

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
KENNETH AND DORIS WHITMORE (CENTRAL)
OREGON IRRIGATION DISTRICT) FOR AP-)
PROVAL OF A CHANGE IN PLACE OF USE)
WATER)

ORDER APPROVING
TRANSFER NO. 4082

On October 24, 1978, an application was filed in the office of the Water Resources Director by Kenneth and Doris Whitmore for 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 allowed in the name of Central Oregon Irrigation District for the use of the waters of Deschutes River for irrigation of, among other lands, a certain 2.7 acres in SE 1/4 SE 1/4 of Section 4, Township 14 South, Range 13 East W.M., being tabulated in the name of Vic Payne at Volume 16, page 75, 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 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 2.7 acres in NW 1/4 SE 1/4 of said Section 4.

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 April 6, 1977.

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.

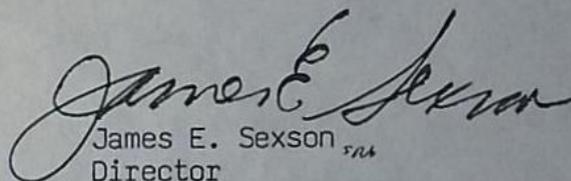
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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, 1982.

It is FURTHER ORDERED that upon 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 shall be issued to Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 20th day of November, 1980.


James E. Sexson ^{SR}
Director

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. T0000 *40821* PERMIT NO. 016 *075* CERTIF. NO. 0029052

NAME: *KENNETH & DORIS WHITMORE*

ORIG. NO. C000290521 PREV. NO. C000290521 SUPER. NO.

ADDRESS: COID PO BOX548

CITY/STATE/ZIP/COUNTY; REDMOND, OR 97756

07
09

STREAM-ID 05 1980

RIV.MI. 0.0 WM.DIST. 11 W.R.TYPE SC STATUS V

CANCEL YEAR--->	CONSTR.COMPLT--> <i>09 27 1982</i>	YR.LAST USED-----> _____	NEXT ACTION DUE--> _____
PRIORITY-----> 10 31 1900	PUT TO USE-----> <i>09 27 1982</i>	LAST TRANS.DATE--> _____	LAST TRANS.TYPE--> _____
APPLICATION---> <i>10 24 1978</i>	SURVEYED-----> <i>07 30 1984</i>	EXAM.FEE-----> <i>20.00</i>	RECORDING FEE----> <i>10.00</i>
PERMIT ISSUE--> <i>11 20 1980</i>	CONCURRENCE----->	CYCLE STATUS-----> _____	REPORTED FLAG----> _____
CONSTR.STRT.--> <i>11 20 1980</i>	CERTIFIED----->	CORRES.INIT.-----> _____	CORRES.DATE-----> _____

POINT-OF-DIVERSION DATA;

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV.MI.	RATE	STATUS	S	OR	P
170S	120E	29	A D	05 1980	<i>164.0</i>		V			P
180S	120E	13	A C	05 1980	171.0		V			P
					0.0					

** REMARKS; - - - - -
** DATED-->
** ~~PRIORITY ALSO 12-2-1907. CHANGES POUL~~
** ~~PART OF C-29052 PILOT BUTTE CENTRAL~~
** ~~OREGON CANAL. TAB IN NAME OF VIC~~
** *PAYNE.*
** - - - - -
** - - - - -
** - - - - -

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
<i>140S</i>	<i>130E</i>	<i>04</i>	<i>D B</i>	<i>09</i>	<i>IR</i>	<i>100.00</i>	<i>2170</i>		<i>V</i>			<i>P</i>

W.R.I.S.

Assessed *4-8-85* by *SRB*

Entered _____ by _____

Verified _____ by _____

RECEIVED

SEP 27 1982

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

PURSUANT TO TRNASFER APPLICATION NO. 4082

I, Ronald D Hovey, 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 said water right transfer application was accomplished by 20 Nov, 1980.

Sept 23, 1982
Date

Ronald D Hovey
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
JG



STATE OF OREGON

Redmond

INTEROFFICE MEMO

RECEIVED

NOV 7 1980

WATER RESOURCES DEPT
SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE:

FROM: WATERMASTER, DISTRICT NO. 11
(signature) *Bob Main*

SUBJECT: Water Right Transfer Application No. 4082 for change in (POU) POD, Use of water
In the name(s) of *Kenneth + Doris Whitmore / CO10*

In my opinion (assuming the water right is valid), the proposed change
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) of diversion between the authorized and proposed points of diversion? _____
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- _____ (1) PRIOR to the diverting of water at the new point of diversion
- _____ (2) WHEN IN the judgment of the watermaster it becomes necessary

NO *inspector*

The enclosed copy of the transfer application and map(s) are for your records.



Contains Recycled Materials

RECEIVED

OCT 24 1978

WATER RESOURCES DEPT
SALEM, OREGON

T-4082

Application for Transfer of Water Right

Water Resources Director

To the STATE ENGINEER OF OREGON:

I, Kenneth Whitmore and Doris Whitmore
(Name of applicant)

of Terrebonne, 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 $\frac{1}{4}$	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 $\frac{1}{4}$
14	13	4																2.7

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)

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 _____

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. Vic Payne, page 75.
(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 $\frac{1}{4}$
14	13	4															2.7	

(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

2025 FEB 11 10 15 AM
 RECEIVED

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

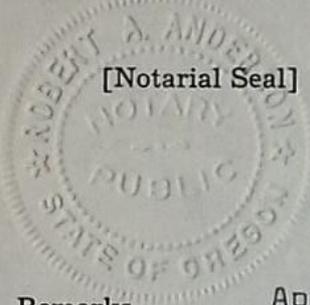
ss.

We, Kenneth Whitmore and Doris Whitmore, 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 15th day of March, 1977

X Doris Whitmore
X Kenneth Whitmore
(Name of applicant)

Subscribed and sworn to before me this 15th day of March, 1977



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 April 6, 1977. Water rights being transferred to lands of Ronald Hovey.

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.

7798

2827

Vol 213 Page 919

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, That GEORGE VICTOR PAYNE and HELMA M. PAYNE, husband and wife, owner(s) and holder(s) of the mortgage and the obligation hereinafter described do hereby certify and declare that a certain mortgage, dated August 4th, 1966 made and executed by KENNETH WHITMORE and DORIS WHITMORE, husband and wife, the mortgagor therein, to GEORGE VICTOR PAYNE and HELMA M. PAYNE, husband and wife, the mortgagee therein, and recorded in the office of the County Clerk, County of Deschutes, State of Oregon, on August 5th, 1966 in Book 149 at page 546, Mortgage Records of said county and state,

together with the debt thereby secured is fully paid, satisfied and discharged.

EXECUTED this 29th day of July, 1976.

George Victor Payne
George Victor Payne

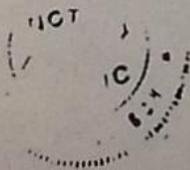
Helma M. Payne
Helma M. Payne

STATE OF OREGON, County of Deschutes) ss. July 29th 1976

Personally appeared the above named GEORGE VICTOR PAYNE and HELMA M. PAYNE, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 11-15-78



2827

STATE OF OREGON

County of Deschutes

I hereby certify that the within instrument of writing was received for Record
the 11 day of Aug AD 1976
at 4:40 o'clock P. M. and recorded
in Book 213 on Page 99 Records
of Montgomer

ROSEMARY PATTERSON
County Clerk

By Deane S. Ballou Deputy

That, therefore, it will execute and perform the covenants herein contained and that any and every covenant... shall be taken to be binding upon the mortgagor and his heirs, assigns and assigns forever...

The interest of the mortgagee between themselves in and to this mortgage and the note secured thereby and the proceeds thereof shall be as joint owners with the right of survivorship and not as tenants in common.

Mortgagor further covenants and agrees that so long as this mortgage remains unpaid that he will not sell, contract to sell, lease with an option to purchase, or lease for a period of longer than five years any portion of said premises less than the whole thereof...

IN WITNESS WHEREOF, said mortgagor has hereunto set his hand and seal the day and year first above written.

Mortgagor further covenants to seasonably farm in a husbandlike manner the tillable portions of said premises and to apply all of the irrigation water to the irrigable portions thereof each year and not allow the water rights to be forfeited for non-use thereof.

Herewith Whitmore (SAL)
Doris Whitmore (SAL)
(SAL)
(SAL)

MORTGAGE

STATE OF OREGON,
County of Deschutes

I certify that the within instrument was received for record on the 17th day of August 1966, at 11:27 A.M. and recorded in book 179 on page 575 - Record of Mortgages of said County.

Witness my hand and seal of County aforesaid.

Handwritten signature of the official.

CHARTERED SURVEY TITLE & ABSTRACT
1000 BOND STREET - BEND, OREGON

STATE OF OREGON,
County of Deschutes

BE IT REMEMBERED, That on this 17th day of August, 1966, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named KERITH WHITMORE and DORIS WHITMORE, husband and wife

known to me to be the identical individual(s) described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

KNOW ALL MEN BY THESE PRESENTS, That GEORGE VICTOR PAYNE and HELMA M. PAYNE, husband and wife

in consideration of Ten hereinafter called the grantor, and other good and sufficient considerations Defters, to grantor paid by KENNETH WHITMORE and DORIS WHITMORE, husband and wife

doe hereby grant, bargain, sell and convey unto the said grantee and grantor's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Deschutes and State of Oregon, described as follows, to-wit:

IN TOWNSHIP 14 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon:

Section 4: The SE1/4 EXCEPT that portion lying within the right of way of U. S. Highway 97 and the Oregon Trunk Railway, as located July 1, 1966.

TOGETHER with an appurtenant water right of 63 acres under the system of the Central Oregon Irrigation District.

SUBJECT to existing roads, highways, easements, rights of way, ditches and reservations contained in state deeds and federal patents.

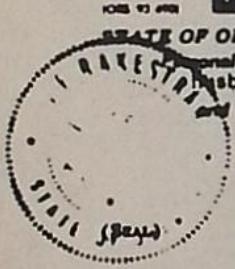
To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as aforesaid and taxes for the tax year 1966-67 not yet due and payable

and that grantor will and grantor's heirs, executors and administrators shall warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand and seal this 14th day of August, 1966

George Victor Payne (SEAL)
Helma M Payne (SEAL)
(SEAL)
(SEAL)



STATE OF OREGON, County of Deschutes) ss. August 14th 1966
personally appeared the above named GEORGE VICTOR PAYNE and HELMA M. PAYNE, husband and wife
and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon
My commission expires November 13, 1966

WARRANTY DEED

TO
AFTER RECORDING RETURN TO

COUNTY OF DE SCHUTES TITLE A ABSTRACT
1000 BOND STREET - BEND, OREGON

STATE OF OREGON,
County of Deschutes

I certify that the within instrument was received for record on the 5th day of August, 1966, at 11:26 o'clock A.M., and recorded in book 179 on page 593 Record of Deeds of said County.

Witness my hand and seal of County official.

Heidi K. Dancy
County Clerk - Deschutes
By E. Paul Spurgeon

31386

EX. 273-834

MEMORANDUM OF SALE

DATE:

SELLER:

BUYER:

KENNETH WHITMORE and DORIS WHITMORE,
husband and wife

L. Q. JORDAN and/or Assignee, and ROBERT
C. BUYLEK

It is hereby requested, all tax state-
ments be sent to the following address:

Ray B. Smith, Treasurer, Box 9216

PROPERTY:

IN TOWNSHIP 14 SOUTH, RANGE 19 EAST OF THE
WILLAMETTE MERIDIAN, Deschutes County, Oregon

Section 44. The South 1/2 of the Southeast
1/4, EXCEPT that portion lying within the
right of way of U. S. Highway 97 and the
Oregon Trunk Railway as located July 1, 1960.

TOGETHER with 35.3 acres of Central Oregon
Irrigation District water rights.

PURCHASE PRICE:

\$100,000.00

Seller

Kenneth Whitmore
KENNETH WHITMORE

Doris Whitmore
DORIS WHITMORE

Buyer

L. Q. Jordan
L. Q. JORDAN

Robert C. Buylek
ROBERT C. BUYLEK

7-13-1941

STATE OF OREGON
County of [unclear]
[unclear]
[unclear]
[unclear]

Whereas, the above named L. C. JORDAN and ROBERT
SMITH are desirous of the foregoing instrument to be their
last will and testament;



Clara M. [unclear]
Notary Public for Oregon
My Commission Expires: August 1, 1942

31884

STATE OF OREGON
County of [unclear]
I hereby certify that the within instrument was duly
filed for record in the office of the County Clerk of
this County on the 13th day of July 1941 at
[unclear] o'clock of the [unclear] day
of [unclear] 1941.

LAW OFFICE OF
MERRILL & O'SULLIVAN
227 N.W. Gallegosway
SEASIDE, OREGON 97138

