

3453 E. & Nilsson & Goodrich
 Land, Ore.
 COT NILSSON & GOODRICH

3453

STATUS OF APPLICATION

Change in place of use
 Date filed 8-24-76
 Date of hearing _____
 Place of hearing _____
 Date of order 3-17-77 Vol. 28, page 379
 Date for application of water 10-1-78
 Proof mailed 2-17-89 Ferguson + Marthaller
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes
 Trib. of _____ County of Deschutes
 Use irrigation
 Quantity of water _____ No. of acres 2.2
 Name of ditch Pilot Butte Canal
 Date of priority _____
 In name of Tab, John Hopper (C.O.I.D.)
Deschutes Adjudication, Vol. 16, page 141
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by HB 3111

FEES PAID

Date	Amount	Receipt No.
<u>8-24-76</u>	<u>30.00</u>	<u>55691</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

To survey 4-79

Surveyed 11/23/35 - (F. Marthaller & D. McCoy)

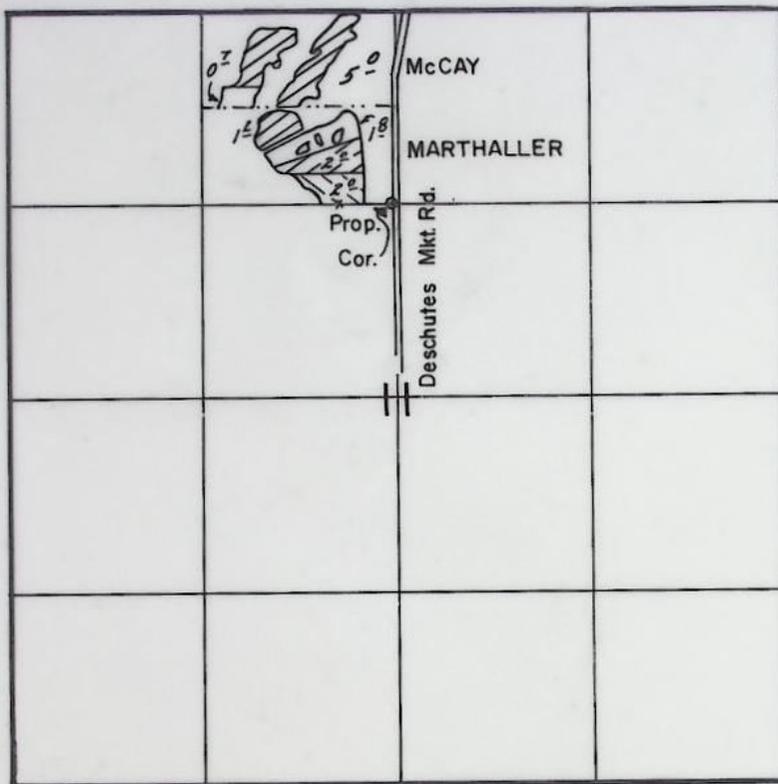
Survey 4-79

REMARKS

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	WH Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	WH Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	WH Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	WH 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-safe	<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"/>	Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chaindex	<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"/>

28

T.17 S., R.12 E., W. M.



SCALE: 1" = 1320'

- Tr. 3452 
- Tr. 3453 

FINAL PROOF SURVEY
UNDER

Tr. 3452, 3453

Application No. Permit No.
IN NAME OF

FRANK MARTHALLER; DENNIS McCAY

Surveyed NOV. 28.. 19.8.3, by D. PANTHER.....
JAN. 31 1989 B. W. BISHOP

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF E. G. NILSSON AND GRAYCE B. GOODRICH }
(CENTRAL OREGON IRRIGATION DISTRICT) FOR }
THE APPROVAL OF A CHANGE IN PLACE OF USE }
OF WATER FROM DESCHUTES RIVER }

ORDER APPROVING
TRANSFER NO. 3453

On August 24, 1976, E. G. Nilsson and Grayce B. Goodrich 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, 8.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 16 South, Range 12 East, W.M., being tabulated in the name of John Hopper, with dates of priority of October 30, 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, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to a certain 8.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 17 South, Range 12 East, W.M.

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 17th day of March, 1977.

/s/ JAMES E. SEXSON
Director

Our field examiner found a total of 5.7 acres claimed irrigated in connection with transfer 3453, which exceeds the limit of 5.0 acres under the transfer order. If you wish to establish a legal water right for the additional 0.7 acres, a permit or water right transfer must be obtained. Please contact Central Oregon Irrigation District for assistance in making the appropriate application.

The 0.7 acres overacreage is displayed on the map as an unhatched area. If this area is not located where you prefer, please notify us. It may be possible to locate the area elsewhere on your land.

STATE OF OREGON

COUNTY OF Deschutes ~~Creek~~

Proof of Appropriation of Water

Name: Duane E. Ferguson % Bob Anderson, Ass't. Manager
 (Formerly Dennis McCoy parcel) % Central Oregon Irrigation District
 % Robert D. & Jill A. Hagin
 Address: P.O. Box 6224 % P.O. Box 548
Beard Or 97703 % Redmond, Or 97756
 Source of Supply: Deschutes River & Crane Prairie Reservoir
 Permit No.: _____ Transfer No.: 3453
 Tributary of: Columbia River
 Amount of Water: _____
 Priority Date: Oct 31, 1900 % December 2, 1907 % Feb 28, 1913
 Use: irrigation of 5.0 acres
 Location and Point of Diversion: Central Oregon Canal
North Canal

The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

5.0 acres NE 1/4 NW 1/4
Section 11
T 17 S, R 12 E, W 11

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of in place of use approved by the order of the State Engineer Water Resources Director entered March 17, 1977; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____ 198_.

Legal owner of the above described lands

RECEIVED

FEB - 1 1989

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD

POD

USE

Dennis McKay 63985 Des. Mkt Rd
Frank Marshall 63957 " " Add'l POD

Transfer NO. 3453 ^{600 Marshall} ~~601 Marshall~~ ~~502 to Blue~~ ^{5 Acres} County Deschutes

Old Certificate NO. 29052

1. Name E. G. Nilsson + Grace B. Goodrich

Address % C.O.F.D. P.O. Box 548 Redmond, OR 97756

2. Source of Supply Deschutes River, Trib of _____

3. Use Irrigation

4. Amount of Water _____ Priority Date 10-31-00 + 12-2-07

5. Proposed Point of Diversion _____

6. Completion Date October 1, 1978

Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
175	12E	11	NE 1/4 NW 1/4	8.2 acres Panic-zoned
				Marshall - 4:15 today
				5.2
				2 hp pump - 45 psi
				26 15 uncultured heads - lawn
				Floods front section that is cleared - my grass
				Had had firestack (but not now)

5
2⁵ over
OVER

10-27-83
Talked to him for 15 min - ready to make
left card for Marshall.

11-9-83
Contacted the Marshall
through DLP

11-28-83 McKay
D.L.R. Photo
41017 179-74

Marshall
11-28-83
D.L.R.
P.T.S. 11-1983-A
see T 3452

26- Survey
41017-179-190L
1/31/89
BWB

Info: Mrs. McCay. 5 acres of water, pump from pond

PUMP: 5 h.p.

Sprinkler - 7' x 2" - 6

26 Rainbird 14

9 Rainbird 30 @ 9/16

use: pasture

2" x 40

21 (4" x 30) Mainline's

total 2" - 43

Lift: 0

D. L. Penner

11-28-83 photo 41017 179-74

97701

INFO: FRANK MARTHALLER OF 63951 DESCHUTES MKT RD., BEND, SHOWED
US CLAIMED LAND.

PUMP: UNK ~~DDC~~ DDC 1 1/2" x 1 1/4"

MOTOR: UNK. 2HP. ELECTRIC

PIPE: 600' 3" ALUM LATERAL

150' 2" RUBBER FIREHOSE

BURIED SYSTEM TO LAWN AREA

HEADS: 15 RB 30 w/ NELSON 9 GPM FLOW CONTROL NOZZLES. 7 MAX
SOLID SET IN LAWN & SHRUBBERY AREA

USE: IRRIGATION OF LAWN, GARDEN & PASTURE

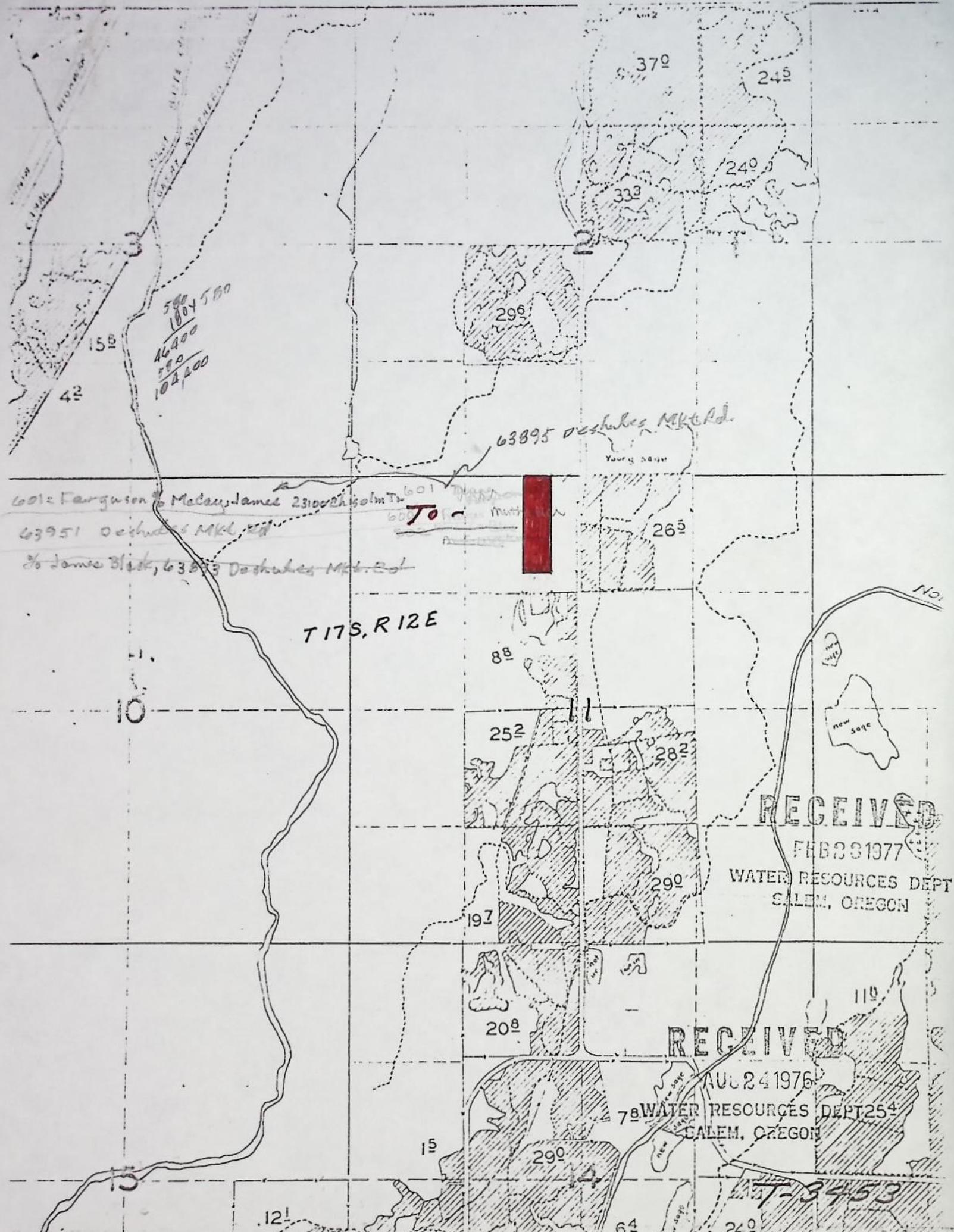
LIFT: 0' TO + 2'

TIC: 41017-179-1902

~~Info:~~

1/31/89

Benjamin W. Bishop
F.I.



$$\begin{array}{r}
 500 \\
 1800 \\
 \hline
 46400 \\
 500 \\
 \hline
 102400
 \end{array}$$

601: Ferguson to Malaya James 23100 Chisolm Tr.
 63951 Doshubek MKL Rd
 to James Black, 63893 Doshubek MKL Rd

T 17S, R 12E

RECEIVED

FEB 23 1977

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG 24 1976

78 WATER RESOURCES DEPT
SALEM, OREGON

3453

Ben
 Dave Panther not very experienced as you know. Possibly he only mapped the currently ir ground in 83. Marthaller claims acreage shown within terms. Please inspect for potential add'l land ASAP. T-3452 OK. T-3453 was to convy 3.2 to Marthaller & 5.0 to McCay.

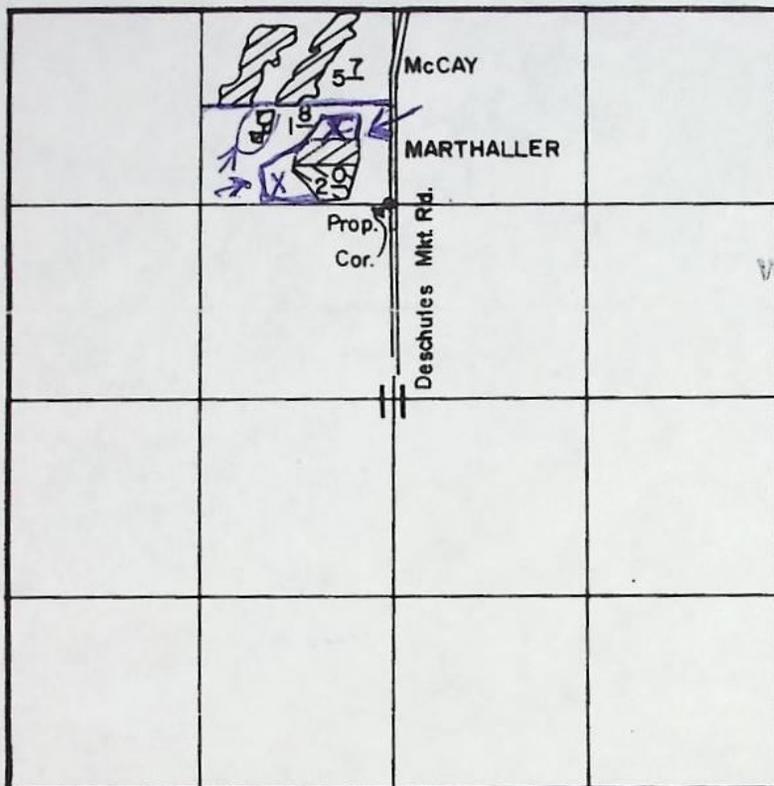
T.17 S., R.12 E., W.M.

Send results direct to me & I'll get your survey credit with SPA.

Thanks,
 Bruce

TOTAL OF 5 TO 6 ACRES WATERED,
 APPROX-

OWNER
 FRANK MARTHALLER
 1-13-89



RECEIVED

FEB - 1 1989

WATER RESOURCES DEPT.
 SALEM, OREGON

Tr. 3452

Tr. 3453

RECEIVED

JAN 18 1989

WATER RESOURCES DEPT.
 SALEM, OREGON

FINAL PROOF SURVEY

UNDER

Tr. 3452, 3453

Application No. Permit No.
 IN NAME OF

FRANK MARTHALLER; DENNIS McCAY

Surveyed NOV. 28.. 19.83, by D.PANTHER.....

RECEIVED

AUG 24 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 23 1977

WATER RESOURCES DEPT
SALEM, OREGON

T # 3453

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

We, E. G. Nilsson and Grayce B. Goodrich (COID)
(Name of applicant)

of Bend 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)

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 Pilot Butte 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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
16	12	14																8.2

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed. 35^o ac Decree Vol 16 P 141
Tab in name of John Happer
(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 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. John Hopper, Page 141
(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 $\frac{1}{4}$
17	12	11					8.2											

None existing

(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.? Yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
None		

20. Reasons for the proposed changes are

more beneficial use

.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of DESCHUTES } ss.

We, E. G. NILSSON and GRAYCE B. GOODRICH, the applicants herein, being first duly sworn, depose and say that we have read the above and foregoing application for transfer of water right; that we know the contents thereof and that the statements therein made are true and correct to the best of our knowledge and belief.

In Witness Whereof, we have hereunto set our hands this 16 day of July, 1976. E. G. Nilsson Grayce B. Goodrich (Name of applicant)

Subscribed and sworn to before me this 16th day of July, 1976.

[Notarial Seal]

Louise Hamby NOTARY PUBLIC FOR OREGON

My commission expires 10-16-76

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.