



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF HARVEY H. AND NELL V. HEARE )  
(CENTRAL OREGON IRRIGATION DISTRICT) )  
FOR THE APPROVAL OF A CHANGE IN PLACE )  
OF USE OF WATER FROM DESCHUTES RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3097

On April 9, 1976, Harvey H. and Nell V. Heare 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 20, 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 NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, and 5.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 18 South, Range 12 East, W.M., being tabulated in the name of Jess Harter, 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, proposes to transfer the water right therefrom, without loss of priority, to 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 18 South, Range 12 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 July 2, 1975.

No objections 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 5.0 in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, and 5.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 18 South, Range 12 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 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 18 South, Range 12 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 22nd day of April, 1976.

/s/ JAMES E. SEXSON  
Director