

3263

STATUS OF APPLICATION

Change in place of use
 Date filed 6-11-75
 Date of hearing _____
 Place of hearing _____
 Date of order 2-17-77 Vol. 28, page 328
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes R.
 Trib. of _____ County of Deschutes
 Use irrigation
 Quantity of water _____ No. of acres 11.2
 Name of ditch Swallow
 Date of priority Sept 1, 1899
 In name of D.D. Phillips
Deschutes Adjudication, Vol. 16, page 161
 App. No. _____ Per. No. _____ Cert. No. 29054
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-11-75</u>	<u>25.00</u>	<u>47511</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:		Entered	Checked
☒	Name	☒	☐
☒	Stream	☒	☐
☒	Pt. of Div.	☒	☐
☒	Calendar	☒	☐
CHECKED TO RECORDS:			
☒	Twp. & Rge.	<u>GLS</u>	☐
☒	Decree-vault	<u>lg</u>	☐
☒	Decree-safe	<u>lg</u>	☐
☒	Cert. of W/R	☒	☐
☐	Per. Folder	☐	☐
☐	Chaindex	☐	☐
☐	Cross Ref.	☐	☐
☐	Power Claim	☐	☐
☒	Abstracts	☒	☐

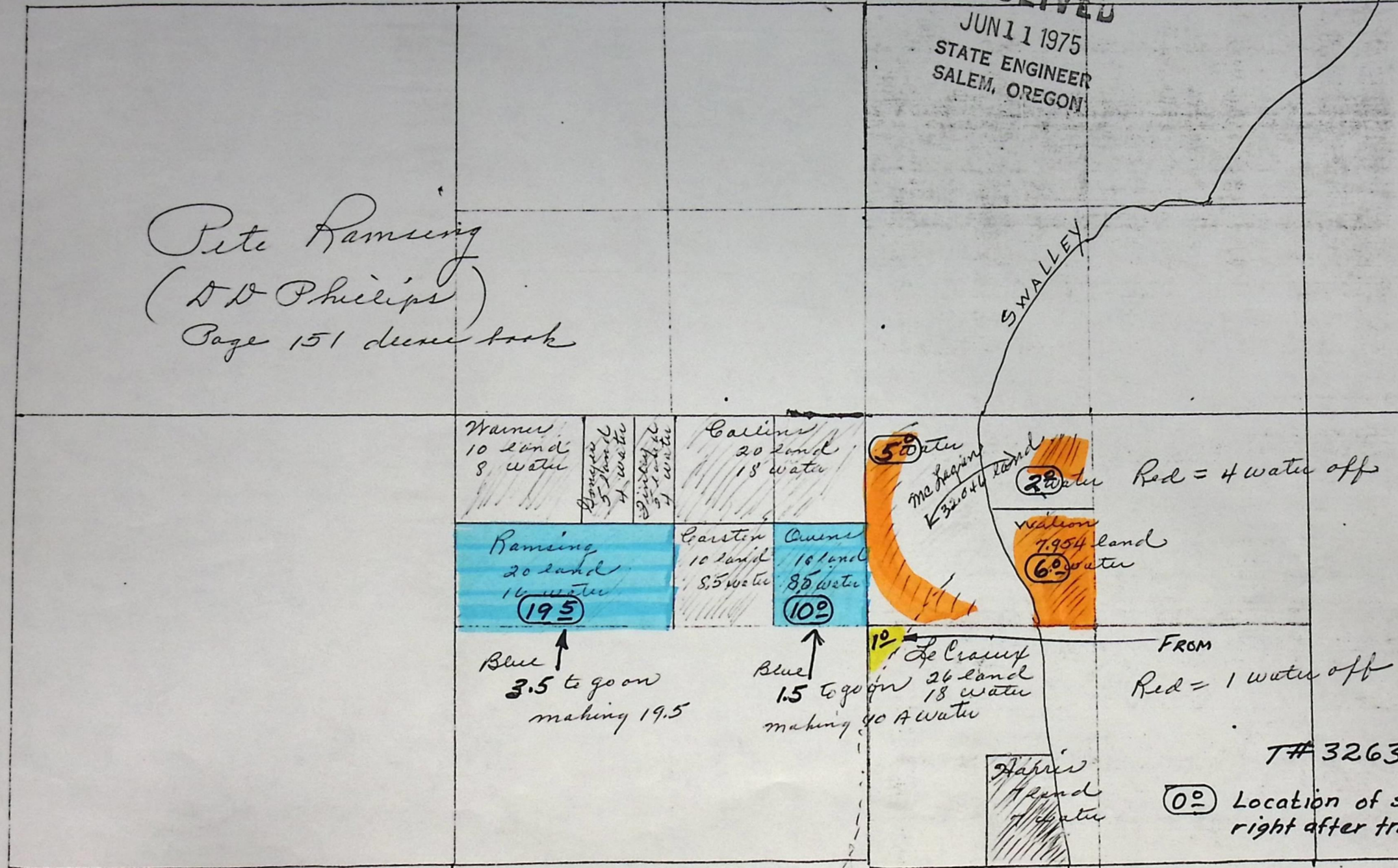
Section 20-16-12

Section 21-16-1

RECEIVED

JUN 11 1975
STATE ENGINEER
SALEM, OREGON

Pete Ramsing
(D.D. Phillips)
Page 151 deuce book



T-2263

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF PETER M. RAMSING AND ROBERT R.
AND PEARL J. McLAGLEN (DESCHUTES
RECLAMATION AND IRRIGATION COMPANY)
FOR THE APPROVAL OF A CHANGE IN PLACE
OF USE OF WATER FROM DESCHUTES
RIVER

ORDER APPROVING
TRANSFER NO. 3263

On June 11, 1975, Peter M. Ramsing and Robert R. and Pearl J. McLaglen 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 Waters of Deschutes River and its Tributaries, a water right was established in the name of Deschutes Reclamation and Irrigation Company for the use of the waters of Deschutes River for the irrigation of, among other lands, 17.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 16 South, Range 12 East, W.M., with a date of priority of September 1, 1899, being tabulated in the name of D. D. Phillips as evidenced by certificate of water right recorded at Page 29054, Volume 21, State Record of Water Right Certificates.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to a certain 1.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; and 13.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 16 South, Range 12 East, W.M.

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, 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, certificate of water right shall be issued to Deschutes Reclamation and Irrigation Company at the time certificate is issued to the Company confirming other transfers within the Company.

Dated at Salem, Oregon, this 17th day of February, 1977.

/s/ JAMES E. SEXSON
Director

378-3066

June 10, 1983

S. Shepard Wilson
2925 Southwest Fairview Boulevard
Portland, OR 97201

Dear Mr. Wilson:

REFERENCE: File T-3263

Your application for an extension of the time limit in which to make complete application of water under the terms of Transfer 3263 has been received. We also have your fees in the amount of \$20 for which our Receipt 36841 is enclosed.

The Water Resources Director is authorized to allow an extension of the time limit only upon a showing that reasonable diligence has been exercised toward completion of the project within the time limit allowed.

From the information given in your application, it would appear that you have been irrigating all you had intended to irrigate under the transfer.

Therefore, since it has been five years beyond the authorized completion date, the application for an extension of time cannot be approved.

You may make proof on the five plus acres that have been irrigated. It may be possible to obtain additional water by another transfer through the District.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRAwpc

cc: Robert F. Main, Watermaster
Deschutes Reclamation and Irrigation Company

0056/B
6897B

Transfer _____

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT**RECEIVED**

JUN 7 1983

To the WATER RESOURCES DIRECTOR OF OREGON:

WATER RESOURCES DEPT.
SALEM, OREGONI, S. Shepard Wilson

(Name of Applicant)

of 2925 S.W. Fairview Blv'd,

(Mailing Address)

Portland

(City)

State of Oregon97201

(Zip Code)

228-7823

(Phone Number)

do hereby make application for an extension of time within which to complete a change in:

() point of diversion ☒ place of use () use heretofore made.

of water under the terms of an order of the Water Resources Director entered

on Robert R. McLagen, 19 , approving Transfer 3263, in the nameof Robert R. McLagenfor 6.0 ac NW 1/4 SW 1/4 T16S R12E Sec. 216.0 Ac. NW 1/4 of SW 1/4 Sec. 21of T 16 S R 12 E

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 1978:Sagebrush was cleared and irrigation water applied to morethan five acres but less than the six acres allotted.

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the
following: Clear sagebrush ~~and seed~~ then seed and apply water to the
full six acres.I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because This shortfall was the result of my inaccurate estimate of
six acres._____ and request that the
time for completion be extended to October 1, 1983.S. Shepard Wilson C-C-83MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$20 TO:
WATER RESOURCES DEPARTMENTMill Creek Office Park
555 13th Street, NE
Salem, Oregon 97310Form 690-4B-Q 11-82
3379B6-7-83
\$20.00
R#36841Can Wilson
378-366



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

February 8, 1979

Peter M. Ramsing & Robert & Pearl McLaglen
c/o Deschutes Reclamation & Irrigation Co.
#2 Greenwood Avenue
Bend, Oregon 97701

RE: File No. T- 3263

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. 3263, expired on October 1, 1978.

If the authorized change(s) was/were 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 diligently 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.
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. 3263 was accomplished by April 1, 1976

2/23/79
Date

Robert R. McLagan
Signature



Please send form for application for extension of time limit.

RECEIVED
FEB 28 1979
WATER RESOURCES DEPT.
SALEM, OREGON

*ok
Lij*

RECEIVED

JUN 11 1975

STATE ENGINEER
SALEM, OREGON

21-386
RECEIVED

FEB 14 1977

WATER RESOURCES DEPT
SALEM, OREGON

T-3263

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, PETER M. RAMSING and Robert R. & Pearl J. McLaglen
(Name of applicant)

of Rt. 3, Box 1320, Bend, County of Deschutes
(Postoffice)

State of Oregon, do hereby make application for change of 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 Swally.

4. The point of diversion is located 300 ft. South and 580 ft. West from the Northeast
(N. or S.) (E. or W.)

corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$ being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$
(Section or subdivision)

of Section 29 Tp. 17 S. R. 12 E. W. M., in the County of Deschutes.
(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 $\frac{1}{4}$
16	12	21									17	1						

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 ne

6. Are you the legal owner of the above described lands?

Yes

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? September 1, 1899.

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? Yes If so, give number of certificate # 29054
(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 In the Matter of the Determination of the
(Yes or No) Water Rights of the Deschutes River and its Tributaries.

12. Is the water right recorded in your name? No recorded in D. D. Phillips' name,
(If not, give name) page 151.161

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 $\frac{1}{4}$
<u>16</u>	<u>12</u>	<u>21</u>										<u>13</u>						
<u>16</u>	<u>12</u>	<u>20</u>													<u>1.5</u>	<u>3.5</u>		

(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 Place of use diversion is to be located? No

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.

6 acres Shepard Wilson - 2925 SW Fairview Blvd Portland 97201
1.5 D Owen Rte 3 Box 1318C Bend OR 97701
3.5 Pete Ramsing Rte 3 Box 1320 Bend OR 97701

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
<u>Indefinite Contract</u>	<u>Applicant</u>	

20. Reasons for the proposed changes are the water rights originally established for
that portion of the SE $\frac{1}{4}$ of Section 20 and that portion of the SW $\frac{1}{4}$ of
Section 21, Township 16 South, Range 12 E.W.M., have been sold in part to
Robert McLagan and there remains 11 acres which should be transferred to
Wilson and Owen and Ramsing.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

ss.

I, PETER M. RAMSING, 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 10th day of April, 1974.

X Peter M. Ramsing
(Name of applicant)

Subscribed and sworn to before me this 10th day of April, 1974.

[Notarial Seal]

Walter J. Edmunds
NOTARY PUBLIC FOR OREGON

My commission expires

Remarks Approved by Board of Directors at their regular Board meeting June 2, 1975

Pres. Harry P. Chess
Harry Chess
Fred Sampels
Fred Sampels
Walt B. Schrock
Walt Schrock

THE DESCHUTES RECLAMATION AND IRRIGATION CO.
BEND, OREGON

RECEIVED
MAY - 1976

May 3, 1976

TO WHOM THIS MAY CONCERN:

We the undersign wish the application of transfer of water #T 3263 to be completed as requested by Pete Ramsing.

Robert R. McLagan
Robert R. McLagan

Pearl J. McLagan
Pearl J. McLagan

Richard E. Forcum
Richard E. Forcum, Attorney



Keep copy

WATER RESOURCES DEPARTMENT

RECEIVED
FEB 14 1977
WATER RESOURCES DEPT
SALEM, OREGON

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3066

ROBERT W. STRAUB
GOVERNOR

April 8, 1976

T-3263

Deschutes Reclamation and Irrigation Co.
2 Greenwood Avenue
Bend, OR 97701

ATTENTION: Laura Wonser, Secretary

Dear Mrs. Wonser:

The application for a change in place of use of water you submitted for Peter M. Ramsing received in June of 1975 was filed as number 3263. The map and fees of \$25.00 were also received.

As mentioned in our recent phone discussion the supporting map is not clear in locating the 10.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 to be divested of a water right.

Rather than show the 10 acres to be diverted of the right, the entire 17.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ allowed a right may be included in item No. 5, in which case, only the acreage to receive the right may be shown along with showing the location of the 1.0 acre to be divested of the right in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21. Item No. 13 should then be amended to list the proposed location of the 18.0 acres to receive the water right.

I am enclosing a print of a portion of our adjudication map of the area and a print of the map which supported the previous transfer No. 2547 so that you may refer to them while completing Peter Ramsing's application.

*5/3/76
(Bureau) asked for
Mr. Logans signature*

April 8, 1976

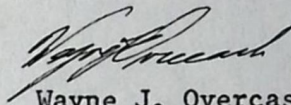
-2-

T-3263

After talking to you on the phone, I ran across a copy of a letter from the law office of A.C. Goodrich, a copy of which is enclosed. According to this letter, Peter M. Ramsing may not have been the owner of the property in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 in June of last year when the application was submitted. If so, the application cannot be considered for approval unless the legal owner of the property joins in on the application. This may be accomplished by having the legal owners name on the first page of the application and submitting an affidavit completed by the owner approving of the proposed change.

I am returning the application and map for completion.

Sincerely,



Wayne J. Overcash
Water Rights Engineer

WJO:cc

RECEIVED

MAR 29 1974

STATE ENGINEER
SALEM, OREGON

LAW OFFICES
A. C. GOODRICH
P. O. BOX 1130
1123 BOND STREET
BEND, OREGON 97701

March 28, 1974

ASSOCIATE
ERWIN G. NILSSON

TELEPHONE
(503) 382-3111

Deschutes Reclamation & Irrigation Co.
118 Greenwood
Bend, OR 97701

Re: 17.4 acres of water in NW1/4 SW1/4, Section 21,
Township 16 S, Range 12 EWM, Deschutes County

Gentlemen:

C
My clients, Robert R. McLagan and Pearl J. McLagan are record owners of all but approximately 7.954 acres of land in the NW1/4, SW1/4, Section 21, Township 16 S, Range 12 EWM, Deschutes County, Oregon. The 7.954 acres is owned by some people named Wilson. It is our understanding that there is 17.4 acres of water adjudicated to the NW1/4 of the SW1/4.

O
It is our understanding that Peter Ramsing, the former owner of this land, is now making claim to the remainder of the water adjudicated to the property although he owns none of the property.

P
The McLagans do not agree with Mr. Ramsing's position and believe that Wilsons are entitled to six acres of water to go with their land and the remaining 11.4 acres should go with the land the McLagan's own.

P
I would appreciate it if you would inform me of your company's position. Since the irrigation season will soon be upon us, we would appreciate it if this could be all straightened out shortly.

Y
Very truly yours,

Richard E. Forcum
RICHARD E. FORCUM

REF:an

cc: State Engineer
Mr. & Mrs. R. R. McLagan