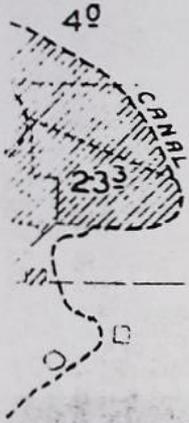


Lot 4 Lot 3



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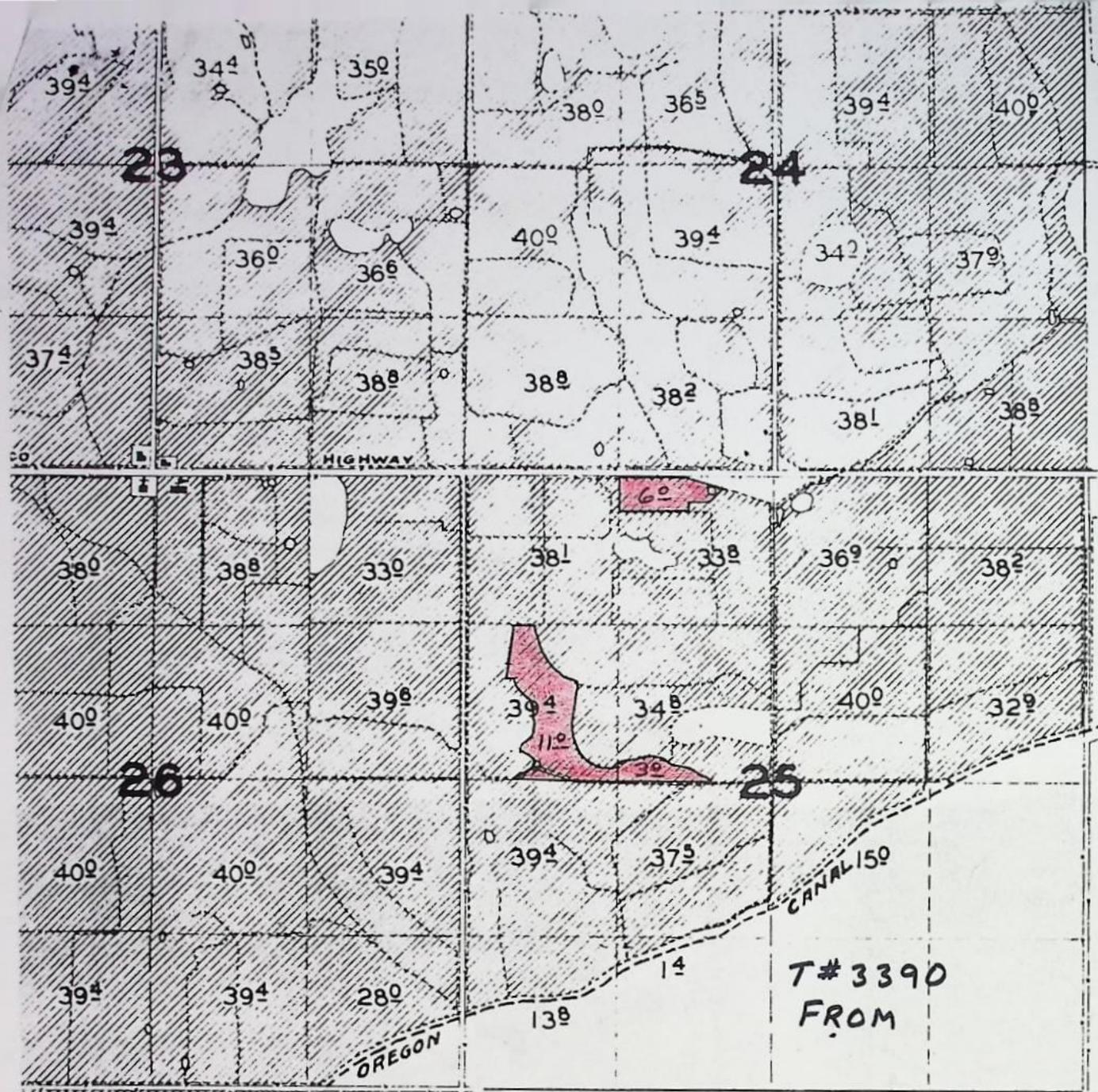


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SALEM, OREGON

T-3390

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Crook County

IN THE MATTER OF THE APPLICATION)
OF DWIN AND JO ANN DUNKIN (CENTRAL)
OREGON IRRIGATION DISTRICT) FOR THE)
APPROVAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3390

On April 9, 1976, Dwin and Jo Ann Dunkin 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, 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 11.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, 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 1.75 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 11.25 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 15 South, Range 15 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 February 4, 1976.

Federal Land Bank Association of Redmond, mortgagee of land from which Dwin and Jo Ann Dunkin propose to transfer the water right, have submitted written consent for the proposed change in place of use.

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 14th day of October, 1976.

/s/ JAMES E. SEXSON
Director

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WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Dwin and Jo Ann Dunkin
(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 _____ 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 $\frac{1}{4}$	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 $\frac{1}{4}$
15	14	25					6		11	3								
							6		11	3	Tob. under Roy Dunn							
							0		0	0	Tob. under C.O.J.D.							

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? No. Contract purchaser
(If not owner, explain your interest)

Mr. Robert Anderson Sec'y-Manager COJD advised by phone that the Dunkins are the mortgagor and that the Federal Land Bank Assoc. holds the first mortgage

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
(Yes or No)

of permit _____

Enter on Record
10-12-76
RD

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. Ray Dunn, Page 41, COID Supp. Page 145-F
(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	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
15	15	4					1.75	11.25	5.50	1.50								

(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
Loan	Fed. Land Bank Ass'n.	Permission attached.

20. Reasons for the proposed changes are more beneficial use

FEDERAL LAND BANK ASSOCIATION OF REDMOND

P. O. BOX 577 742 S.W. FOREST. AVE. REDMOND, OREGON 97756

TELEPHONE: 548-2541



NEAL ELLIOTT, MANAGER

January 12, 1976

T-3390

Mr. Robert Anderson, Manager
Central Oregon Irrigation Dist.
P. O. Box 548
Redmond, OR 97756

Re: FLB #128328 - Dwin Dunkin

Dear Mr. Anderson:

Please be advised that The Federal Land Bank relies on 126 acres of water right under the above captioned loan. Legal description is NW $\frac{1}{4}$ of Section 25, Twp. 15, Rng. 14 EWM.

The Federal Land Bank consents to the transfer of any water right in excess of 126 acres.

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

Neal Elliott
Attorney in Fact

NE/ah

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SALEM, OREGON



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

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

} ss.

I, Dwin and Jo Ann Dunkin, 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 12th day of January, 1976.

x [Signature]
x [Signature] (Name of applicant)

Subscribed and sworn to before me this 12th day of January, 1976.

[Notarial Seal]

[Signature]
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 February 4, 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.

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

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JAN 20 1978

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Transfer No. 3390

I, DWIN DURKIN hereby certify that
on 10-1-, 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 10-14-76, approving an appli-
cation for a change in place of use of water from 1/4 of
SEC. 25, T15S, R14E WM.

1-3-1977

Date

Dwin Durkin

Signature

ok

CENTRAL OREGON IRRIGATION DISTRICT

MUNICIPAL CORPORATION OF THE STATE OF OREGON

BOARD OF DIRECTORS
BERTIL NELSON, PRESIDENT
DON MILTENBERGER, VICE-PRESIDENT
RAY KNOWLES
ROBERT WEIGAND
KENNETH WERTH

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

April 29, 1976

State of Oregon
Water Resources Dep't
1178 Chemeketa St., N.E.
Salem, Oregon

ATTN: Wayne J. Overcash

Dear Mr. Overcash:

T-3390 Dunkin

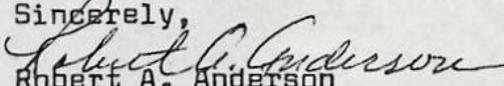
In reference to the water rights which are tabulated in the names of both Ray Dunn and Central Oregon Irrigation District Supplemental Claim I would refer you to my recent letter to Mr. Trevor Jones of your office wherein I attempted to explain that all of the effected rights in this and other applications, whether allowed in the name of the landowner or to the District, was allowed on the land owned by the landowner and in no case on any land owned by the District and that subsequet to the Circuit Court Decree of Judge Wells issued in Crook County in 1974 determined that all of the rights were those of the landowner and that providing the landowner paid to the District a Reclamation Lien in the amount of \$40.00 per acre that all of the rights would be turned over to the landowner and that the District would forever relinquish it's claim to the rights.

Unless otherwise shown in the future, applications processed by the District which may show rights tabulated in the name of the District, will be those rights which the landowner has paid off the reclamation lien and received a release of the claim to the right by the District.

This is the case with Dunkins therefore I am returning the application for process completion.

We do want the 20.0 acres described with this application transferred to those lands mapped on our enclosed maps which are a part of those lands shown in the final proof of application No. 2-5 and will there-by secure a right to irrigated the lands as shown.

Sincerely,


Robert A. Anderson
Sec'y-Manager

