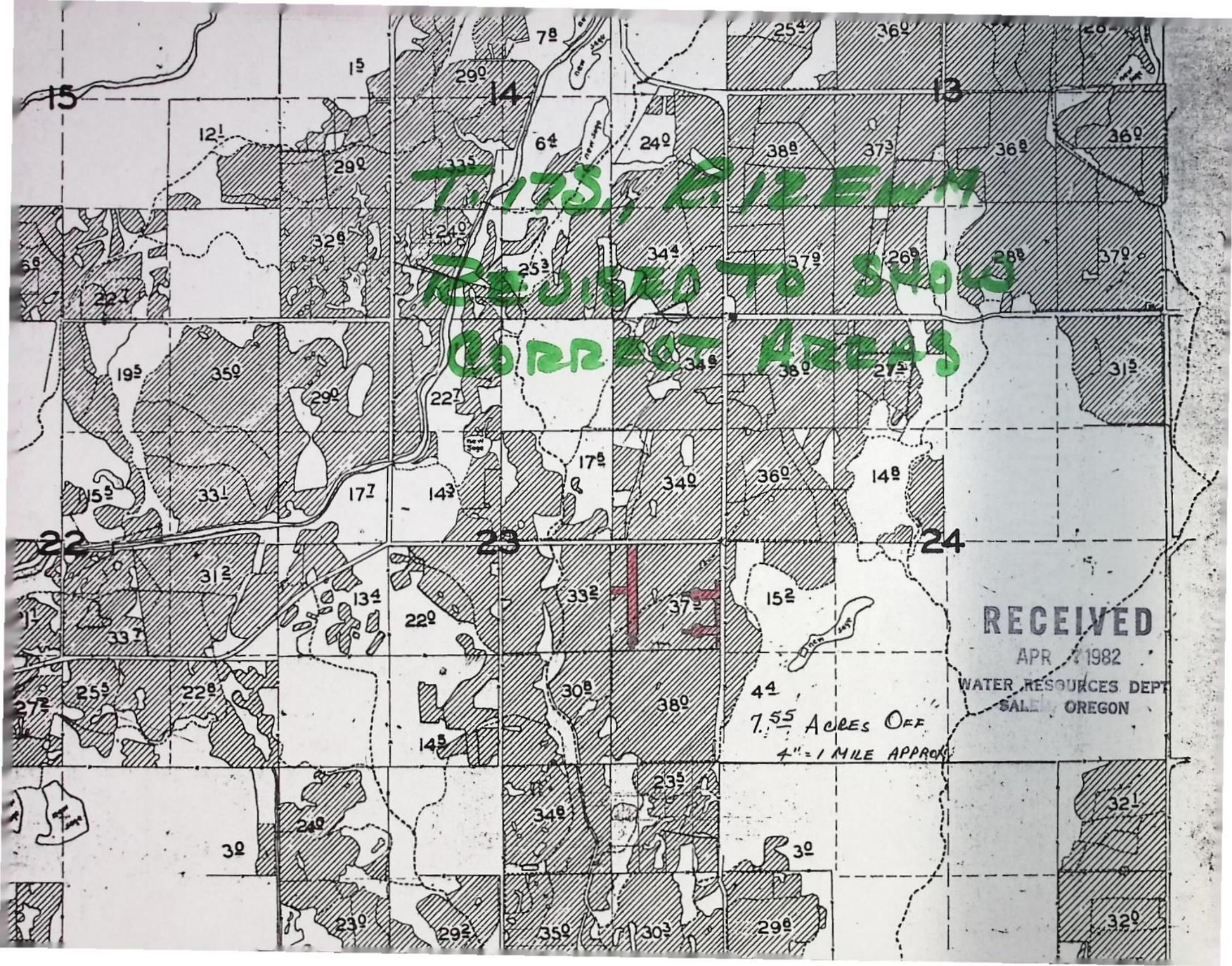
WATER RESOURCES DEPT  
SALEM, OREGON

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AUG 24 1976

WATER RESOURCES DEPT  
SALEM, OREGON

T-3458



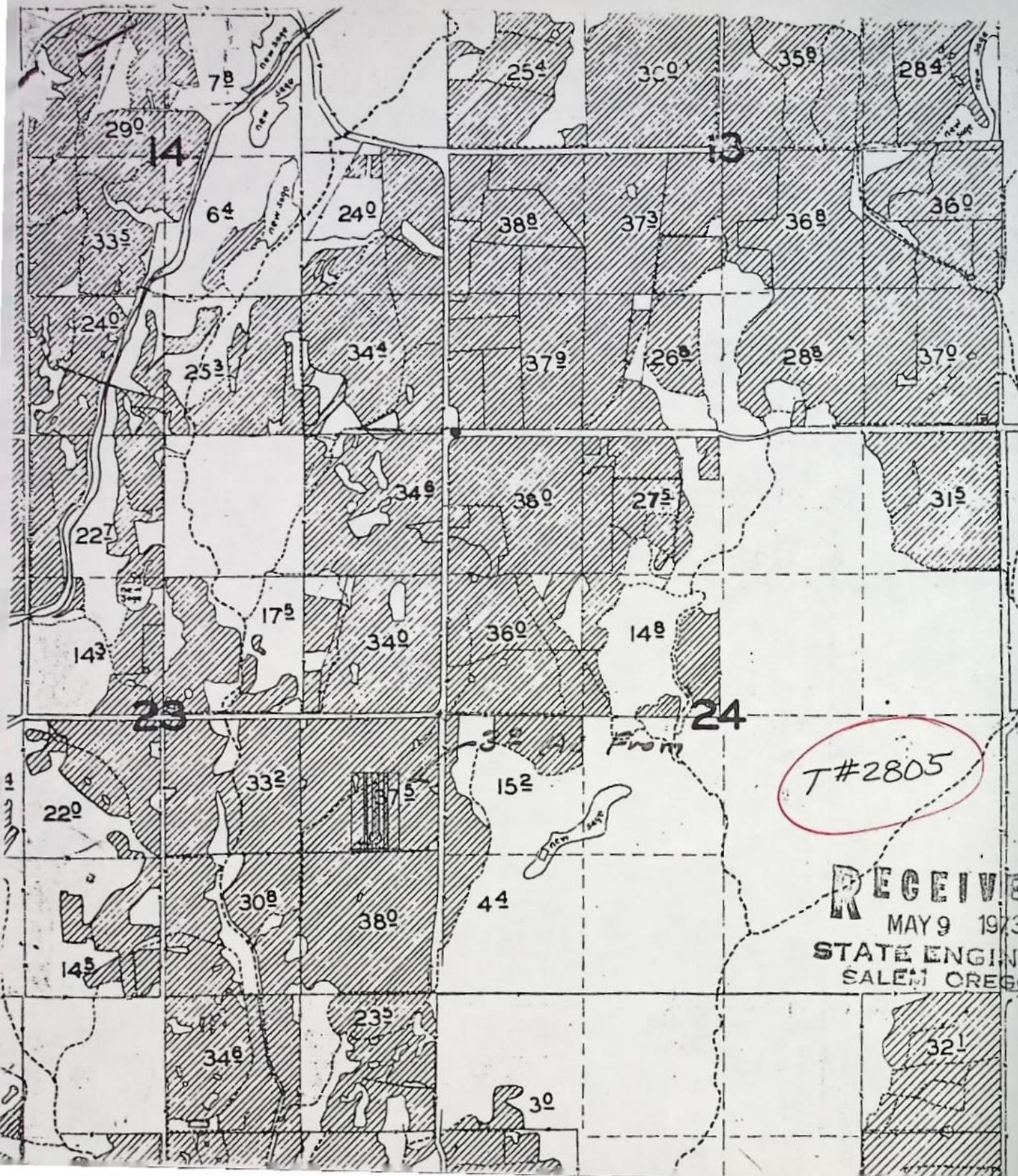
7.173, 6.12 ENH  
REVISIO TO SHOW  
CORRECT AREAS

RECEIVED

APR 1982

WATER RESOURCES DEPT  
SALEM, OREGON

44  
7.55 ACRES OFF  
4" = 1 MILE APPROX



T#2805

RECEIVED  
MAY 9 1973  
STATE ENGINEER  
SALEM OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF )  
CENTRAL OREGON IRRIGATION DISTRICT )  
FOR APPROVAL OF A CHANGE IN PLACE )  
OF USE OF WATER )  
-----

ORDER APPROVING  
TRANSFER 3458

On August 24, 1976, an application was filed in the office of the Water Resources Director by Central Oregon Irrigation District for Clyde and Florence Pickeral and Lena M. and Paul C. Ramsey for 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 allowed in the name of Central Oregon Irrigation District for the use of the waters of Deschutes River for irrigation of, among other lands, a certain 7.55 acres in NE 1/4 SE 1/4, Section 23, Township 17 South, Range 12 East, WM, being tabulated in the name of Ha-Vi Inc., Farms in Volume 16, page 48, 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 23256 to the use of 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 proposes to transfer the water right therefrom, without loss of priority, to a certain 1.00 acre in SW 1/4 SW 1/4, Section 24, Township 17 South, Range 12 East, WM, and 6.55 acres in SW 1/4 SE 1/4, Section 3, Township 18 South, Range 12 East, WM.

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.

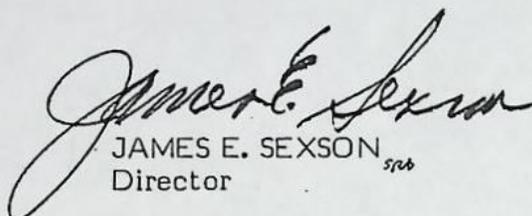
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in place of use is completed.

It is FURTHER ORDERED that upon 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 shall be issued to Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 3rd day of May, 1982.

  
JAMES E. SEXSON<sup>5706</sup>  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

0577B

January 12, 1984

Taylor Story  
62854 Loma Vista  
Bend, OR 97701

Dear Mr. Story:

REFERENCE: File T-3458

I have your letter of January 5, 1984. The water right on your property is identified as Transfer 3458.

The Circuit Court allocated water rights to certain areas around Bend (decree rights). In order for these rights to remain valid, the water must be beneficially used, with no lapse of five or more years.

A transferred right is a decree right which has been moved from one parcel of land to another. At the time of transfer, a date is set by which the water must be used at the new location. An extension of time may be granted if diligent effort was made, but circumstances prevented irrigation of the total property by the completion date.

An extension of time is not automatic, an application must be submitted. The 1983 Legislature set a fee of \$100 for filing an extension application. The application must show that diligent effort was made to complete the transfer within the original time limit. Work done after that date does not count.

The transfer of 1.0 acre of water right to your property was authorized by the Water Resources Director on May 3, 1982, although the water was actually moved on Central Oregon Irrigation District's records and on Avion Water Company's records about 10 years ago. The water should have been used at that time.

Internal affairs of a water distribution company are outside the jurisdiction of the Water Resources Department. The irrigation districts in Deschutes County do periodically inform their customers that in order to keep the water rights, water must be beneficially used. I do not know if Avion follows this practice.

Taylor Story  
January 12, 1983  
page two

Hunnell Hills Homeowners Association was granted a one-time extension to October 1, 1984 to complete irrigation of lands included in Transfer 2457. The Association had submitted evidence that the Association was expanding the area of use, but had not yet irrigated all the lands included in the transfer. After October 1, 1984, a survey will be made to determine the area irrigated, and the number of acres allowed will be based upon the survey. The filing fee, which was \$20 when the extension application was filed, was paid by the Association.

An extension of time can be considered upon receipt of a completed application and filing fee of \$100. Otherwise, the acreage of water allowed will be based upon the present survey.

Sincerely,

SAMUEL R. ALLISON  
Supervisor  
Transfer Section

SRA:wpc

cc: Dave Panther, Water Rights Examiner

0073C

62854 Loma Vista  
Bend, OR 97701

January 5, 1984

**RECEIVED**

JAN 9 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

Director of Water Resources  
Water Resource Dept.  
Mill Creek Office Park  
555 13th Street NE  
Salem, OR 97301

Att: Sam Ellison:

Dear Mr. Ellison:

I live at 62854 Loma Vista, Bend, Oregon. I purchased this property which contains 5 acres of land and 1 acre of water rights approximately 10 years ago. I purchased the water rights from Avion Water Company of Bend.

I've now been informed by your local department that I will no longer be able to have my 1 acre of water.

I was never informed that I had to begin an irrigation project. Over the past 6 years, I have been slowly opening my land to more and more irrigation uses. I planned this next summer to begin irrigating the lower 3 acres.

It is my understanding that I have to make an appeal for an extension of time and that I have to pay a fee to make this extension. It seems rather unfair for me to have to go to this expense when (1) I never knew this was a condition when I first purchased the water right from Avion Water, and (2) I understand there are other people in the Hunnel Hills addition of Deschutes County that have been given extensions without having to pay any fee for much the same reasons I am requesting the extension.

Please let me hear from you. Thank you.

Regards,

*Taylor Story*  
Taylor Story

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APR 7 1982

WATER RESOURCES DEPT  
SALEM, OREGON

### Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Central Oregon Irrigation District  
(Name of applicant)

of 847 S. Sixth St.  
(Mailing address), Redmond  
(City),

State of Oregon, 97756, 548-6047, do hereby make application for change  
(Zip Code) (Phone number)

in place of use  
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No. Ha-Vi Inc. Farms, Page 48  
(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings  
(Yes or No)

Adjudication of the Deschutes River number of certificate 29052

3. Was your water right acquired by Water Right Permit? no If so, give number  
(Yes or No)

of permit ..... Number of certificate .....

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Deschutes River, Central Oregon Canal

5. What is the date of priority of your water right? Oct. 31, 1900 and Dec. 2, 1907

6. The authorized point of diversion is located ..... ft. ..... and ..... ft. ..... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... 1/4 ..... 1/4 of Section ..... Tp. .... R. .... W. M.,  
(No. N. or S.) (No. E. or W.)  
in the county of Deschutes The name of the ditch used is .....

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located ..... ft. ..... and ..... ft. ..... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... 1/4 ..... 1/4 of Section ..... Tp. .... R. .... W. M.,  
(No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

8. The use to which the water is applied is irrigation  
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
17	12	23	NE¼ SE¼	7.55

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes  
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
None		

13. The use to which the water is to be applied is irrigation  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
17	12	24	SW¼ SW¼	1.0
18	12	3	SW¼ SE¼	6.55

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are ..... more beneficial use and to remove .....  
water rights from areas which will cease to be irrigated by nature of sub-div-  
iding the lands.

15. Construction work will be completed on or before .....

16. The water will be completely applied to the proposed use on or before ..... water was applied to  
new lands before 10/1/76.

Remarks ..... authorized by the Board of Directors of the Central Oregon Irrigation  
District to implement a correction of the original areas mapped within the  
NE¼ SE¼ of Section 23, T. 17S., R. 12 EWM which accompanied application on  
State WRD File No. 3458.

**NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE  
BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF  
USE, AS THE CASE MAY BE.**

**AFFIDAVIT OF APPLICANT**

I, ..... Central Oregon Irrigation District ....., 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 ..... 12 day of ..... Feb ..... 19 81

*Donald W. Muller*  
.....  
(Name of applicant)

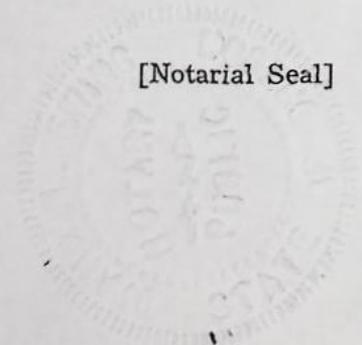
President, Central Oregon Irrigation Board  
of Directors

Subscribed and sworn to before me this ..... 12<sup>th</sup> day of ..... Feb ..... 19 81

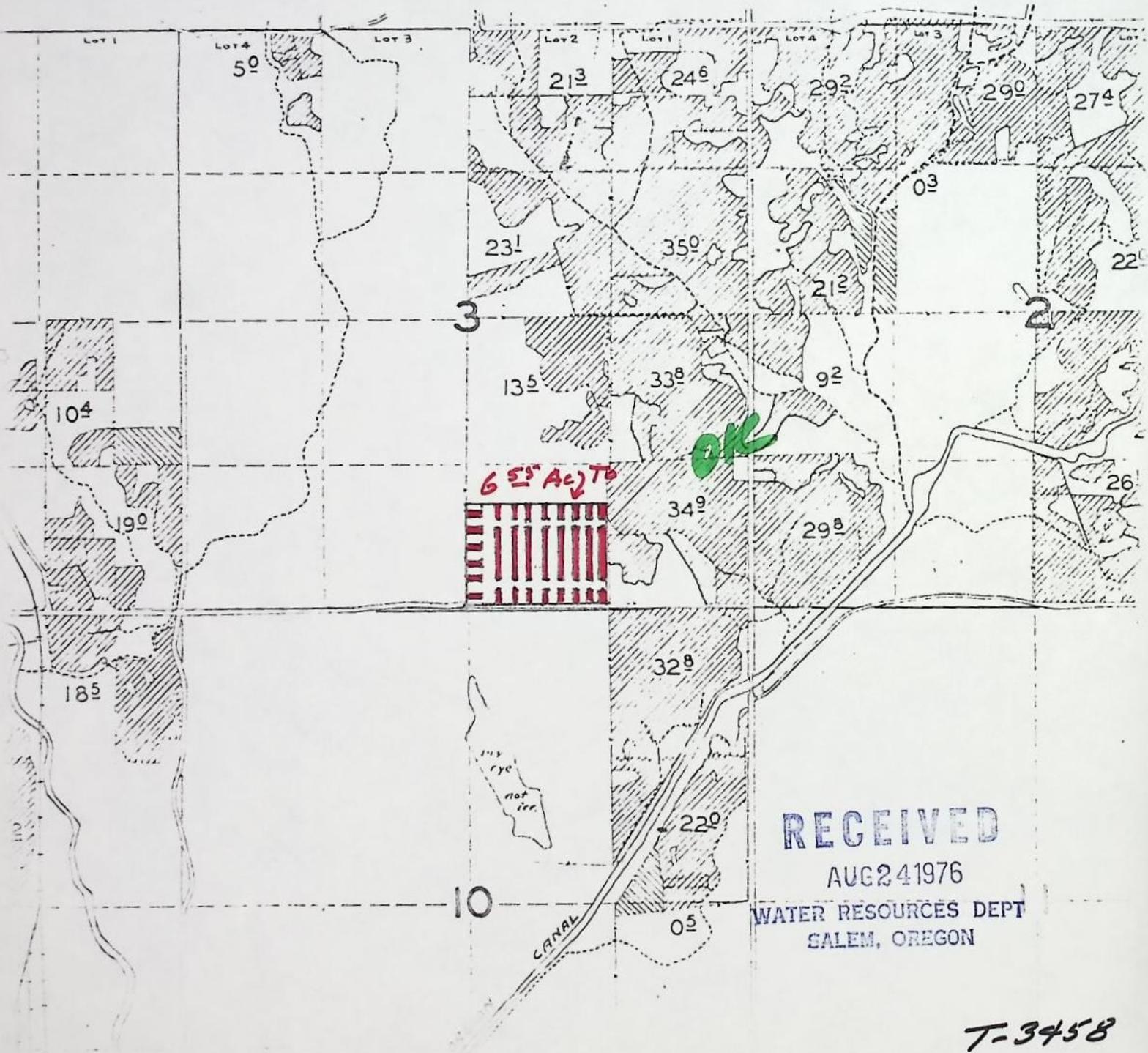
*Clara J. Quinn*  
.....  
NOTARY PUBLIC FOR OREGON

[Notarial Seal]

My commission expires ..... 11-15-83 .....



# T 185, R. 12 EWM



T-3458

