

3449 *Ernie J. and Margie A. Abner*  
*Belmont,*

3449

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in place of use  
 Date filed 8-24-76  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 3-11-77 Vol. 28, page 370  
 Date for application of water 10-1-78  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Name of stream Deschutes  
 Trib. of \_\_\_\_\_ County of Deschutes  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 1.20  
 Name of ditch Pilot Butte Canal  
 Date of priority Oct 31, 1900 & Dec. 2, 1907  
 In name of Central Oregon Irrig. District  
Deschutes Riv. Adjudication, Vol. 16, page 98  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
<u>8-24-76</u>	<u>30.00</u>	<u>55695</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

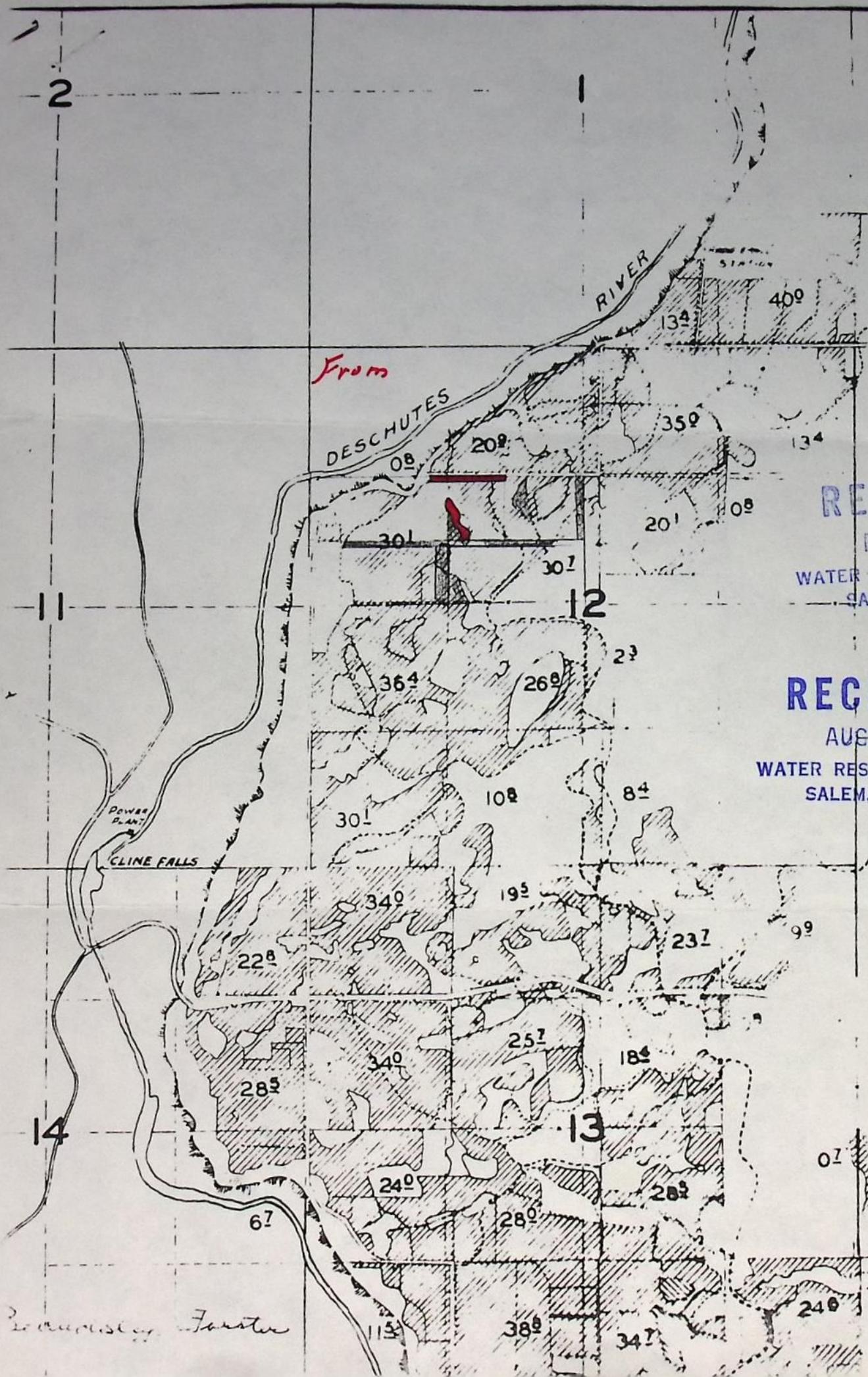
*Survey 4-79*

REMARKS

\_\_\_\_\_  
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TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<u>WA</u> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WA</u> Station	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WA</u> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WA</u> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Ppt. folder	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Check-index	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*244*



*From*

**RECEIVED**

FEB 23 1977

WATER RESOURCES DEPT  
SALEM, OREGON

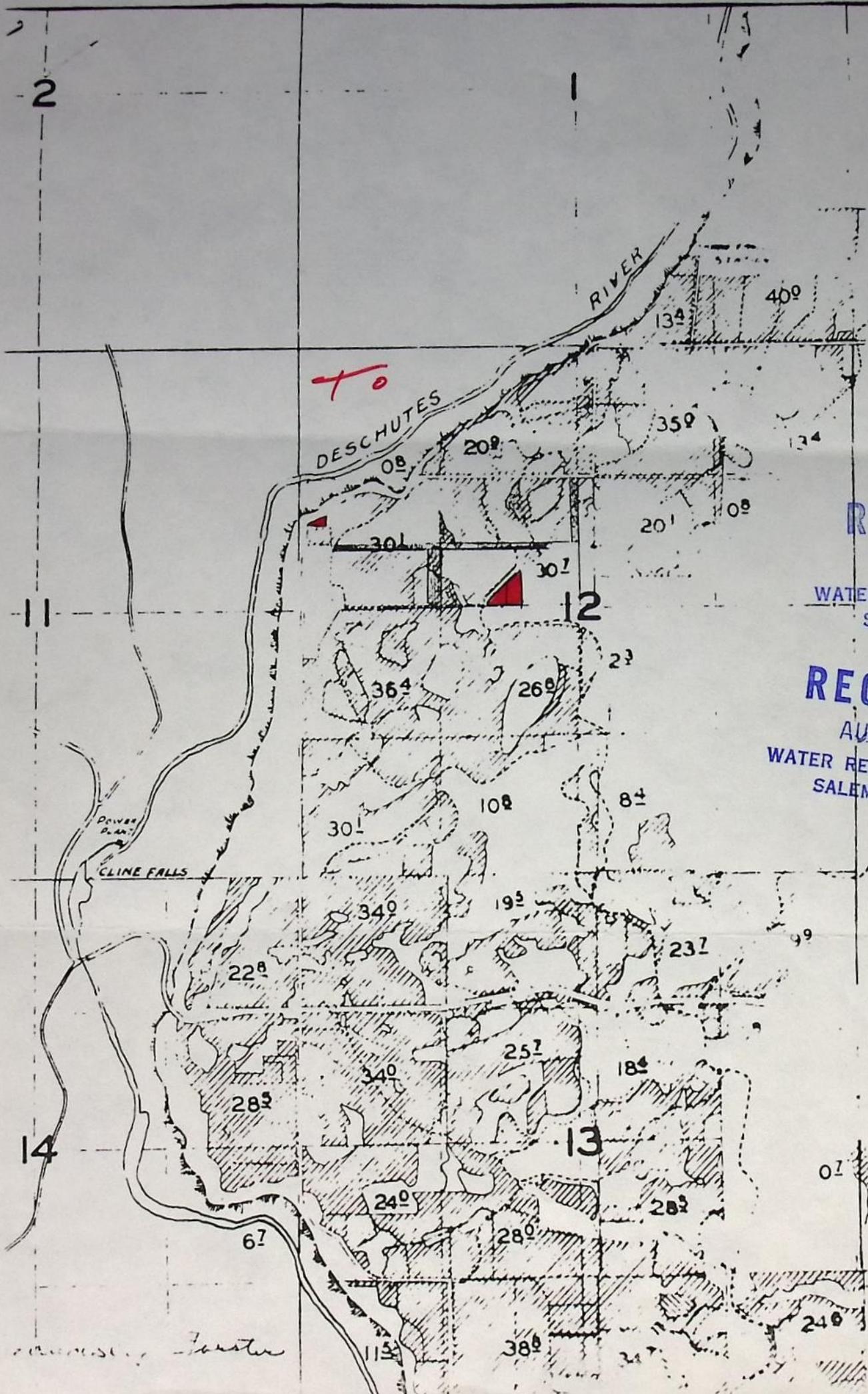
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AUG 24 1976

WATER RESOURCES DEPT  
SALEM, OREGON

*Revised by Foster*

T-3449



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 FEB 23 1977  
 WATER RESOURCES DEPT  
 SALEM, OREGON

**RECEIVED**  
 AUG 24 1976  
 WATER RESOURCES DEPT  
 SALEM, OREGON

T-3449

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION  
OF EMIL J. AND GEORGIA A. HOWELL  
(CENTRAL OREGON IRRIGATION DISTRICT)  
FOR THE APPROVAL OF A CHANGE IN PLACE  
OF USE OF WATER FROM DESCHUTES RIVER )

ORDER APPROVING  
TRANSFER NO. 3449

On August 24, 1976, Emil J. and Georgia A. Howell 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, 0.18 acre in E $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.02 acres in N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 12, Township 15 South, Range 12 East, W.M., being tabulated in the name of Fred Klamm, 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 Pilot Butte Canal.

The applicants herein, contract purchasers of the lands above described, with the approval of the owner of record, propose to transfer the water right therefrom, without loss of priority, to 0.18 acre in W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 1.02 acres in S $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 12, Township 15 South, Range 12 East, W.M.

MILLERS FALLS  
ALL COTTON

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 August 4, 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 requested change in place of use described herein, without loss of priority, is approved.

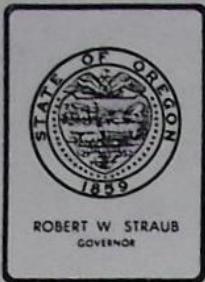
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1978.

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 11th day of March, 1977.

/s/ JAMES E. SEXSON  
Director

Gibraltar Onion Skin  
MILLERS FALLS  
ALL COTTON



# Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

February 8, 1979

Emil J. & Georgia A. Howell  
c/o Central Oregon Irrigation District  
P.O. Box 548  
Redmond, Oregon 97756

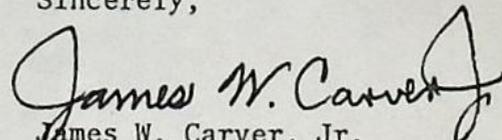
RE: File No. T- 3449

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. 3449, expired 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.  
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. 3449 was accomplished by \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

-----  
 Please send form for application for extension of time limit.

T-3449  
T-3450  
T-3453

March 24, 1977

Robert A. Anderson  
Central Oregon Irrigation District  
P.O. Box 548  
Redmond, Oregon 97756

Dear Mr. Anderson:

Enclosed are certified copies of the orders of the Water Resources Director approving the applications of Emil J. and Georgia A. Howell (T-3449), Howard R. Hyde and Lawrence E. Keyte (T-3450), and E. G. Nilsson and Grayce B. Goodrich (T-3453) approving changes in place of use of water from Deschutes River.

Also enclosed are notices of complete application of water which should be dated, signed and returned to this office when the water has been applied to beneficial use. According to the terms of the order, this should be done on or before October 1, 1978.

Sincerely,

James W. Carver, Jr.  
Engineer

JWC:whh  
Enclosures  
cc: Bruce Estes, Watermaster, Dist. No. 11

RECEIVED

AUG 24 1976

WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED

FEB 23 1977

WATER RESOURCES DEPT  
SALEM, OREGON

T# 3449

### Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

We, Emil J. Howell and Georgia A. Howell  
(Name of applicant)

of Redmond, County of Deschutes  
(Postoffice)

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)

- The source of present water right is Deschutes River  
(Name of stream)
- The use to which the water is applied is irrigation  
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is Pilot Butte Canal
- 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	12	12						$E\frac{1}{2}$	$N\frac{1}{2}$									
								.18	1.02									

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)

*30-30 Vol 16 P 98  
32 & 52 (out) T-2724 ok*

6. Are you the legal owner of the above described lands? No. Contract Purchaser  
(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 \_\_\_\_\_

*Fees File 20 -  
Rec 10 -  
30 -*

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 Fred Klann, Page 98 and transfer 2724  
(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 $\frac{1}{4}$
15	12	12																

(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
Title	Mildred A. Beardsley	Consent attached

20. Reasons for the proposed changes are ..... more beneficial use .....

.....  
 .....  
 .....

MAJESTIC OFFICES BELL  
 RECEIVED

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

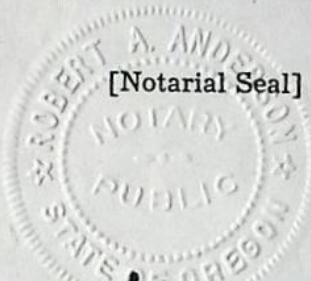
ss.

We, Emil J Howell and Georgia A. Howell, 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 29th day of July, 1976

Emil J. Howell
Georgia A. Howell (Name of applicant)

Subscribed and sworn to before me this 29th day of July, 1976



Robert A. Anderson
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 August 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.

# 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

February 22, 1977

State of Oregon  
Water Resources Dept.  
1178 Chemeketa Street N.E.  
Salem, Oregon 97310

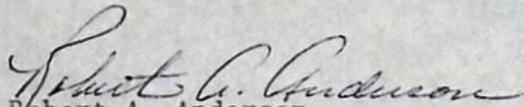
Attention: Wayne J. Overcash

Ref: Tr. 3449

Dear Mr. Overcash:

In reply to your comment that the release of water right description as signed by Mildred Beardsley, I am returning the release as corrected and initialed by Mr. Beardsley describing the release to read the S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 12 T.15S., R. 12 E.W.M.

Yours truly,

  
Robert A. Anderson  
Secretary-Manager

RAA:clj

Enclosure

RECEIVED  
FEB 23 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON  
CORPORATION

RELEASE OF WATER RIGHTS

I, MILDRED A. BEARDSLEY, contract holder of that real property described as the South one-half(S $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) <sup>*Emit M.A.B.*</sup> ~~of the Southwest Quarter(SW $\frac{1}{4}$ )~~ of Section Twelve(12), Township Fifteen South(T.15S.), Range Twelve East of the Willamette Meridian (R.12E.,W.M.) do hereby give my consent to the transfer of 1.2 acres of Central Oregon Irrigation District water rights from the above described lands.

Signed *Mildred A. Beardsley*  
Mildred A. Beardsley

Dated *July 29, 1976.*

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AUG 24 1976

WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED

FEB 23 1977

WATER RESOURCES DEPT  
SALEM, OREGON

October 11, 1976

File Tr-3449

Central Oregon Irrigation District  
P.O. Box 548  
Redmond, OR 97756

ATTENTION: Robert A. Anderson  
Secretary-Manager

Dear Mr. Anderson:

I am returning the transfer application No. 3449 in the name of Emil J. and Georgia A. Howell along with their two supporting maps and the statement from Mildfred A. Beardsley.

The location of the right to be transferred in the  $S\frac{1}{2}$  of the  $NW\frac{1}{4}$  of Section 12 listed in item No. 5 of the transfer application is not in agreement with the location of  $S\frac{1}{2}$   $NW\frac{1}{4}$   $SW\frac{1}{4}$  of Section 12 given in the release of water right signed by Mildred A. Beardsley.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO;cc

# 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  
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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

August 17, 1976

Trevor Jones  
Assistant Director  
Water Resources Dept.  
1178 Chemeketa Street, N.E.  
Salem, Oregon 97310

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AUG 24 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

Dear Mr. Jones:

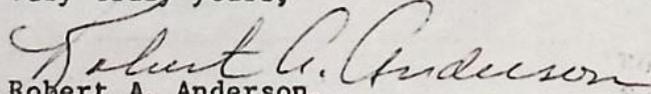
Enclosed you will find applications to transfer water rights in the names of the following individuals:

T# 3447 Leslie E. and Elizabeth Aldous  
3448 Lester P. and Opal O. Creasey  
3449 Emil J. and Georgia A. Howell  
3450 Howard R. Hyde and Lawrence E. Keyte  
3451 Grace Kristiansen  
3452 Lawrence and Mary F. Poncy  
3453 E. G. Nilsson and Grayce Goodrich  
3454 Rodney W. and Helen R. McPheeters  
3455 Orlo and Hazel Flock  
3456 Priday Holmes  
3457 Arlie L. and Jean M. Zimmerman  
3458 Clyde & Florence Pickerel & Lena M. & Paul C. Ramsey  
3459 Carl and Wilda Fischer  
3460 Delano N. & Melba M. Fox  
3461 Leonard W. & Sandra Hagberry  
3462 Sutton Investment Co.  
3463 Dan H. Heierman  
3464 Tri-Chase Partnership  
3465 Neff Road Development Co.

Also enclosed is the transfer of Donald C. and Leona B. Piper which supersedes their transfer No. T 3176 dated March 4, 1976.

Enclosed please find a check in the amount of \$570.00 to cover the transfer fees.

Very truly yours,

  
Robert A. Anderson,  
Secretary-Manager

RAA:ky

Enclosures

7620

All for chng in POU of less than 30 AC. \$30 x 19 = 570