A00: 1				
Name Deschutes - Odin Falls Rench	3953			
By	DESCRIPTION OF WATER RIGHT	FEES PAID		
Address 1026 NW Bond Street	David to Pa	Date	Amount	Receipt No.
Bend, OR, 97701	Name of stream Deschutes River	5-4-78	3850	2693
0-11	Trib. of County of Deschutes.	6-20-78	29.75	4155
Change in POU	Use	TOTAL	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Date filed May 4, 1978	Quantity of water		Cert. Fee	
Date of hearing	Name of ditch			
Place of hearing	Date of priority May 12, 1944	FEES REFUNDED		
Date of order 6-30-78 Vol. 31 , page 29	In name of	Date	Amount	Check No.
Date for application of water 10-1-79 70-181 10-1-82	App. No. 20434 Per. No. 15 920 Cert. No. 21592			
Proof mailed MAD 17 2003	App. No. 20434 Per. No. 15 920 Cert. No. 21592	exum 20	29	
Proof received	Certificate cancelled	POU 48	2.40	
Certificate issued 5/15/031 page 30173	Notation made on record by			
Certificate issued 5/15/0 fol., page 80724 80477	Cort. No. 30226			
REM	ARKS		Castan Extered	Chacked
Card for C NOV 2 0 1981		Street	23	
yo proof to be well for Sp	enges land See 6,-12237 :	Pt. of	Div.	
T-9324 APOU V 57 p 659		of OFFICE	ID TO RECOOD	521
	W.R.I.S.	Twp. 6	rault Leg	2620
		Decree	WR JUDO	
	Assembled 6-7 hy	Per F	fy	
	Verified by	S Chaine	Vef.	
	00 Roy 17/13	91-94 Power	Claim QC	
2/24/01 Garyma Cabe, Trystee of the McCabe family to	1St Pagmond OR 9-7236 ASSIGNED, SOO MISC. HOU, VOI. 9 1 Page	Ti'll	7-8	

T-3953

# STATE OF OREGON

### COUNTY OF DESCHUTES

# ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9324 submitted by

MCCABE FAMILY TRUST C/O GARY MCCABE P.O. BOX 1743 REDMOND, OREGON 97756.

The right to be modified, as evidenced by a portion of Certificate 80173, was perfected under Permit 15920 with a date of priority of MAY 12, 1944. The right allows the use of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 2.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.026 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 26, T 14 S, R 12 E, W.M.; 765 FEET NORTH AND 215 FEET WEST FROM THE SE CORNER, SW¼ SE¼, SECTION 26, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year, SUBJECT TO CONDITIONS AND LIMITATIONS SET OUT IN THE STIPULATION OF AUGUST 1, 1944, BETWEEN THE ARNOLD IRRIGATION DISTRICT AND THE HOLDER OF THIS RIGHT AS RECORDED ON PAGE 1250 IN VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER AND FURTHER SUBJECT TO THE CONDITIONS DESIGNATED IN THE WAIVER OF AUGUST 22, 1944, BY JAMES W.C. POUGE RECORDED ON PAGE 1251, VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER.

-

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE% SW% 0.6 ACRE NW% SW% 0.6 ACRE SECTION 26

NW% NW% 0.9 ACRE
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The applicant proposes to change the place of use to:

NW% NW% 2.1 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

T-9324.BW Page 2 of 3 Special Order Volume 57, Page 660.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

- The proposed change shall be completed on or before October 1, 2004.
- 2. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
- The former place of use shall no longer be irrigated as a part of this water right.

Certificate 80173 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 2 0 2003

Paul R. Cleary, Director

# COUNTY OF DESCHUTES

# CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY McCABE, TRUSTEE McCABE FAMILY TRUST P.O. BOX 1743 REDMOND, OR 97236

confirms the right to use the waters of DESCHUTES RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 2.1 ACRE.

This right was perfected under Permit 15920. The date of priority is MAY 12, 1944. This right is limited to 0.026 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 SE 1/4, SECTION 26, TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.; 765 FEET NORTH AND 215 FEET WEST FROM THE SE CORNER, SW 1/4 SE 1/4, SECTION 26.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, SUBJECT TO CONDITIONS AND LIMITATIONS SET OUT IN THE STIPULATION OF AUGUST 1, 1944, BETWEEN THE ARNOLD IRRIGATION DISTRICT AND THE HOLDER OF THIS RIGHT AS RECORDED ON PAGE 1250 IN VOLUME 2 OF THE MISCELLANEOUS BECCROS OF THE STATE ENGINEER AND FURTHER SUBJECT TO THE CONDITIONS DESIGNATED IN THE WAIVER OF AUGUST 22, 1944, BY JAMES W. C. POCUMERECORDED ON PAGE 1251, VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.\*

ordered by the proper state officer \*\*

A description of the place of use to which this right is appurtenant is as follows:

> NW 1/4 NW 1/4 2.1 ACRES SECTION 35 TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MAY 20, 2003, and together with Certificate 80226, supersedes Certificate 80173, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued December 18, 2003.

Paul R. Eleary, Director Water Resources Department



### COUNTY OF DESCHUTES

# CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY McCABE, TRUSTEE McCABE FAMILY TRUST P.O. BOX 1743 REDMOND, OR 97236

confirms the right to use the waters of DESCHUTES RIVER, a tributary of COLUMBIA RIVER, for IRRIGATING 135.8 ACRES AND DOMESTIC FOR ONE FAMILY.

This right was perfected under Permit 15920. The date of priority is MAY 12, 1944. This right is limited to 1.71 CUBIC FOOT PER SECOND(CFS), BEING 1.70 CFS FOR IRRIGATION AND 0.01 CFS FOR DOMESTIC, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 SE 1/4, SECTION 26, TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.; 765 FEET NORTH AND 215 FEET WEST FROM THE SE CORNER, SW 1/4 SE 1/4, SECTION 26.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, SUBJECT TO CONDITIONS AND LIMITATIONS SET OUT IN THE STIPULATION OF AUGUST 1, 1944, BETWEEN THE ARNOLD IRRIGATION DISTRICT AND THE HOLDER OF THIS RIGHT AS RECORDED ON PAGE 1250 IN VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER AND FURTHER SUBJECT TO THE CONDITIONS DESIGNATED IN THE WAIVER OF AUGUST 22, 1944, BY JAMES W. C. POGUE RECORDED ON PAGE 1251, VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4 2.6 ACRES NW 1/4 SW 1/4 2.6 ACRES

SECTION 26

TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

T-3953.BWB

Certificate Number 80173

SW 1/4 SW 1/4 39.1 ACRES SE 1/4 SW 1/4 40.1 ACRES SW 1/4 SE 1/4 17.5 ACRES SECTION 26

NW 1/4 NW 1/4 33.9 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JUNE 30, 1978, and supersedes Certificate 21595, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued May 15, 2003.

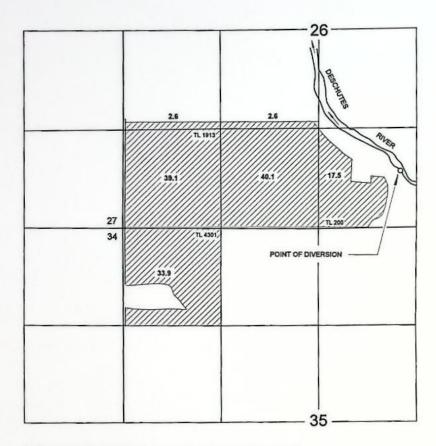
Paul R. Cleary, Director Water Resources Department

Recorded in State Record of Water Right Certificates Number 80173.

# FINAL PROOF SURVEY MAP IN THE NAME OF MCCABE FAMILY TRUST

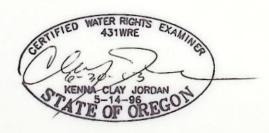
SECTIONS 26 AND 35, TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.





THE POINT OF DIVERSION IS LOCATED 765 FEET NORTH AND 215 FEET WEST FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW½ SE½) OF SECTION 26; BEING WITHIN THE SW½ SE½ OF SECTION 26, TOWNSHIP 14 SOUTH, RANGE 12 EAST W.M.; DESCHUTES COUNTY.





# BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

# DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION )
OF DESCHUTES-ODIN FALLS RANCH FOR)
APPROVAL OF A CHANGE IN PLACE OF )
USE OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING TRANSFER NO. 3953

On May 4, 1978, an application was filed in the office of the Water Resources Director by Deschutes-Odin Falls Ranch for approval of a change in place of use from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 21592, Volume 15, State Record of Water Right Certificates, in the name of Oliver R. Jones, describes a right which includes the use of not to exceed 2.29 cubic feet per second from Deschutes River for the irrigation of a certain 1.2 acres in SE4 NW4, 23.0 acres in NE4 SW4, 2.7 acres in NW4 SW4, 25.0 acres in SW4 SW4, 37.8 acres in SE4 SW4, 19.1 acres in SW4 SE4 of Section 26; 8.8 acres in SE4 SE4 of Section 27; 37.8 acres in NE4 NE4, 15.1 acres in NW4 NE4, 4.8 acres in SW4 NE4, 7.3 acres in SE4 NE4 of Section 34, Township 14 South, Range 12 East, W.M., with a date of priority of May 12, 1944.

Water for the said right is diverted from a point located 725 feet North and 382 feet West from the Southeast Corner of the SW4 SE4 of Section 26, being within the SW4 SE4 of Section 26, Township 14 South, Range 12 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 8.4 acres in SW4 NW4, 2.2 acres in SE4 NW4, 25.0 acres in NE4 SW4, 10.9 acres in NW4 SW4, 38.4 acres in SW4 SW4, 39.0 acres in SE4 SW4, 19.7 acres in SW4 SE4 of Section 26; and 39.0 acres in NW4 NW4 of Section 35, Township 14 South, Range 12 East, W.M.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights,

No objections having been filed and it appearing that the proposed change in place of use 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, as 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, 1979.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, the certificate of water right heretofore issued to Oliver R. Jones and recorded at page 21592, Volume 15, State Record of Water Right Certificates, be canceled; and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon this 30th day of June, 1978.

James E. Sexson

Director

8, 4 52.2 25,0 10,9 38,4 39,0 19,7 39,0 162.6

# COUNTY OF DESCHUTES

### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY McCABE, TRUSTEE McCABE FAMILY TRUST P.O. BOX 1743 REDMOND, OREGON 97236

confirms the right to use the waters of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 133.7 ACRES AND DOMESTIC FOR ONE FAMILY.

This right was perfected under Permit 15920. The date of priority is MAY 12, 1944. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.684 CUBIC FOOT PER SECOND(CFS), BEING 1.674 CFS FOR IRRIGATION AND 0.01 CFS FOR DOMESTIC, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW% SE%, SECTION 26, T 14 S, R 12 E, W.M.; 765 FEET NORTH AND 215 FEET WEST FROM THE SE CORNER, SW% SE%, SECTION 26.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, SUBJECT TO CONDITIONS AND LIMITATIONS SET OUT IN THE STIPULATION OF AUGUST 1, 1944, BETWEEN THE ARNOLD IRRIGATION DISTRICT AND THE HOLDER OF THIS RIGHT AS RECORDED ON PAGE 1250 IN VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER AND FURTHER SUBJECT TO THE CONDITIONS DESIGNATED IN THE WAIVER OF AUGUST 22, 1944, BY JAMES W. C. POGUE RECORDED ON PAGE 1251, VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4 2.0 ACRES NW 1/4 SW 1/4 2.0 ACRES SW 1/4 SW 1/4 39.1 ACRES SE 1/4 SW 1/4 40.1 ACRES SW 1/4 SE 1/4 17.5 ACRES SECTION 26

NW 1/4 NW 1/4 33.0 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 80173, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_\_\_\_, approving Transfer Application 9324.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources

Director, affixed MAY 2 0 2003

Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80226.

T-9324.BW

COUNTY OF DESCHUTES

# CERTIFICATE OF WATER RIGHT

# This Is to Certify, That OLIVER R. JONES

501 State Street, Bend Oregon , State of to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Deschutes River

a tributary of Columbia River

for the purpose of

irrigation and domestic for one family

of the State Engineer, and that said right to the use of said waters under Permit No. 15920 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 12, 1944

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.30 cubic foot per second, being 2.29 cubic foot per second for irrigation and 0.01 cubic foot per second for domestic

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW4 of the SE4, Section 26, Township 14 South, Range 12 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, subject to conditions and limitations set out in the stipulation of August 1, 1944 between the Arnold Irrigation District and the applicant as recorded on P. 1250 in Volume 2 of the Miscellaneous Records of the State Engineer and further subject to the conditions designated in the waiver of August 22, 1944 by James W. C. Pogue recorded on P. 1251, Volume 2 of the Miscellaneous Records of the State Engineer.

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

1.2 acres in the SE NW -1.2 ~23.0 acres in the NEt SWオーススル 20.7 acres in the NW4 SW4-2.7
25.0 acres in the SW4 SW4-2.7
37.8 acres in the SE4 SW4-17.8 19.1 acres in the SWI SEI -17.1 Section 26 8.8 acres in the  $SE_4^1$   $SE_4^1$  - 7.8 Section 27 37.8 acres in the NE 1 NE 1 - 37.8 15.1 acres in the NW NE NE -15./ 4.8 acres in the SW NE -4.8 7.3 acres in the SE NE -7.3

Doswst 126

Section 34 Township 14 South, Range 12 East, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 6th September day of

LEWIS A. STANLEY

State Engineer