

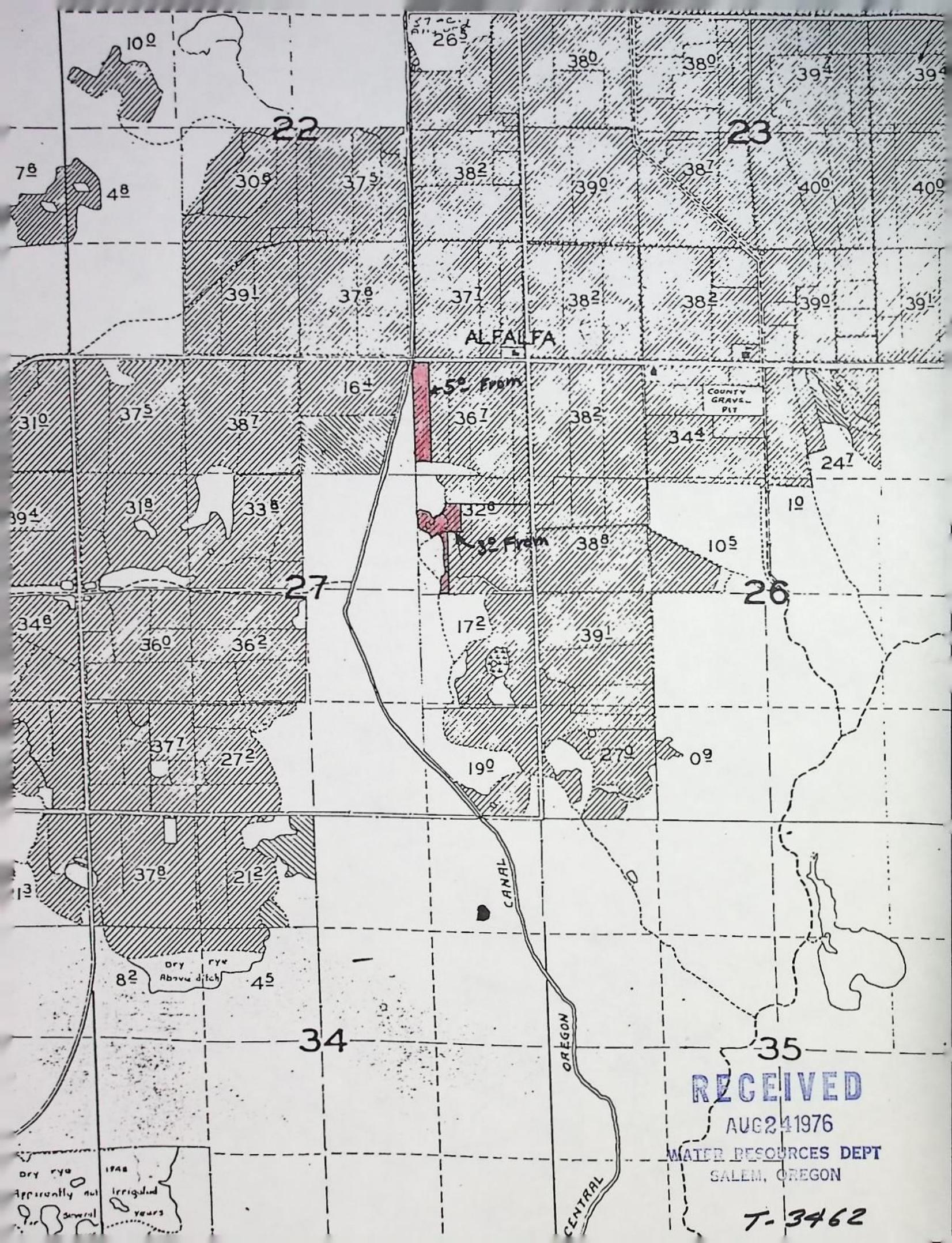
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AUG 24 1976

WATER RESOURCES DEPT  
SALEM, OREGON

T-3462

15



10<sup>0</sup>  
7<sup>8</sup>  
4<sup>8</sup>

22

23

ALFALFA

5' from

Rye from

COUNTY GRAVEL PIT

27

26

CANAL

OREGON

CENTRAL

Dry rye  
Above ditch

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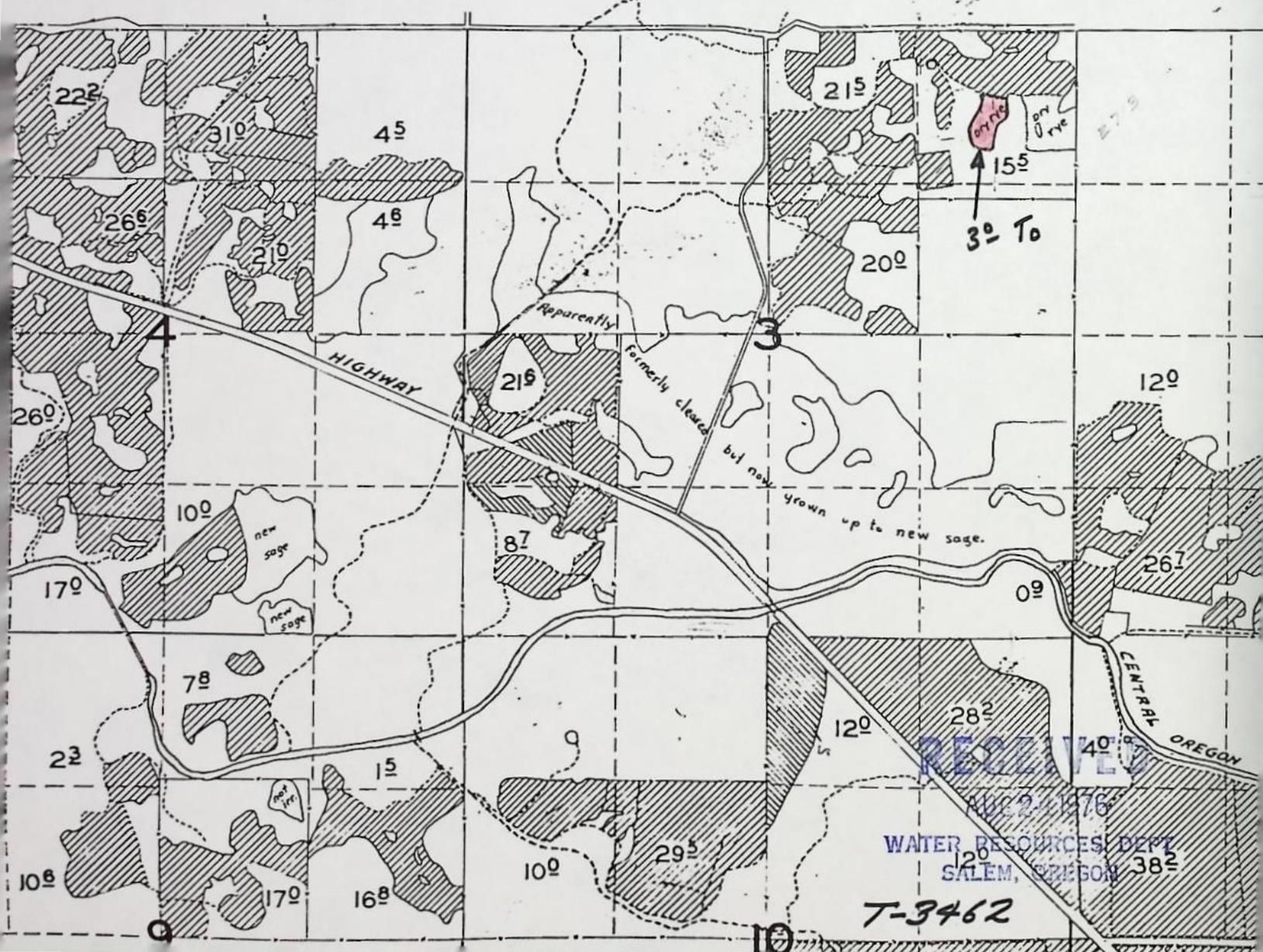
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WATER RESOURCES DEPT  
SALEM, OREGON

T-3462

Dry rye 1948  
Apparently not irrigated  
several years

# 18 SOUTH, RANGE 13 EAST, W.M.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION  
OF SUTTON INVESTMENT COMPANY  
(CENTRAL OREGON IRRIGATION DISTRICT)  
FOR THE APPROVAL OF A CHANGE IN PLACE  
OF USE OF WATER FROM DESCHUTES RIVER  
-----

ORDER APPROVING  
TRANSFER NO. 3462

On August 23, 1973, Sutton Investment Company 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, 5.0 acres in  $W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$  and 3.0 acres in  $W\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ , Section 27, Township 17 South, Range 14 East, W.M., being tabulated in the name of Con Breen, 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 3.0 acres in  $NE\frac{1}{4} NE\frac{1}{4}$  of Section 3, Township 18 South, Range 13 East, 2.5 acres in  $NE\frac{1}{4} SE\frac{1}{4}$  and 2.5 acres in  $NW\frac{1}{4} SE\frac{1}{4}$  of Section 25, Township 17 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 July 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 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, 1978.

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 29th day of November, 1976.

/s/ JAMES E. SEXSON  
Director

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SEP 6 - 1979

NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

WATER RESOURCES DEPT  
SALEM, OREGON

Transfer No. 3462

I, ERWIN G NILSSON hereby certify that

on October 1, 1978 the water has been applied to

the lands to which the water right was transferred by an order of the

Water Resources Director dated Nov. 29, 1976, approving an

application for a change in place of use of water from W 1/2

SE 1/4 NE 1/4 - Sec 2 T17S R.14 E - W.M -

28 Aug 1979

Date

Erwin G Nilsson  
Signature

OK  
JL

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WATER RESOURCES DEPT  
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

XX SUTTON INVESTMENT COMPANY, a California corporation  
(Name of applicant)

of Sacramento, County of Sacramento  
(Postoffice)

State of California does 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 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 \_\_\_\_\_  
(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 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
17S	14E	27	5			3												

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

37<sup>2</sup> — 33<sup>2</sup> Dec 16 P 65  
(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 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

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 Deschuted River  
(Yes or No)

12. Is the water right recorded in your name? No. Con Breen, Page 65  
(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 $\frac{1}{4}$
18	13	3	3															
17	14	25	2.5	2.5										2.5	2.5			

15<sup>E</sup> Dec 11, 16, P. 71  
 1<sup>E</sup> out Tr. 2713

None None

(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~~ CALIFORNIA

County of Sacramento

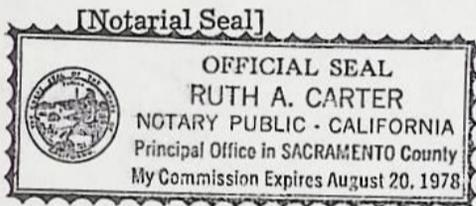
ss.

WM. A. SUTTON, being first duly sworn, depose and say that I am I, the President of Sutton Investment Company, 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, and that this instrument was voluntarily signed and sealed on behalf of the Corporation by authority of its Board of Directors.

In Witness Whereof, I have hereunto set my hand this day of May, 1976.

*W. A. Sutton*  
Wm. A. Sutton (Name of applicant)

Subscribed and sworn to before me this 24 day of May, 1976.



*Ruth A. Carter*  
NOTARY PUBLIC FOR OREGON  
California  
My commission expires August 20, 1978

Remarks Approved by Board of Directors of the Central Oregon Irrigation District at their regular meeting held July 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.