

4135

Name James K. & Celia L. Muckey

C. O. I. D.

Address Box 548

Redmond, OR 97756

Change in POU

Date filed 1-19-79

Date of hearing

Place of hearing

Date of order 1-30-79 Vol. 31, page 604

Date for application of water 10-1-80

Proof mailed

Proof received

Certificate issued Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River

Trib. of _____ County of Deschutes

Use _____

Quantity of water _____ No. of acres 0.48

Name of ditch Pilot Butte Canal

Date of priority _____

In name of J. K. Muckey

Deschutes Adjudication, Vol. 16, page 87

App. No. _____ Per. No. _____ Cert. No. 29052

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1-19-79</u>	<u>30⁰⁰</u>	<u>8655</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

to survey 9/79

REMARKS

Surveyed 5/29/84

W.R.I.S.

Assembled 4-17-85 by SOA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>[Signature]</u>	_____
<input checked="" type="checkbox"/> Section	<u>[Signature]</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>[Signature]</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>[Signature]</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Typ. & Ngs.	<u>[Signature]</u>	_____
<input checked="" type="checkbox"/> Decree-Grant	<u>[Signature]</u>	_____
<input checked="" type="checkbox"/> Decree-Info	<u>[Signature]</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>[Signature]</u>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chaindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>[Signature]</u>	_____
<input checked="" type="checkbox"/> Abstracts	<u>[Signature]</u>	_____

To. 70T-4135

16

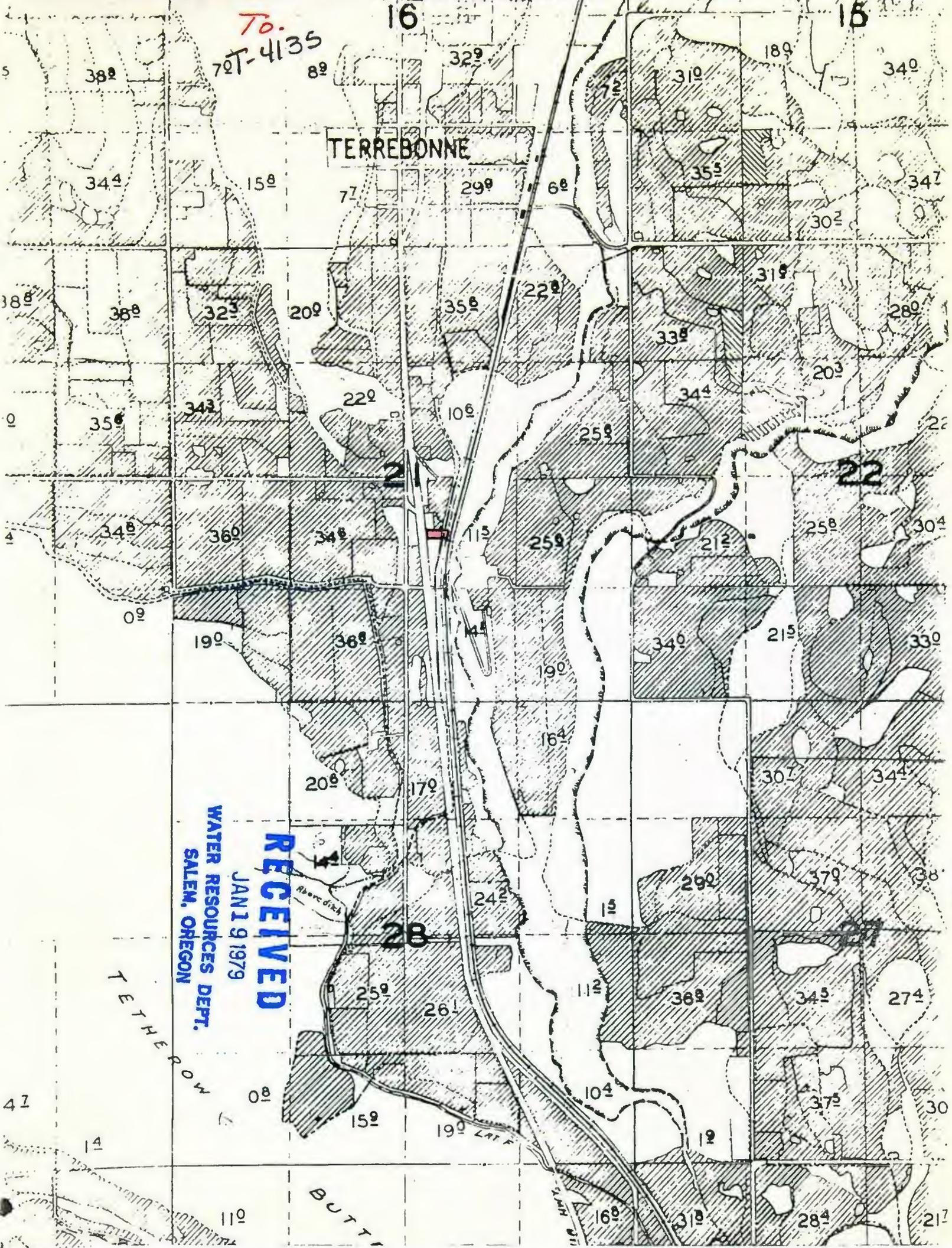
15

TERREBONNE

RECEIVED
JAN 9 1979
WATER RESOURCES DEPT.
SALEM, OREGON

YETTER ROW

BUTTE



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
JAMES K. & CELIA L. MUCKEY (CENTRAL)
OREGON IRRIGATION DISTRICT) FOR AP-)
PROVAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 4135

On January 19, 1979, an application was filed in the office of the Water Resources Director by James K. and Celia L. Muckey 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 0.48 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 14 South, Range 13 East, W.M., being tabulated in the name of J. L. Muckey at Volume 16, page 87, 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 other 0.48 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 14 South, Range 13 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 5, 1978.

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.

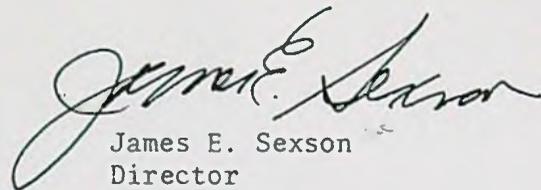
U31 P60d

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, 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 shall be issued to Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 30th day of January, 1979.


James E. Sexson
Director



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 578-3066

September 25, 1979

James K. & Celia L. Muckey
c/o Central Oregon Irrigation District
P.O. Box 548
Redmond, Oregon 97756

RE: File No. T-4135

Dear Mr. and Mrs. Muckey:

The notice of completion of works and use of water under the provisions of the order of the Water Resources Director approving water right transfer application No. 4135, for a change in place of use of water from Deschutes River, was received and, in line with the general practice of this office, a survey will be made at a later date.

After the survey, proof may be made and certificate of water right issued covering the actual use of water as found by the engineer. (In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.)

In the meantime, the order will be evidence of the water right in question as long as the authorized beneficial use of water is continued.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Robert F. Main, Jr., Watermaster

P.S. Your copy of the order which you sent with the completion notice is enclosed. Please keep it for your records.

COPY

lcj

RECEIVED
SEP 18 1979
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
place of use of water from Deschutes River

PURSUANT TO TRANSFER APPLICATION NO. 4135

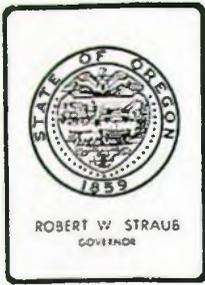
I, James K. Muekey, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by 1-30, 1979

9-18-79
Date

James K. Muekey
Signature

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

ok
Dix



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

February 1, 1979

James K. & Celia L. Muckey
c/o Central Oregon Irrigation District
P.O. Box 548
Redmond, Oregon 97756

RE: File No. T-4135

Dear Mr. and Mrs. Muckey:

Enclosed is a certified copy of the order of the Water Resources Director approving water right transfer application No. 4135 for a change in place of use of water from Deschutes River.

The time in which to accomplish completion of the works and beneficial use of water to the extent intended, as authorized by the order, expires on October 1, 1980. A form for reporting such completion of works and use of water is enclosed for your convenience.

You should give particular attention to the time limit for carrying out the change authorized by the enclosed order. The water right for any portion of an authorized change in use theretofore made or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: Robert F. Main, Jr., Watermaster

Application for Transfer of Water Right

RECEIVED

JAN 19 1979

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

Wex, James K. Muckey and Celia L. Muckey

(Name of applicant)

of 7010 N. 97 Highway

(Mailing address)

Terrebonne

(City)

State of Oregon

97760

(Zip Code)

(Phone number)

do hereby make application for change

in place of use

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Yes, page 87

(If not, give name)

2. Was your water right determined by Decree of Court? YES If so, give title of proceedings

(Yes or No)

Adjudication of the Deschutes River

number of certificate

3. Was your water right acquired by Water Right Permit? YES If so, give number

(Yes or No)

of permit Number of certificate

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Deschutes River, Pilot Butte Canal

5. What is the date of priority of your water right? Oct. 31, 1900 and Dec. 2, 1907

6. The authorized point of diversion is located ft. and ft. from the

(N. or S.)

(E. or W.)

corner of being within the 1/4 1/4 of Section Tp. R. W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Deschutes The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located ft. and ft. from the

(N. or S.)

(E. or W.)

corner of being within the 1/4 1/4 of Section Tp. R. W. M.,

(No. N. or S.) (No. E. or W.)

in the county of The name of the ditch to be used is

8. The use to which the water is applied is irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
14	13	21	NW1/4 SE1/4	.48

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
None		

13. The use to which the water is to be applied is irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
14	13	21	NW1/4 SE1/4	.48

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

more beneficial use

15. Construction work will be completed on or before

16. The water will be completely applied to the proposed use on or before Oct. 31, 1978

Remarks Approved by the Board of Directors of the Central Oregon Irrigation District at a regular meeting held April 5, 1978. Water rights are being transferred to other lands owned by the Muckeys.

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

We x James K. Muckey and Celia L. Muckey, 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, 1978.

x James K. Muckey
x Celia L. Muckey
(Name of applicant)

Subscribed and sworn to before me this 16th day of March, 1978

[Notarial Seal]

Robert C. Anderson
NOTARY PUBLIC FOR OREGON

My commission expires Sept. 14, 1979

RECEIVED T-4135

JAN 19 1979

WATER RESOURCES DEPT. SALEM, OREGON

Know All Men by These Presents, That

Florence Mabel Junker, a widow,

in consideration of Seven Hundred Seventy-five and no/100 Dollars,

to her paid by

James K. Muckey and Celia Lorraine Muckey, husband and wife,

do hereby grant, bargain, sell and convey unto said

James K. Muckey and Celia Lorraine Muckey, their

heirs and assigns, all the following real property, with the

tenements, hereditaments and appurtenances situated in the

County of Deschutes and State of Oregon, bounded and described as follows, to-wit:

All that portion of the south 602 feet of Northwest Quarter of Southeast Quarter of Section 21, Township 14 South, Range 15 East of the Willamette Meridian lying west of the westerly right-of-way line of The Dalles-California Highway as now located and established over and across said premises; (also, (all that portion of said Northwest Quarter of Southeast Quarter lying east of the easterly right-of-way line of said Highway and west of the canal and pipe line right-of-way of Central Oregon Irrigation District over and across said premises,) excepting and reserving that portion thereof bounded as follows: Commencing at the intersection of north line of said Northwest Quarter of Southeast Quarter with the easterly line of said Highway; thence easterly along the said north line, a distance of 364 feet, more or less, to the westerly line of said right-of-way of said District; thence southerly along said westerly line a distance of 214 feet; thence westerly on a line parallel to the north line of said Northwest Quarter of Southeast Quarter a distance of 100 feet; thence north 100 feet; thence westerly on a line parallel to the north line of said Northwest Quarter of Southeast Quarter a distance of 260 feet, more or less, to the easterly boundary line of said Highway; thence northerly along said easterly line a distance of 190 feet, more or less, to point of beginning; subject to easements of record, established roads and highways and subject to rights of way for ditches, canals and reservoir sites established, or which may be established by authority of the United States, or otherwise, for irrigation purposes, the land herein conveyed having an appurtenant irrigation water right of three acres.

TO HAVE AND TO HOLD, the above described and granted premises unto the said

James K. Muckey and Celia Lorraine Muckey, their

heirs and assigns forever

And Florence Mabel Junker,

the grantor...

above named does covenant to and with the above named grantee...

that she is lawfully seized in fee simple of the above granted premises, that the above

granted premises are free from all encumbrances,

and that she will and her 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.

Witness my hand and seal this 25th day of November, 1945.

EXECUTED IN THE PRESENCE OF

Florence Mabel Junker (SEAL)

(SEAL)

(SEAL)

(SEAL)



STATE OF OREGON,

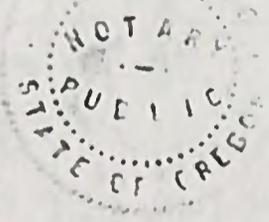
County of Deschutes } ss.

BE IT REMEMBERED, That on this 25th day of November, A. D. 1946, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Florence Mabel Junker, a widow, who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

M. A. Panning
Notary Public for Oregon.

My Commission Expires July 30, 1948.



Warranty Deed

Florence Mabel Junker, a

Widow,

TO

James K. Luckey, et. ux.

STATE OF Oregon } ss.
County of Deschutes

I certify that the within instrument was received for record on the 10th day of December, A. D. 1946 at 10 o'clock P. M., and recorded in Book 78 on page 169

Records of Deeds of said County. Witness my hand and seal of County affixed.

James M. Avery
County Clerk
Recorder of Conveyances.

By Deputy.

RECEIVED
JAN 19 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Sun

Transfer No. _____

4135

Name James K. & Celia L. Muckey/COID

Expiration date for completion _____

10-1-80

Extended to _____

Proof to _____

Acornway 9/79

O. K. for certificate _____

Ditch company or irrigation district involved is _____