

31-1-1 Kelley Wank Helen R
 McPheters
 COI Redmond, Or

3454

STATUS OF APPLICATION

Change in place of use
 Date filed 8-24-76
 Date of hearing _____
 Place of hearing _____
 Date of order 10-14-76 Vol. 28, page 52
 Date for application of water 10-1-77
 Proof mailed _____
 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^e
 Name of ditch Pilot Butte Canal
 Date of priority Oct. 31, 1900 & Dec. 2, 1907
 In name of Central Oregon Irrigation District
Deschutes Riv. Adjudication, Vol. 16, page 100
Tab. in Frank Hamlin
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-24-76</u>	<u>30.00</u>	<u>55690</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

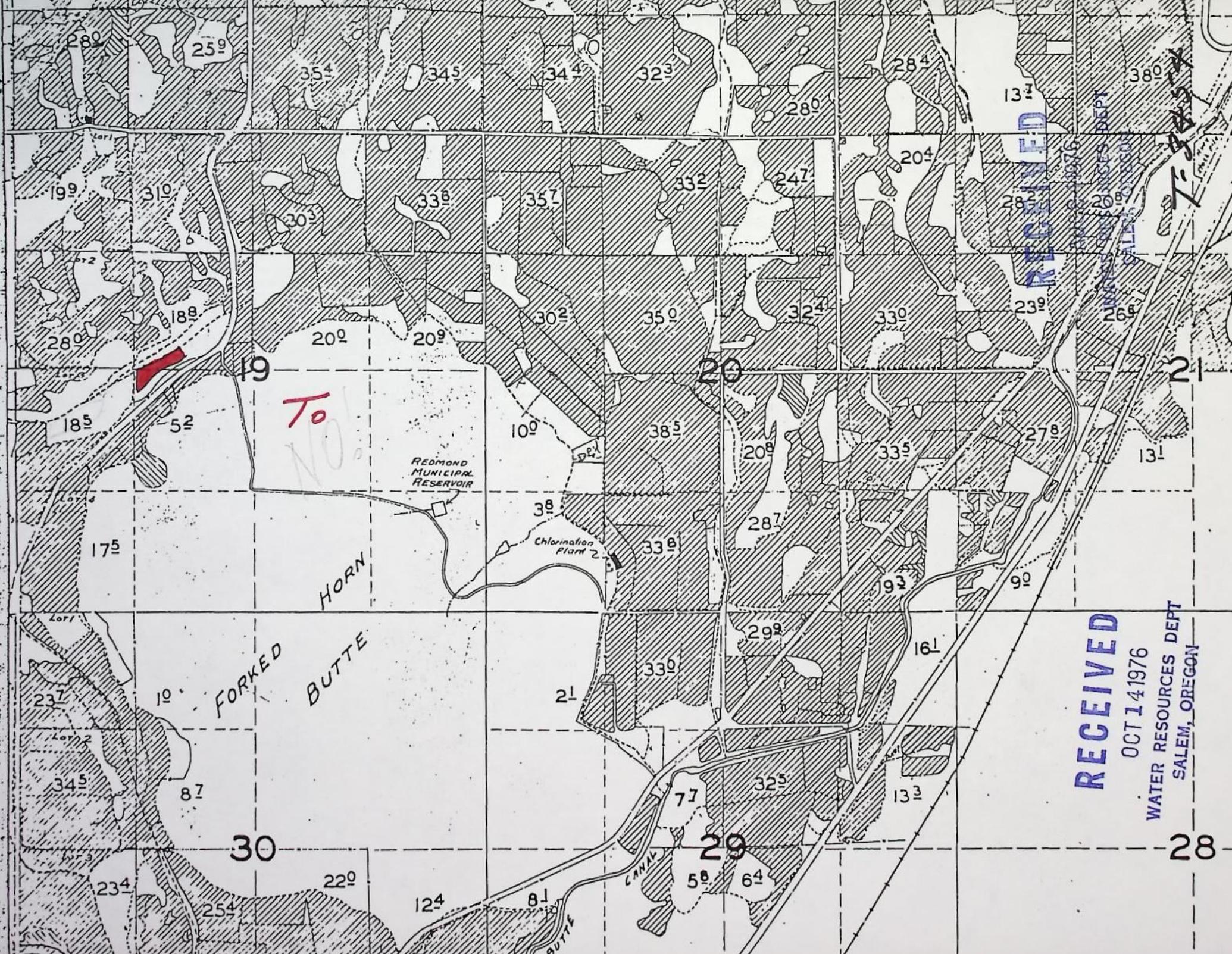
to survey 3/78

Surveyed 8/23/85 (Hammond)

REMARKS

TO BE ENTERED WHEN COMPLETE	INDEX CARDS:	
	Entered	Checked
<u>WA</u> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WA</u> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WA</u> Pt. of Div.	<input 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-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"/> Calendar	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

578



To

No

REDMOND MUNICIPAL RESERVOIR

Chlorination Plant 2

HORN FORKED BUTTE CANAL

FORKED BUTTE

RECEIVED

OCT 14 1976

WATER RESOURCES DEPT
SALEM, OREGON

28

21

20

19

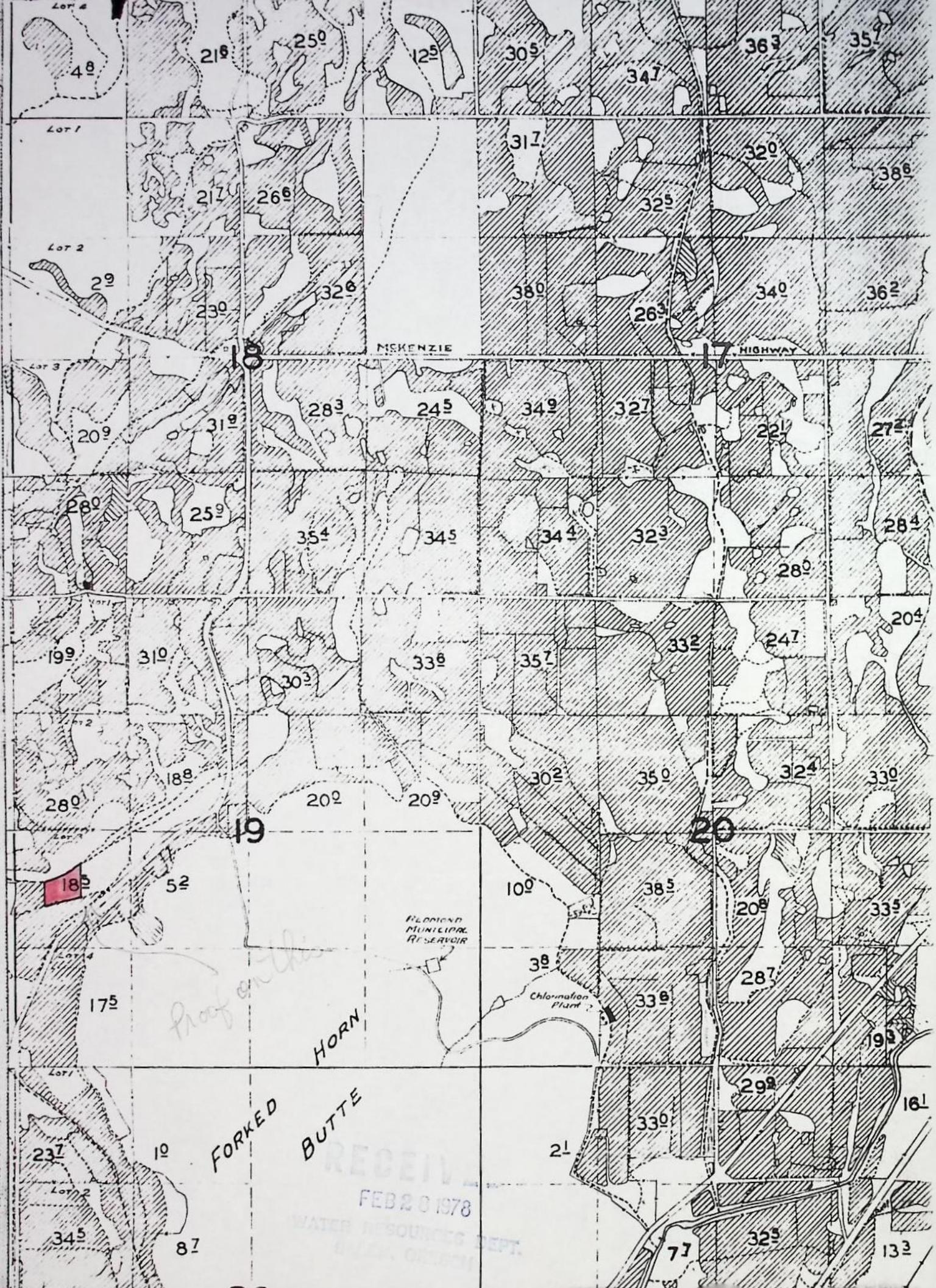
30

29

RECEIVED

WATER RESOURCES DEPT
SALEM, OREGON

7-345



Proof on this

HORN FORKED BUTTE

RECEIVED
FEB 20 1978
WATER RESOURCES DEPT.



FROM

RECEIVED

OCT 14 1976

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF)
RODNEY W. AND HELEN R. McPHEETERS)
(CENTRAL OREGON IRRIGATION DISTRICT))
FOR THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 3454

On August 24, 1976, Rodney W. and Helen R. McPheeters 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, 2.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 15 South, Range 12 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 Pilot Butte Canal.

The applicants herein, contract purchasers of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 15 South, Range 13 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 June 2, 1976.

Frank Morgan, titleholder of the lands from which Rodney W. and Helen R. McFheeters propose to transfer the water right has submitted written consent to 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.

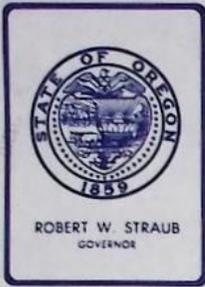
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water described herein, without loss of priority, is approved.

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



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 12, 1978

Rodney W. & Helen R. McPheeters
c/o Central Oregon Irrigation District
P.O. Box 548
Redmond, OR 97756

RE: File No. T- 3454

Dear Mr. and Mrs. McPheeters:

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. 3454, expired October 1, 1977.

If the authorized change was 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 dilligently 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. 3454 was accomplished by June 1, 1977, 1977.

Feb 16 1978
Date

Ralph Hammond
Signature

Please send form for application for extension of time limit.

RECEIVED

AUG 24 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED T# 3454
AUG 14 1976
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

by Rodney W. and Helen R. McPheeters
(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)

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
15	12	24															2	

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)

22nd Decree V16 P 100
6th Transfer (in) Sa. Or. V12, P50
11-1-75

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 Frank Hamlin, Page 100
(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	13	19							1	1								

*23E & 3E Decree V 16 P 128
 D 2 (out) Transfer Sp. Cr. Y. 9, P 423
 D-77*

(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	Frank Morgan, letter of consent attached	

20. Reasons for the proposed changes are more beneficial use

.....

*RECEIVED
 22 FEB 1953*

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

} ss.

Weg Rodney W. and Helen R. McPheeters, 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 July, 1976.

x Rodney W. McPheeters
x Helen R. McPheeters (Name of applicant)

Subscribed and sworn to before me this 15th day of July, 1976

[Notarial Seal]

Robert A. Anderson NOTARY PUBLIC FOR OREGON

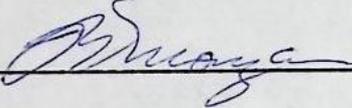
My commission expires Sept. 14, 1979

Remarks Approved by the Board of Directors of the Central Oregon Irrigation District at a regular meeting held June 2, 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.

CONSENT TO TRANSFER IRRIGATION WATER RIGHTS

I the undersigned as titleholder do hereby give my consent to transfer 2.0 acres of irrigation water rights from that part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section Twenty Four (24), Township Fifteen (15) South, Range Twelve (12) of the Willamette Meidian which lies West of the County Road.

Signed  Dated 13/6/76

RECEIVED

OCT 14 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG 24 1976

WATER RESOURCES DEPT
SALEM, OREGON

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

October 13, 1976

Wayne J. Overcash
Water Rights Engineer
Water Resources Department
1178 Chemeketa Street N. E.
Salem, Oregon 97310

Dear Sir:

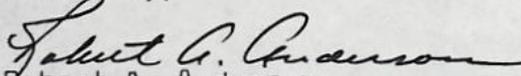
RE: File Tr-3454

To correct the error of the original application, I am enclosing a superceding map of the area from which the two acres of water right is being removed. This map shows an area of two acres from within a part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24 which will tie with the description on the application form.

The other documents that have been included were provided only for your information concerning a nine way switch of deeds between those property owners having a discrepancy of description where the original landowners had constructed boundry line fencing which was inconsistent with the actual boundry line descriptions. These discrepancies were noted in various places throughout the Findings related to the adjudication of the Deschutes River. This applies to a portion of those lands lying within a part of T.15 S., R.12 E., W.M. If you have no use for these paper, they may be destroyed rather than to be returned to this office.

I am enclosing this application for further process.

Sincerely,


Robert A. Anderson
Sec'y-Mgr.

RECEIVED
OCT 14 1976
WATER RESOURCES DEPT
SALEM, OREGON