

3460 Helena Nand Muller M. J. Joy
 Rend, Or
 CoI

3460

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 2
 Date for application of water 10-1-77
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes
 Trib. of _____ County of Deschutes
 Use irrigation
 Quantity of water _____ No. of acres 2⁰
 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 54
 Tab. - Vernon Stevenson
 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>55684</u> |
| TOTAL . . . | | |
| | Cert. Fee | |

FEES REFUNDED

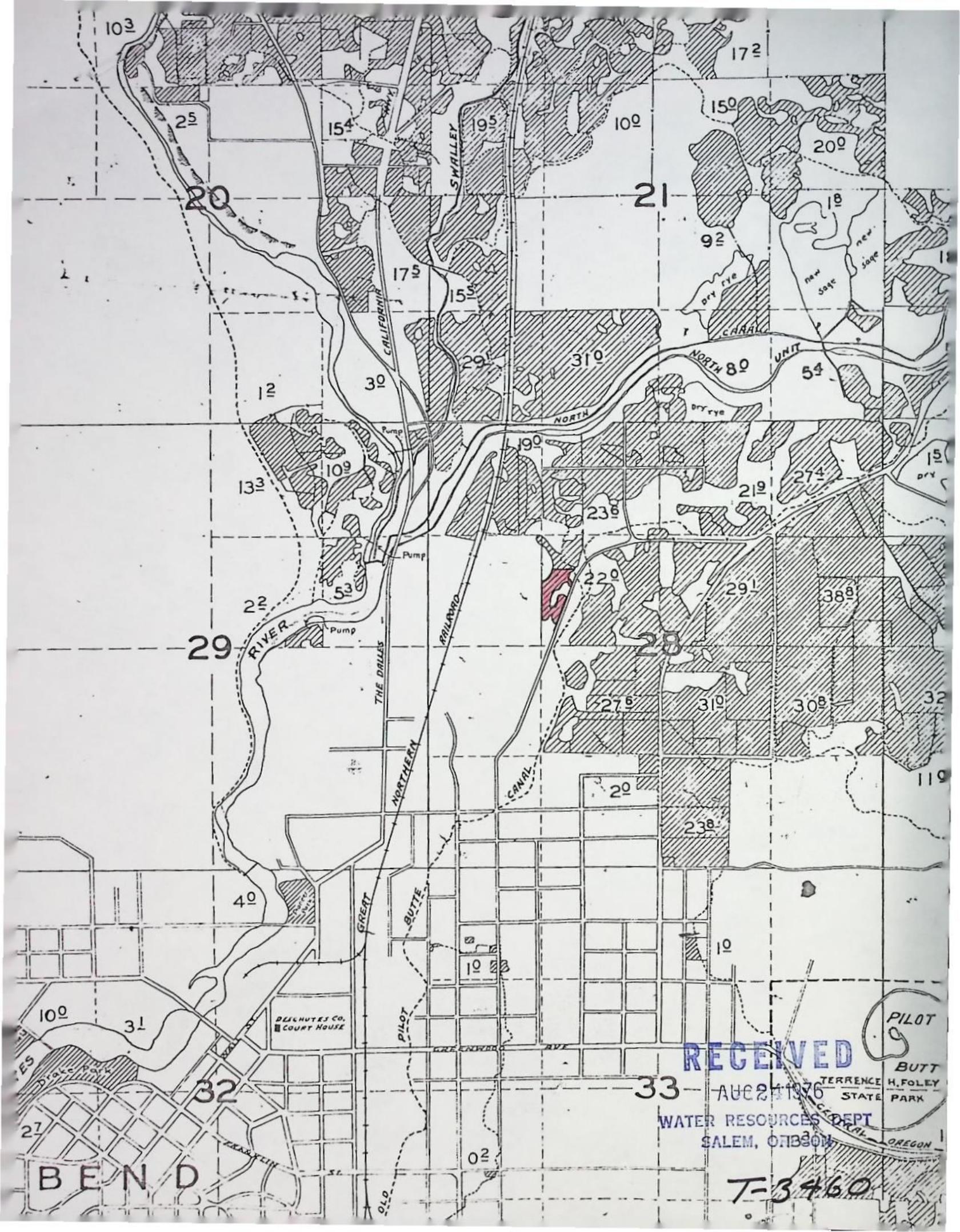
| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

to survey 2/78

REMARKS

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: | |
|--|-------------------------------------|--------------------------|
| | Entered | Checked |
| <u>WA</u> Name | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>WA</u> Stream | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>WA</u> Pt. of Div. | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>WA</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"/> |

see



RECEIVED

AUG 24 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3460

PILOT BUTTE
TERRENCE H. FOLEY
STATE PARK
OREGON

DESCHUTES CO.
COURT HOUSE

BEND

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF DELANO N. AND MELBA M. FOX
(CENTRAL OREGON IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM DESCHUTES RIVER

ORDER APPROVING
TRANSFER NO. 3460

On August 24, 1976, Delano N. and Melba M. Fox 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 28, 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. 25256 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 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 17 South, Range 13 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 April 7, 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 herein described, 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

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

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

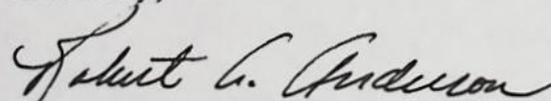
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APR 6 1978
WATER RESOURCES DEPT.
SALEM, OREGON

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. Muddle, 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.



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 12, 1978

Delano N. and Melba M. Fox
c/o Central Oregon Irrigation District
P.O. Box 548
Redmond, OR 97756

635
J. Peters

RECEIVED
APR 6 1978
WATER RESOURCES DEPT.
SALEM, OREGON

RE: File No. T- 3460

Dear Mr. and Mrs. Fox:

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. 3460, 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.
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. 3460 was accomplished by April, 1976

Feb 20 - 1978
Date

Lester Capton
Signature

Warranted Deed Holder

Please send form for application for extension of time limit.

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3460

I, LESTER PAXTON hereby certify that
on APRIL 1, 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 D. Fox,
SE 1/4 - NW 1/4 SEC. 28, T. 17S, R. 12E W. 17,
~~DESCHUTES RIVER~~.

Jan 2 1978
Date

Lester Paxton
Signature

RECEIVED

JAN 24 1978

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG 24 1976

WATER RESOURCES DEPT.
SALEM, OREGON

Panton
T # 3460

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Delano N. And Melba M. Fox
(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 Central Oregon Canal

4. The point of diversion is located ft. (N. or S.) and ft. (E. or W.) from the

corner of being within the
(Section or subdivision)

of Section Tp. (No. N. or S.) R. (No. E. or W.) 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 $\frac{1}{4}$ | 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 | 28 | | | | | | | 2 | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

20 ac Tob. in name of Vernon Stephenson

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)

*23 $\frac{1}{2}$ Decree V.16 P. 53(54)
17 Transfer (out) Sp. Or. V.10 P.622
C-126*

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

*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 or No) If so, give title of proceedings Adjudication of the Deschutes River
Also transfers 2398 and 2488

12. Is the water right recorded in your name? No, Vernon Stenerson, Page 54
(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 | 13 | 31 | | | 2 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

20th Dec 1/16, P. 60
3rd (out) Tr 2398
1st (out) Tr 2488 & 1st (in) Tr 2488
 (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

STATE OF Oregon }
 County of Deschutes } ss.

On this the 2nd day of April, 1976, before me,
Alana L. Cannon the undersigned
 officer, personally appeared Delano M. Fox

known to me (or satisfactorily proven) to be the person whose name is subscribed to the
 within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Alana L. Cannon

11-19-77

TITLE OF OFFICER.

(EXCERPT FROM UNIFORM ACKNOWLEDGMENT ACT.)

(1) If the acknowledgment is taken within this state or is made without the United States by an officer of the United States, no authentication shall be necessary.

(2) If the acknowledgment is taken without this state, but in the United States, a territory or insular possession of the United States, the District of Columbia, or the Philippine Islands, the certificate shall be authenticated by a certificate as to the official character of such officer, executed, or if the acknowledgment is taken by a clerk or deputy clerk of a court, by the presiding judge of the court or, if the acknowledgment is taken by a notary public, by a clerk of a court of record of the county, parish or district in which the acknowledgment is taken.

(3) If the acknowledgment is made without the United States and by a notary or a judge or clerk of a court of record of the country where the acknowledgment is made, the certificate shall be authenticated by a certificate under the great seal of the state of the country, affixed by the custodian of such seal, or by a certificate of a diplomatic, consular or commercial officer of the United States accredited to that country, certifying as to the official character of such officer.

AFFIDAVIT OF APPLICANT

STATE OF OREGON, }
County of Deschutes } ss.

I, Delano N. and Melba M. Fox, 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 1st day of April, 1976.

x Melba M. Fox
x Delano N. Fox
(Name of applicant)

Subscribed and sworn to before me this day of 1976

[Notarial Seal]

~~Melba M. Fox~~
Robert C. Linderson
NOTARY PUBLIC FOR OREGON

My commission expires Sept. 14, 1979

Remarks Approved by the Board of Directors of the Central Oregon Irrigation District at a regular meeting held April 7, 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.