

3327 Kay Shumway and Clyde
Carlson, Powell Butte W.
C.O. 1 Or 97253

3327

STATUS OF APPLICATION

Change in place of use
 Date filed 12-15-75
 Date of hearing _____
 Place of hearing _____
 Date of order 2-6-76 Vol. 26, page 364
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes R.
 Trib. of _____ County of Crook
 Use irrigation
 Quantity of water _____ No. of acres 43⁰
 Name of ditch Central Oregon Canal
 Date of priority Oct. 31, 1900 & Dec. 2, 1907
 In name of Central Oregon Irrigation District
Deschutes River Adjudication, Vol. 16, page 47
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>12-15-75</u>	<u>25.00</u>	<u>50687</u>
<u>1-22-76</u>	<u>8.25</u>	<u>51170</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

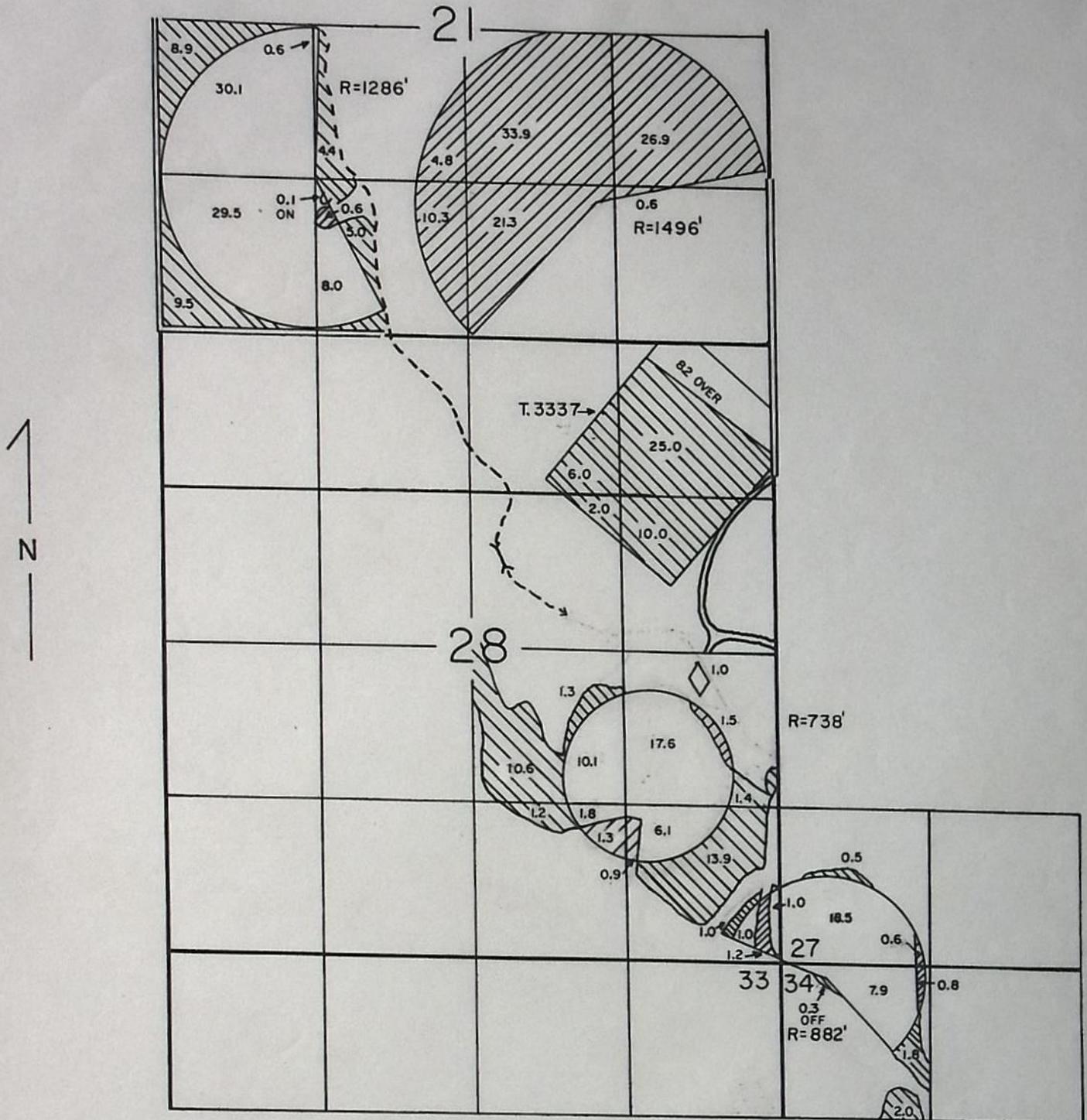
REMARKS

- finish - retransfer all under T-6283

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>CC</u>	___
<input checked="" type="checkbox"/> Stream	<u>CC</u>	___
<input type="checkbox"/> Pt. of Div.	___	___
<input checked="" type="checkbox"/> Calendar	<u>W7</u>	___
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>W7</u>	___
<input checked="" type="checkbox"/> Decree-vault	<u>W7</u>	___
<input checked="" type="checkbox"/> Decree-sate	<u>W7</u>	___
<input checked="" type="checkbox"/> Cert. of W/R	<u>W7</u>	___
<input type="checkbox"/> Per. Folder	___	___
<input type="checkbox"/> Chaindex	___	___
<input type="checkbox"/> Cross Ref.	___	___
<input type="checkbox"/> Power Claim	___	___
<input type="checkbox"/> Abstracts	___	___

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

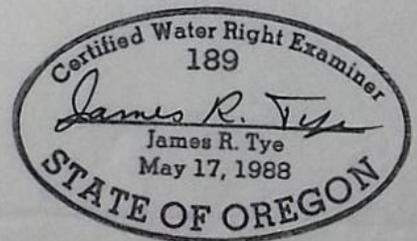
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AUG 16 1989
WATER RESOURCES DEPT.
SALEM, OREGON



OFF  APPLICATION MAP
ON  WATER RIGHT TRANSFER
SHUMWAY

I, James R. Tye, Certified Water Right Examiner in the State of Oregon, hereby certify the above application map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



T-3337

T-6283

Scale 1"=1320' | Date 5/25/89 | Survey by J.T. | Drawn by C.H.G. | Order No. 2438

Sun Country Engineering & Surveying, Inc.
61555 SE PARRELL ROAD, BEND, OREGON 382-8882

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF M. RAY SHUMWAY AND CLYDE W.)
CARLSON (CENTRAL OREGON IRRIGATION)
DISTRICT) FOR THE APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER FROM)
DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3337

On December 15, 1975, M. Ray Shumway and Clyde W. Carlson 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, 21.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, and 22.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 16 South, Range 14 East, W.M., being tabulated in the name of Jack Shumway, 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 29.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 16 South, Range 14 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 April 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 21.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, and 22.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 16 South, Range 14 East, W. M., with dates of priority of October 21, 1900, and December 2, 1907, be severed therefrom and simultaneously and without loss of priority transferred to 29.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 16 South, Range 14 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

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 6th day of February, 1976.

/s/ JAMES E. SEXSON
Director

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AUG 16 1989

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RIGHTS TRANSFER T-3337
Claim of Beneficial Use and Site Report

INFORMATION:

Owner - Permittee - Myles Ray Shumway
Rt. 1, Box 560
Powell Butte, OR 97753
Ph: 548-2364

SOURCE:

Central Oregon Irrigation District

MOTOR:

U.S. brand, 25 HP, 3,450 max RPMs

PUMP:

Berkley B3ZL - centrifugal type
- 4" intake
- 3" discharge
- with direct coupling to motor.

PIPE:

Pump to field - 150' of 5" aluminum pipe (now removed)
Main line - 1,320' of 5" aluminum pipe
Field - Western model wheel line with 4" aluminum pipe

HEADS:

Rainbird 30's with 11/64 - 13/64 nozzles.
Maximum number of heads was 43, with a calculated
pressure of 75 p.s.i. to 40 p.s.i.

USE:

Irrigation of alfalfa crop.

LIFT:

Average 40 foot lift from source to field.

SURVEY:

From aerial photo.

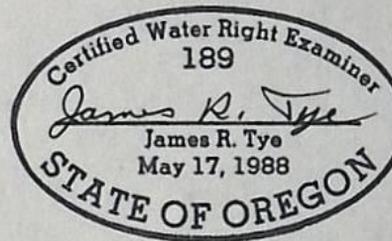
SPECIAL CONDITIONS:

None.

REMARKS:

Approximately 8.2 acres was being over-watered but this is being corrected by a current transfer which will take all the water off this area.

The final proof survey and inspection of the use as found to be completed under the terms and condition of Transfer #3337 was completed by me on 4/25/89, and the facts contained in this report and accompanying final proof map (Application Map - Water Right Transfer - Shumway) are correct to the best of my knowledge.

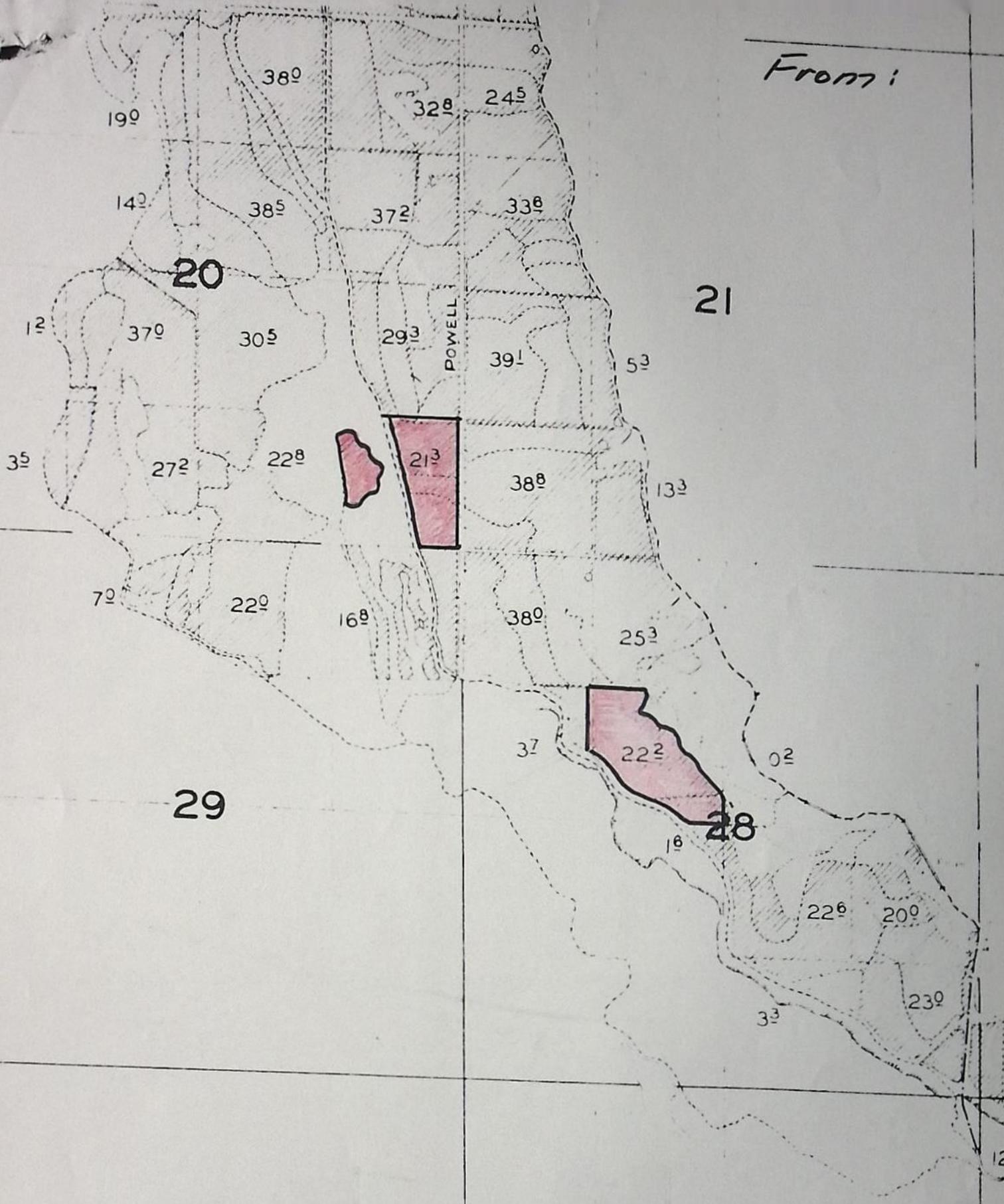


4-25-89

I, Myles Ray Shumway, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my Transfer #3337.

Myles Ray Shumway
Myles Ray Shumway

From:



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DEC 15 1975

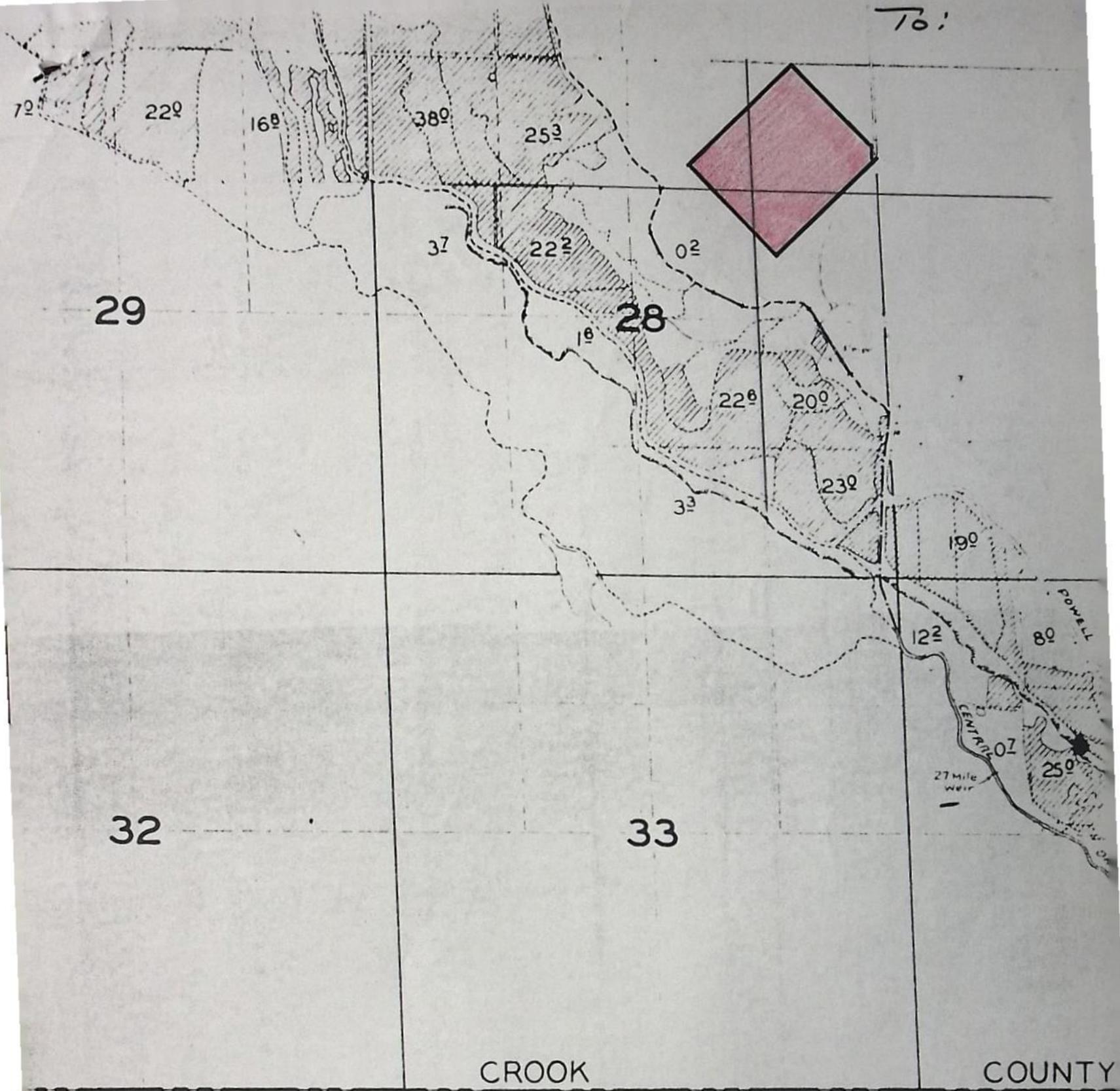
WATER RESOURCES DEPT.
SALEM, OREGON

32

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T-3337

701



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 WATER RESOURCES DEPT.
 SALEM, OREGON

T-3337

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DEC 15 1975

WATER RESOURCES DEPT. SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, M. Ray Shumway and Clyde W. Carlson (Name of applicant)

of Powell Butte (Postoffice), County of Crook

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 (Section or subdivision) being within the

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.

Table with columns for Twp., Range, Sec., and sub-sections (NE 1/4, NW 1/4, SW 1/4, SE 1/4) for two different sections.

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)

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 & Dec. 2, 1907

9. Was your water right acquired by State Engineer's Permit? No If so, give number 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 Deschutes River
(Yes or No)

12. Is the water right recorded in your name? No, Jack Shumway, Page 47
(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	28	29	5	1	8												

(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.? No
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	Central Oregon Production Credit Ass'n	Permission attached
Mortgage	Federal Land Bank Ass'n of Redmond	Permission attached

20. Reasons for the proposed changes are More beneficial use

.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Crook

} ss.

I, M. Ray Shumway and Clyde W. Carlson, 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 _____, 19_____

M Ray Shumway
Clyde Carlson
(Name of applicant)

Subscribed and sworn to before me this 29th day of April, 1975.

[Notarial Seal]

Robert C. Anderson
NOTARY PUBLIC FOR OREGON

My commission expires Aug. 24, 1975

Remarks Approved by the Board of Directors of the Central Oregon Irrigation

District held April 2, 1975.

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.

December 17, 1975

Diana L. Ewing
Assistant Secretary
Central Oregon Irrigation District
P.O. Box 548
Redmond, OR 97756

Dear Ms. Ewing:

Effective July 1 of this year, the examination fee for a transfer application was increased from the \$15.00 to \$20.00. I am enclosing an excerpt of the law relating to transfer of water rights with the corrected fee schedule.

Following, as requested in our recent telephone conversation, is a list of transfer applications received after the July 1 date. This list also indicates the additional fees required for each application:

<u>Transfer No.</u>	<u>Applicants Name</u>	<u>Date filed</u>	<u>Additional Fees Required</u>
3279	Clyde W. Purcell	7-3-75	\$5.00
3280	Charles J. & Cecelia C. Lenhardt	7-3-75	5.00
3288	Raymond C. & Patricia J. Damm	8-1-75	5.00
3298	Edwin Oliver	8-18-75	5.00
3299	Don Hepperle	8-18-75	5.00
3308	Cody H. & Donna M. Spahn	8-25-75	5.00
3309	M.R.S. Company, Inc.	8-25-75	5.00
3334	Milo B. & Annetta O. McCright	12-15-75	*
3335	Ivan Ivancovich Jr.	12-15-75	5.00
3336	George & Verna Abbas	12-15-75	5.00
3337	M. Ray Shumway & Clyde W. Carlson	12-15-75	8.25

* An amount of \$50.00 has been credited to transfer No. 3334, but when the transfer in the name of W. R. & Mary N. Richardson is received, an additional \$10.00 will be required and we will transfer \$20.00 from the transfer No. 3334.

Diana L. Ewing

December 17, 1975

In addition to the fees on transfer applications No. 3279 and No. 3280, we will need the approval of the Board of Directors of your district along with the date of approval.

Item No. 12 of the Transfer No. 3299 must be completed to list the name the right is tabulated in. If both Don Copley and the Central Oregon Irrigation District supplemental claim are listed, Items No. 5 and No. 13 must be further completed by listing separately the acreage under each name.

You will be advised through separate correspondence of the action to be taken on transfers No. 3308 and No. 3309 after I have reviewed them in more detail.

It will be necessary to have a statement from the owner of the property to support the application No. 3334 in the name of Milo B. and Annetta O. McCright advising us of their approval of the proposed transfer. We should also be advised of the date of the Irrigation District's approval for this application.

I am returning the application No. 3299 so that you may complete Item No. 12. Upon receipt of the required fees and return of the application, proper action will be taken.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WO:db
Enclosure



**CENTRAL OREGON
PRODUCTION CREDIT ASSOCIATION**

AGRICULTURAL LOANS FOR FARMERS AND STOCKMEN

POST OFFICE BOX 607 / PHONE 548-2126

559 SOUTH SEVENTH / REDMOND, OREGON 97756

April 28, 1975

T-3337

Central Oregon Irrigation District
847 S. Sixth Street
Redmond, Oregon 97756

Re: Butte Valley Farms

Gentlemen:

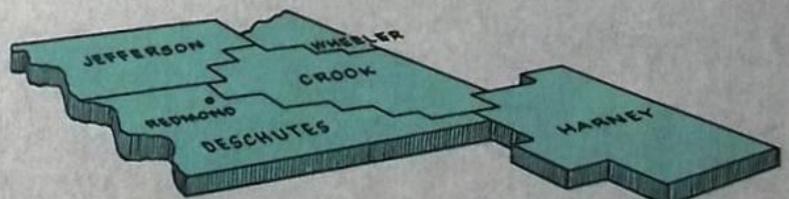
We hereby grant permission for the transfer of 21 acres of water from Section 20, Twp. 16S., Rng 14 EWM and 22 acres of water from Section 28, Twp. 16 S., Rng. 14 EWM to Section 28, Twp. 16S., Rng. 14 EWM.

Very truly yours,

William D. Hitson
Manager

WDH/lb

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SALEM, OREGON



FEDERAL LAND BANK ASSOCIATION OF REDMOND

P.O. BOX 577 742 S.W. FOREST. AVE. REDMOND, OREGON 97756
TELEPHONE: 548-2541



T-3337

NEAL ELLIOTT

April 28, 1975

Central Oregon Irrigation District
847 S. Sixth Street
Redmond, OR 97756

Re: Butte Valley Farms

Gentlemen:

We hereby grant permission for the transfer of 21 acres of water from Section 20, Twp. 16 S., Rng 14 EWM and 22 acres of water from Section 28, Twp. 16 S., Rng. 14 EWM to Section 28, Twp. 16 S., Rng. 14 EWM.

Sincerely yours,

A handwritten signature in cursive script that reads "Neal Elliott".

Neal Elliott
Manager

ah

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SALEM, OREGON



SERVING DESCHUTES, HARNEY, GRANT, CROOK, & JEFFERSON COUNTIES
AND SOUTH PART OF WHEELER COUNTY