

3459 Carl and Wilma Fischer
Powell Butte, Or

3459

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

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 4
Date for application of water 10-1-77
Proof mailed MAY 7 1981 Sept. 20, 1985
Proof received 5 copies sent to District 10-1-85
Certificate issued _____ Vol. _____, page _____

Name of stream Deschutes
Trib. of _____ County of Crook
Use irrigation
Quantity of water _____ No. of acres 8⁰
Name of ditch Central Oregon Canal
Date of priority Oct. 31, 1900 & Dec. 2, 1907
In name of Central Oregon Irrig. District
Deschutes Riv. Adjudication, Vol. 16, page 37
App. No. _____ Per. No. _____ Cert. No. 29052
Certificate cancelled _____
Notation made on record by _____

Date	Amount	Receipt No.
<u>8-24-76</u>	<u>30.00</u>	<u>55685</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

to survey 2/78

Mylar PTS in file 3174

REMARKS

— finis —

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<u>WH</u> Name	<input checked="" type="checkbox"/>	<input 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"/>
<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 type="checkbox"/> Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

204

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION
OF CARL AND WILDA FISCHER (CENTRAL
OREGON IRRIGATION DISTRICT) FOR THE
APPROVAL OF A CHANGE IN PLACE OF
USE OF WATER FROM DESCHUTES RIVER

ORDER APPROVING
TRANSFER NO. 3459

On August 24, 1976, Carl and Wilda Fischer 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, 8.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, 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 applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 16 South, Range 14 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 May 5, 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.

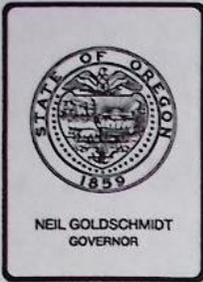
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water described herein, without loss of priority, is approved.

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. SEKSON
Director



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

James W. Powers
Attorney at Law
200 North Belknap
Prineville, Oregon 97754-1998

Dear Jim:

Ref. files: T-3174 & T-3459

Transfer 3174 was perfected when we received the signed Proof of Appropriation. The enclosed final proof map also includes transfer 3459 which was also perfected by Mr. McCasland signing a Proof of Appropriation for it.

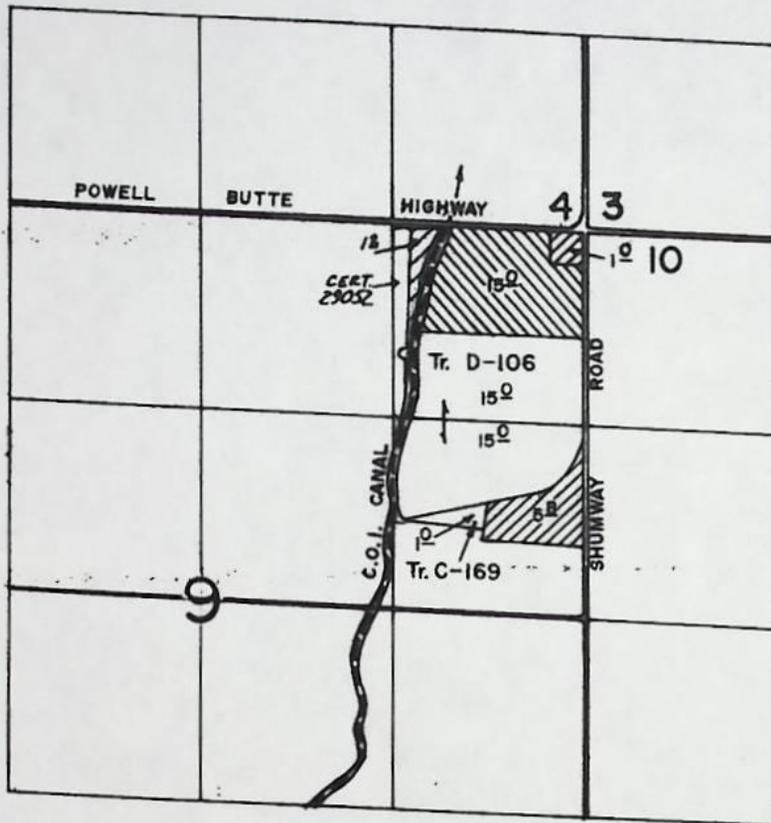
Both of these transfers are located in section 9 not section 16 where tax lot 201 is located by the map you sent.

If you have any questions please call.

Sincerely,

Bruce A. Estes, PLS, CWRE
Senior Water Right Specialist

T. 16S., R. 14E., W.M.



Tr-3174 

Tr-3459 

FINAL PROOF SURVEY
UNDER

TRANSFER Nos. 3174 & 3459
Application No. Permit No.
IN NAME OF

.....**ROBERT W. McCASLAND**.....

Surveyed **MAY 27** 1980, by **L.H. NUNN**.....

STATE OF OREGON

COUNTY OF CROOK

RECEIVED

OCT - 1 1985

WATER RESOURCES DEPT
SALEM, OREGON

Proof of Appropriation of Water

Name: Robert W. McCasland

Address: Rt. 1, Box 496 Powell Butte, OR 97753

Source of Supply: Deschutes River

Permit No.: _____ Transfer No.: 3459

Tributary of: Columbia River

Amount of Water: _____

Priority Date: October 31, 1900 and December 2, 1907

Use: irrigation of 8.0 acres

Location and Point of Diversion: Central Oregon Canal

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

2.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
5.8 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 9
Township 16 South, Range 14 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 of Place of Use approved by the order of the Water Resources Director entered October 7, 1976; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of September 1985

Robert W. McCasland
Legal owner of the above described lands





RECEIVED

AUG 24 1976

WATER RESOURCES DEPT.
SALEM, OREGON

T-3459

Permit No. _____

Transfer No. 3759

County Crook

PROOF OF APPROPRIATION OF WATER

1. Name Robert W. McCasland 2. Address RT 1 Box 496 Powell Butte, Or 97753
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 ^{8.0} acres
7. Location of point of diversion C.O. Canal

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

2.2 ~~10~~ ac NE 1/4 NE 1/4
 5.8 ac SE 1/4 NE 1/4
 Sec 9
 T 16 S, R 14 E, W 1/4

~~Sent back to resurvey 18 May 81~~

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 WRD entered Oct 7, 1976; 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 _____ 19 _____.

 Legal Owner of the above described lands

Larry,

I had Ben redraft Tr 3174 & 3459 to use west field boundary from D-106 survey to gain more acreage. We used the southern bdy from your survey. This still leaves McCasland 1.2 acres short and they haven't signed the proof. Upon further inspection I noted the adjudication map covered 4 ac west of canal but only listed 3 ac.

Undoubtedly the acreage shown east of canal is the maximum allowable but possibly another acre is available west of canal. Make an inspection or survey west part of NENE^{1/4} for possible increase in acreage for Tr 3459.

Dune

33541

NUMBER _____

Check 5.⁰⁰ MO _____ Cash _____

-
- Surface Application
 - Reservoir Application
 - Ground Water Application
 - Transfer Application
 - Copying
 - Assignment
 - Extension of Time
 - Other
 - P-6
 - Quadrangle
 - Protest
 - Contractors Examination
 - Contractors License
 - Operators Examination
 - Operators License
 - No Money

COID 16-14-11
5-27-80 LHM

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

28-4

Transfer No. 3459 County Crook

1. Name Robert W. McCasland Address Rt. 1 Box 496 Powell Butte, Oregon 548-3794
~~Carl and Wilda Fischer~~

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

3. Amount of Water _____ Priority Date October 31, 1900 and December 2, 1907

4. Use irrigation of 35 ac 89 A.

5. Proposed Point of Diversion _____

6. Place of Use 10-1-11

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
16 S.	14 E.	9	SE NE	80	35 ac 50
			NENE		80
					80

33 + Xfers

See F.P. report for T# 3174

5-27-80

Jarvis B. Jensen
Field Engineer

2-13-85

Inspection

Added lands west of canal

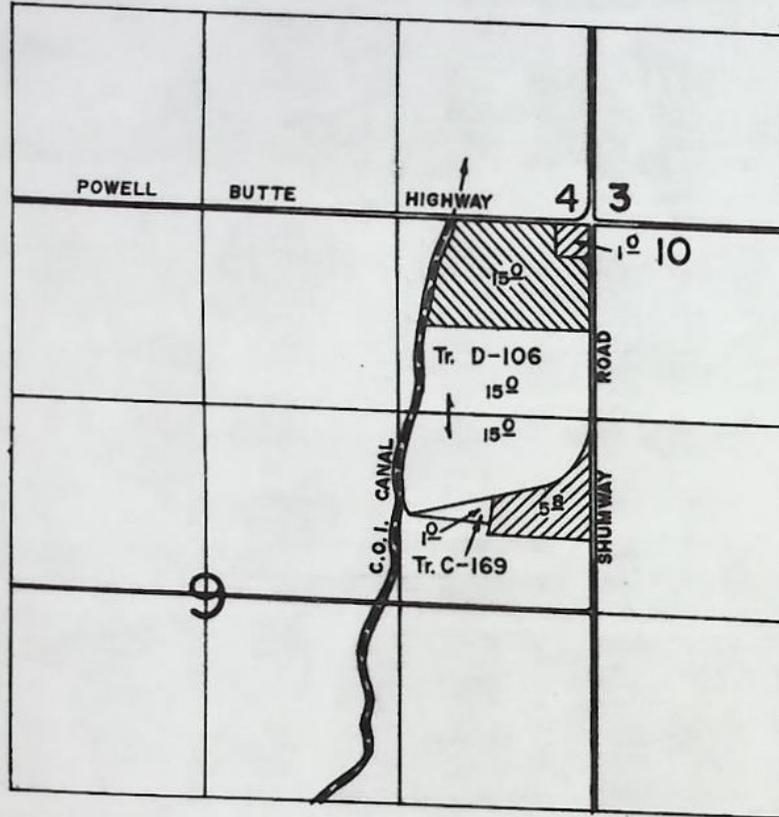
Leslie Olson
WRE



RECEIVED
 AUG 24 1976
 WATER RESOURCES DEPT.
 SALEM, OREGON

T-3459

T. 16S., R. 14E., W.M.



Tr-3174 
 Tr-3459 

FINAL PROOF SURVEY
 UNDER

C-169

TRANSFER Nos. 3174 & 3459
 Application No. Permit No.
 IN NAME OF

.....**ROBERT W. McCASLAND**.....

Surveyed **MAY 27**, 1980, by **J.H. NUNN**.....

CENTRAL OREGON IRRIGATION DISTRICT

MUNICIPAL CORPORATION OF THE STATE OF OREGON

BOARD OF DIRECTORS
DON MILTENBERGER, PRESIDENT
KENNETH WERTH, VICE-PRESIDENT
WILLIAM PREWITT
DON FARRIER
TOM KASBERGER

847 SOUTH SIXTH STREET • P. O. BOX 548
REDMOND, OREGON 97756
PHONES 548-2413, 548-3151

ROBERT A. ANDERSON
SECRETARY-MANAGER
DIANA L. EWING
ASSISTANT SECRETARY
J. VINCE HURLEY
COUNSEL

March 31, 1978

RECEIVED

APR 6 1978

WATER RESOURCES DEPT.
SALEM, OREGON

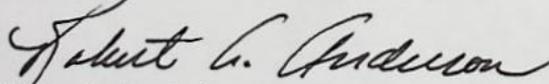
James W. Carver Jr., Engineer
State of Oregon
Water Resources Dept.
555 13th Street N.E.
Salem, Oregon 97310

Dear Mr. Carver,

Enclosed you will find notices of application of water to beneficial use.

No. 2759 Eugene Patterson, Contract Purchaser
No. 3034 W. J. LeBleu, Warranty Deed
No. 3113 Thomas M. & Douglas A. Sawyer, Contract Purchaser
No. 3153 Paul E. Lee, Contract Purchaser
No. 3174 Robert W. McCasland, Contract Purchaser
No. 3179 Howard A. Peacock, Contract Purchaser
No. 3200 Kenneth W. Huddle, Deed holder
No. 3268 W. Curtis, Kaeshe, Warranty Deed
No. 3270 W. J. Bastian, Title holder
No. 3271 Carrol D. Murders, Deed holder
No. 3299 Don Hepperle, Contract Purchaser
No. 3336 George Abbas, Title holder
No. 3353 W. R. Richardson, Deed holder
No. 3448 Lester P. Creasey, Warranty Deed
No. 3452 Frank W. Marthaller, Contract Purchaser
No. 3455 Orlo R. Flock, Title holder
No. 3459 R. W. McCasland, Contract Purchaser
No. 3461 Albert R. Gibson, Title Holder
No. 3463 Dan H. Heierman, Title Holder
No. 3464 D. W. Olds, Warranty Deed
No. 3460 Lester Paxton, Warranty Deed

Sincerely,



Robert A. Anderson
Secretary-Manager

RAA/dkc

Enclosures: Notice of Application of water beneficial use.

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. 345 was accomplished by April 15, 1976.

Jan 30, 1978
Date

R. W. McCarland
Signature

Mary M. McCarland

Please send form for application for extension of time limit.

RECEIVED
APR 6 1978
WATER RESOURCES DEPT.
SALMON, OREGON

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3459

I, Robert W. McCarland hereby certify that
on April 15, 1977, the water has been applied to
the lands to which the water right was transferred by an order of the
Water Resources Director dated Oct 7, 1976, approving an
application for a change in place of use of water from NE 1/4 SE 1/4
Section 15, Township 15 South, Range 14 East W.M.

Jan 5, 1978
Date

Robert W. McCarland
Signature

RECEIVED

JAN 24 1978

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 24 1976
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

We, Carl and Wilda Fischer
(Name of applicant)

of Powell Butte, County of Crook
(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

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	15													8			

8⁰ Acre under Carl Fisher

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)

** 10⁰ Dec V 16 P 37-38
8⁰ Dec V 16 P 150
no previous transfers*

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 of permit

*Fees File 20-
Rec 10-
30-*

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?

Yes If so, give title of proceedings Adjudication of the Deschutes River.....
(Yes or No)

12. Is the water right recorded in your name? Yes, Page 37, COID Supplemental, Page 145-E
(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			
			NE¼	NW¼	SW¼	SE¼												
16	14	9				8												

15² Tr. D-106 (in)
 1² Tr. C-169 (in)
 8² Tr. 3174 (in)

(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.

Wex Carl and Wilda Fischer, 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 day of

Carl Fischer 1976
Wilda Fischer
(Name of applicant)

Subscribed and sworn to before me this 4th day of May, 1976.

[Notarial Seal]

Robert C. Anderson
NOTARY PUBLIC FOR OREGON

My commission expires Sept. 14, 1979

Remarks The 8.0 acres of water right listed on page 145-E of the Decree as COID Supplemental right was purchased from the District by the Fischer therefore all of the rights on the NE 1/4 SE 1/4 of said Section 15 rest upon and are under the ownership of Carl and Wilda Fischer.

Application approved by the Board of Director of the Central Oregon Irrigation District at a regular meeting held May 5, 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.

JAMES W. POWERS
ATTORNEY AT LAW
200 NORTH BELKNAP
PRINEVILLE, OREGON 97754

Central Oregon Irrigation District
847 South 6th Street
Redmond, Oregon 97756

RECEIVED

AUG 24 1976

WATER RESOURCES DEPT
SALEM, OREGON

Re: Eight Acres of Water Rights
N.E., S.E., 15-15-14 E.W.M.
Fischer/Bovee/McCasland

Dear Mr. Anderson:

Mr. and Mrs. Carl Fischer are the present owners of 8 acres of water rights located in the N.E., S.E., 15-15-14 E.W.M.

In March of 1975 the Fischers attempted to transfer these water rights to Mr. and Mrs. Allen Bovee. The Bovees paid for the transfer, however it was later determined that the Bovees did not have sufficient non-water right land upon which to place the 8 acres.

It is now the desire of the Fischers and the Bovees to transfer the 8 acres to Mr. and Mrs. Robert W. McCasland's land located on SE 1/4 - NE 1/4 9-16-14

Therefore, this letter is a request, by the Fischers and the Bovees, for C.O.I. to prepare the necessary transfer papers and an acknowledgment by the McCaslands that they want these water rights.

Once the necessary papers are prepared and delivered to Mr. Powers, he will thereafter obtain the notarized signatures of the Fischers and thereafter request approval of the transfer by the district.

Thank you.

Very truly yours,

James W. Powers
JAMES W. POWERS

Mrs Robert W. McCasland
Mrs. Robert W. McCasland

Mr. Carl Fischer
Mr. Carl Fischer
(Wilda) Mrs. Carl Fischer
Mrs. Carl Fischer

Allen Bovee
Mr. Allen Bovee
Mrs. Allen Bovee
Mrs. Allen Bovee

Robert W. McCasland
Mr. Robert W. McCasland

May 8, 1976