

4083

Name M.C. & Sally Fuller  
 By Central Oregon Irrigation Dist.  
 Address PO Box 548  
Redmond, OR 97756

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in POU  
 Date filed Oct 24, 1978  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 10-31-78 Vol. 31, page 375  
 Date for application of water 10-1-80  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Name of stream Deschutes River  
 Trib. of \_\_\_\_\_ County of Deschutes  
 Use \_\_\_\_\_  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch Central Oregon Canal  
 Date of priority Oct 31, 1900 & Dec 2, 1907  
 In name of C.O.I.D. tab. in George Murphy  
Deschutes River Adjudication, Vol. 16, page 70  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 29052  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
<u>10-24-78</u>	<u>30-</u>	<u>6926</u>
TOTAL . . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

*to sur 1/81  
2-18-82 SA*

REMARKS

CARD FOR C NOV 4 1980

Loss of Right Order 9-25-81, U 35, P 254  
to WM, Abstract, Adjudication

W.R.I.S.	
Assembled <u>7-8-85</u> by <u>SA</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE INDEXED WHERE CHECKED

INDEX CARDS: *Loss of Right*

<input checked="" type="checkbox"/>	Name	<i>lg</i>	<i>SRX</i>	
<input checked="" type="checkbox"/>	Stream	<i>lg</i>	<i>SRX</i>	
<input checked="" type="checkbox"/>	Ft. of Div.	<i>lg</i>		
<input checked="" type="checkbox"/>	Calendar	<i>lg</i>		
CHECKED TO RECORD				
<input checked="" type="checkbox"/>	Twp. & Rce.		<i>SRX</i>	
<input checked="" type="checkbox"/>	Decree-vault	<i>WJO</i>	<i>SRX</i>	
<input checked="" type="checkbox"/>	Decree-safe	<i>SRX</i>	<i>SRX</i>	
<input checked="" type="checkbox"/>	Cert. of W/R	<i>SRX</i>	<i>SRX</i>	
<input type="checkbox"/>	Per. Folier			
<input type="checkbox"/>	Chinindex			
<input type="checkbox"/>	Cross Ref.			
<input checked="" type="checkbox"/>	Power Claim			
<input checked="" type="checkbox"/>	Abstracts	<i>lg</i>		

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OCT 24 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

T-4083

RIVER

5

4

WHITE  
CANAL  
OLD PILOT

207

98

237

289

56

248

180

CENTRAL

212

311

144

259

285

305

349

132

252

321

305

349

132

100

332

302

271

140

140

211

316

320

268

383

365

16

300

280

132

228

361

22

275

140

50

315

129

211

17

258

130

47

69

235

not irrig

not irrig

new sug







Info: Mr. Fuller

Remarks: Mr. Fuller said this land <sup>(the entire parcel)</sup> was last irrigated in 1977. He said he sold a portion of his land with some water. He then tried to sell the remainder of his water and was not able to sell this 1-3 ac., <sup>so,</sup> as near as I can tell, he had this water transferred to his <sup>remaining</sup> land so that he could ~~see~~ <sup>sell</sup> it. But in the mean time, Mr. Fuller moved to Madras and Nevada and did not irrigate his land.

from the land he sold

Time frame: 1977 - last irrigated  
10-1978 - application made (per order)  
10-1-80 - c date  
5-18-81 - F.P. Survey - no irrigation

Adverse Report

5-18-81

Larry H. Furr  
Field Engineer

Mr. Fuller's land was part of a larger parcel. Mr. Fuller sold a portion of this larger portion along with only a portion of the water right that was appurtenant. He tried to sell the remainder of the water right; couldn't; and so he ~~parted~~ <sup>transferred</sup> it to his remaining land. But he quit watering before he made the transfer and in fact has not watered since 1977.

clarified — 9-11-81

Larry H. Furr  
Field Engineer



**Equitable  
Savings  
is people.**

EQUITABLE SAVINGS  
1300 S.W. SIXTH AVE.  
P.O. BOX 72-97207  
PORTLAND, OR. 97201  
(503) 243-1611

T-4083

March 15, 1977

Central Oregon Irrigation District  
847 So. Sixth Street  
Redmond, Oregon 97756

Re: Our Loans No. 201215272 & 201217186  
Tax Lots 501 and 504

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WATER RESOURCES DEPT.  
SALEM, OREGON

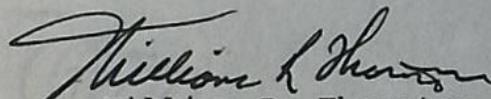
Gentlemen:

We are writing on behalf of Monroe C. Fuller, the owner of the property covered by the above numbered loans, this property being identified in the attached Exhibits A and B.

Please consider this letter to be notification that Equitable Savings and Loan Association hereby releases all claim to the water rights on this property in excess of 2 1/2 acres.

Very Truly Yours,

EQUITABLE SAVINGS & LOAN ASSN.

  
William R. Thornton  
Vice President

WRT:mi  
Attachments

cc: Gerald Iverson, Bend Office

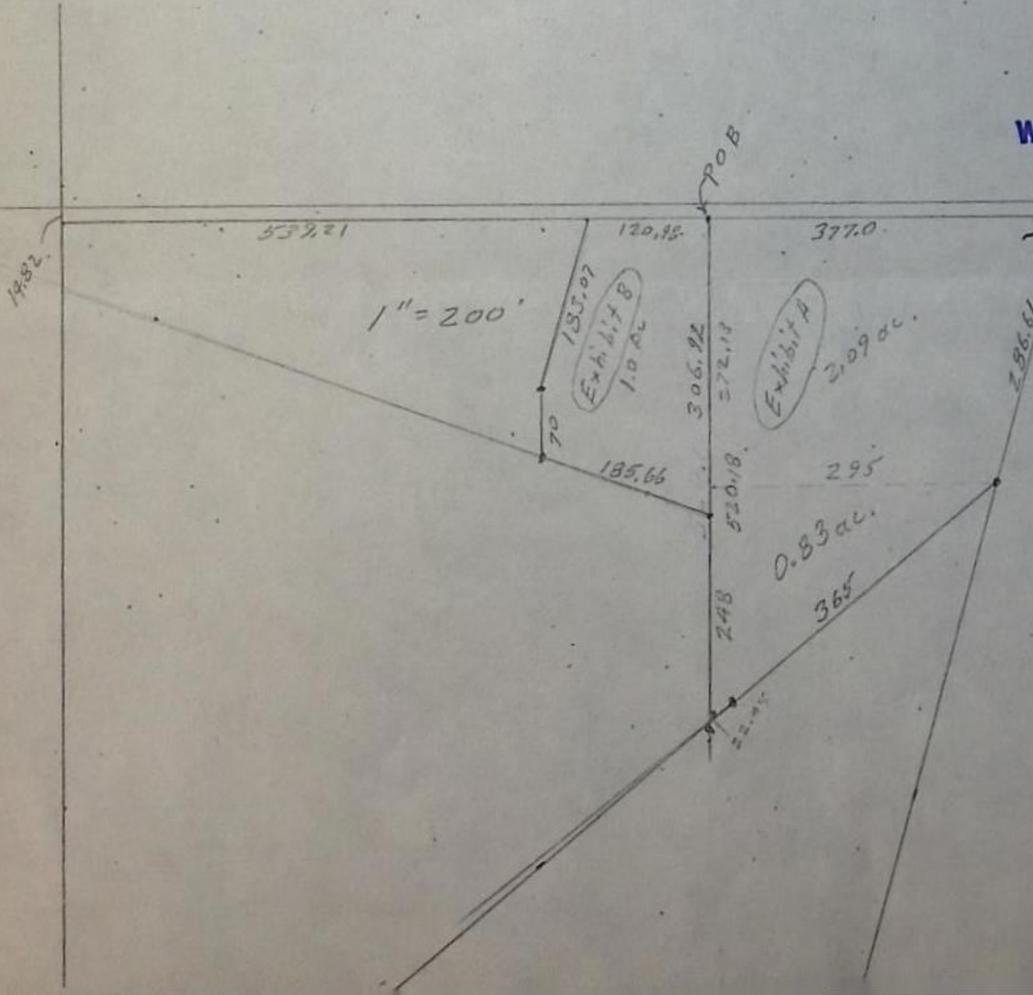
A tract of land being a portion of Tract Twenty-five (25), REED HIGHWAY ACREAGE SECTION TWO (2) (now vacated) located in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Eight (8) Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County Oregon, described as follows: Commencing at the Northwest corner of the NE $\frac{1}{4}$  of said Section 8; thence South 0 $^{\circ}$  36' 21" West along the West line of said NE $\frac{1}{4}$  a distance of 14.82 feet to the Southerly right of way line of Hayes Avenue; thence East along said right of way line a distance of 660.19 feet to the point of beginning for this description; thence continuing East along said right of way line a distance of 377.00 feet to the Northwest corner of a tract of land described in the deed recorded on page 196 Volume 184 Deschutes County Deed records; thence South 15 $^{\circ}$  15' 24" West along the West line of the aforementioned tract of land a distance of 286.61 feet to the Northerly right of way line of the C.O.I. Canal; thence South 51 $^{\circ}$  00' West along said Northerly right of way line a distance of 365.27 feet; thence continuing along said Northerly right of way line on the arc of a 600.00 foot radius curve to the right an arc distance of 22.45 feet through a central angle of 2 $^{\circ}$  08' 38" (the chord bears South 52 $^{\circ}$  04' 25" West, 22.45 feet); thence North a distance of 520.18 feet to the point of beginning.

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WATER RESOURCES DEPT.  
SALEM, OREGON

T-4083



Handwritten calculations:

2.09
0.83
2.92
1.00
3.92
-1.3
2.62

Labels: "Exhibit A", "Exhibit B"

EXHIBIT B

A tract of land being a portion of Tract 25, "Reed Highway Acreage" Section 2 (now vacated) located in the Northeast Quarter of Section Eight (8), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Commencing at the Northwest corner of the NE1/4 of said Section 8; thence South 0° 36' 21" West along the West line of said NE1/4 a distance of 14.82 feet to the Southerly right of way line of Hayes Avenue; thence East along said right of way line a distance of 539.21 feet to the point of beginning for this description; thence continuing East along said right of way line a distance of 120.98 feet; thence South a distance of 306.92 feet; thence North 70° 29' 29" West a distance of 185.66 feet; thence North a distance of 70.00 feet; thence North 17° 09' 45" East a distance of 183.07 feet to the point of beginning. Containing 1.00 acres.

SUBJECT TO rights, right-of-ways, easements and covenants of record.

16636

STATE OF OREGON  
County of Deschutes

NOTE

I hereby certify that the within herein recited of writing was recorded for Record the 11 day of June AD 1975 at 4:42 o'clock P.M. and recorded in Book 277 by Clerk *[Signature]*

ROSEMARY PATTERSON  
County Clerk  
*[Signature]*

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OCT 24 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

T-4083

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION )  
OF M.C. & SALLY FULLER (CENTRAL )  
OREGON IRRIGATION DISTRICT) FOR )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM DESCHUTES RIVER)  
-----

ORDER APPROVING  
TRANSFER NO. 4083

On October 24, 1978, M. C. and Sally Fuller filed an application in the office of the Water Resources Director 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 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 the irrigation of, among other lands, a certain 1.3 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, Township 18 South, Range 12 East, W.M., being tabulated in the name of George Murphy, with dates of priority of October 31, 1900 and December 2, 1907, as evidenced by the 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 Central Oregon Canal.

The applicants herein propose to transfer the water right therefrom, without loss of priority, to a certain 1.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, Township 18 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 April 6, 1977.

No objections 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.

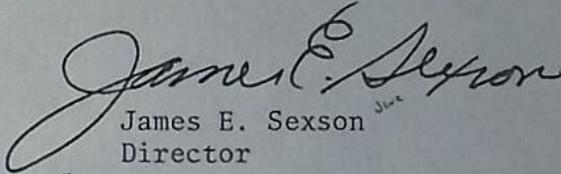
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use of water, as described herein, without loss of priority, is approved.

1312375

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

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 Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 31st day of October, 1978.

  
James E. Sexson  
Director

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

WATER RIGHT NO. T0000 40831 PERMIT NO. 016070 CERTIF. NO.0029052  
ORIG. NO. C000290521 PREV. NO.C000290521 SUPER. NO.

NAME: M.C. & SALLY FULLER  
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 ~~#~~ C

CANCEL YEAR---->	CONSTR.COMPLT--> 10 01 1980	YR.LAST USED-----> _____	NEXT ACTION DUE--> _____
PRIORITY-----> 10 31 1900	PUT TO USE-----> 10 01 1980	LAST TRANS.DATE--> _____	LAST TRANS.TYPE--> _____
APPLICATION----> 10 24 1978	SURVEYED-----> 05 18 1981	EXAM.FEE-----> 20.00	RECORDING FEE----> 10.00
PERMIT ISSUE--> 10 31 1978	CONCURRENCE----->	CYCLE STATUS-----> _____	REPORTED FLAG----> _____
CONSTR.STRT.--> 10 31 1978	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	164.0		V			P
180S	120E	13	A C	05 1980	171.0		<del>#</del>			P
					0.0		C			

\*\* REMARKS; -----  
\*\* DATED-->  
\*\* PRIORITY ALSO 12-2-1907. CHANGES POLL  
\*\* PART OF C-29052 PILOT BUTTE CENTRAL  
\*\* OREGON CANAL TAB IN NAME OF GEORGE  
\*\* MURPHY. RIGHT LOST 50 OR  
\*\* V 35, P 259.  
\*\* -----  
\*\* -----

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
180S	120E	08	A B	09	IR	100.00	130		<del>#</del>			P
									C			

W.R.I.S.

Assembled 4-8-85 by SOB

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

Deschutes Decree VI, P 70  
E-29052

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
DESCHUTES COUNTY

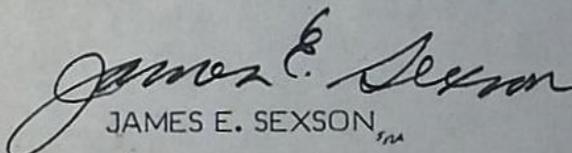
IN THE MATTER OF TRANSFER )  
APPLICATION 4083 IN THE ) LOSS OF RIGHT  
NAME OF M. C. & SALLY FULLER )  
-----

Transfer Application 4083, in the name of M. C. and Sally Fuller (Central Oregon Irrigation District), proposed a change in place of use of water from Deschutes River under a certain right with priority dates of October 31, 1900 and December 2, 1907, to irrigate a certain 1.3 acres in NW 1/4 NW 1/4 NE 1/4, Section 8, Township 18 South, Range 12 East, WM. "C"

The order of the Water Resources Director, entered October 31, 1978, approving Transfer Application 4083, provided: "...that said water so transferred shall be applied to beneficial use on or before October 1, 1980."

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order, therefore, the subject water right was lost.

Dated at Salem, Oregon this 25th day of September, 1981.

  
JAMES E. SEXSON, III  
Director

6985A

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OCT 24 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

Application for Transfer of Water Right

T-4083

Water Resources Director  
To the STATE ENGINEER OF OREGON:

We, M.C. Fuller and Sally Fuller  
(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 Central Oregon 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 $\frac{1}{4}$
18	12	8		1.3														

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? 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 \_\_\_\_\_

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. George Murphy, page 78  
(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 $\frac{1}{4}$
18	12	8		NW $\frac{1}{4}$ 1.3														

(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	Equitable Savings and Loan	(Letter of consent attached)

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

STATE OF OREGON  
 WATER RESOURCES DEPT.  
 OCL 3 4 1978  
**RECEIVED**



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

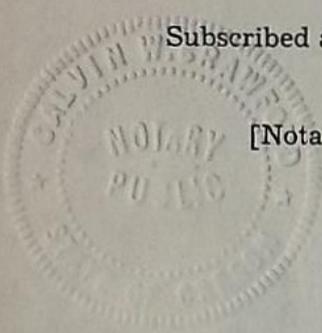
ss.

We, M. C. Fuller and Sally Fuller, 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 16th day of MARCH, 1977

x M. C. Fuller
x Sally Fuller
(Name of applicant)

Subscribed and sworn to before me this 16th day of MARCH, 1977



[Notarial Seal]

Calvin W. Crawford
NOTARY PUBLIC FOR OREGON

My commission expires MAY 28 1977

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 other lands owned by the Fullers.

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.