

T.16S., R.11E., W.M.



SCALE : 1" = 1320

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4193

IN NAME OF

VERNON PALMER

Surveyed SEPT. 5. 1985., by LESLIE OLSON...

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
O. S. FLAHERTY (TUMALO IRRIGATION)
DISTRICT) FOR APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4193

On April 12, 1979, an application was filed in the office of the Water Resources Director by O. S. Flaherty for approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and three spring branches, and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer entered March 7, 1974, approving transfer No. 2924, a part of the water right previously described by the certificate issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, now exists for the use of water from Tumalo Creek, supplemented by the use of water from Crater Creek, Little Crater Creek and three spring branches for irrigation of, among other lands, a certain 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 16 South, Range 11 East, W. M., with a date of priority of October 29, 1913.

Also, as modified in accord with the provisions of said order, parts of the supplemental water rights previously described by certificate recorded at page 31413, Volume 23 of said record, for use of water from Deschutes River with a date of priority of 1905; certificate recorded at page 26051, Volume 18 of said records for use of water from Crescent Lake Reservoir with a priority date of April 7, 1911; and permit No. 27841 for use of waters of Crescent Lake Reservoir with a priority date of December 8, 1961, now exists for supplemental irrigation of, among other lands, said 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 16 South, Range 11 East, W. M.

The applicant herein, owner of the lands above described, proposed to transfer the water rights therefrom, without loss of priority, to a certain other 2.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 16 South, Range 11 East, W. M. (Gary Davis).

The lands involved herein are within the boundaries of the Tumalo 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 10, 1979.

11301120

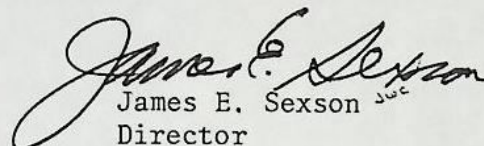
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, 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 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, certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 24th day of April, 1979.


James E. Sexson ^{JES}
Director

RECEIVED

JUL 9 - 1987

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
COUNTY OF DESCHUTES

PROOF OF APPROPRIATION OF WATER

Name: VERNON PALMER

c/o Tumalo Irrigation District

Address: 64697 Cook Avenue, Bend, Oregon 97701

Source of Supply: Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek, Three Spring Branches, and Crescent Lake Reservoir

Transfer: 4193

Priority Date: October 29, 1913, 1905; April 7, 1911; December 8, 1961

Use: irrigation of 2.0 acres

Location and Point of Diversion: Columbia Southern, Tumalo Feed, and DCMID Canals

The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

2.0 acres NW 1/4 NE 1/4
Section 25
Township 16 South, Range 11 East, WM

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change in place of use approved by the order of the Water Resources Director entered April 24, 1979; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of May 16, 1987.

Vernon W. Palmer
Legal owner of the above described lands

STD PROOF LETTER

+

Our field examiner found a total of 3.1 acres claimed irrigated in connection with transfer 4193, which exceeds the limit of 2.0 acres under the transfer order. If you wish to establish a legal water right for the additional 1.1 acres, a permit or water right transfer must be obtained. Please contact Turnalo Irrigation District for assistance in making the appropriate application.

The 1.1 acres overacreage is displayed on the map, as an un-hatched area. If this area is not located where you prefer, please notify us. It may be possible to locate the area elsewhere on your land.

POD
POU
USE
Add'l POD

County Oeschutes

1. Name Vernon Palmer / T1D

2. Source of Supply Oeschute R., Trib of _____

3. Use in/2^oac ✓

5. Priority Date Oct 29, 1913

7. Completion Date 10-1-87

[illegible]

Info: mr. Palmer

Pump: Gould Century $1\frac{1}{2}$ hp 3450 RPM

Also a $1\frac{3}{4}$ hp on big pond to water area
west of yard

Crop: pasture (2 beef), dog, landscaping

Remarks: Has 2 ponds, big pond is mostly for bats.

Have pasture area on west side to run beef & planted
oats & wheat on west side which he waters
occasionally,

TG: 279-162R

Sept. 5, 1985

Bessie Owen

WRE

(Previously transferred from T-2024)

REMOVE: 210 acres from Section 25, Township 16S,
Range 11E, NW 1/4 SE 1/4, from O. S. Flaherty
(as indicated in green)

PLACE ON: 2.0 acres Section 25, Township 16S,
Range 11, NW 1/4 NE 1/4 to Richard Gary Davis,
(as indicated in red)

RECEIVED

APR 12 1979

WATER RESOURCES DEPT.
SALEM, OREGON

20.0 ac
Permit
water

TUMALO CREEK, CRATER CREEK, LITTLE CRATER CREEK, THREE SPRING BRANCHES

L.F. T-0582-C1

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

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T000041931 PERMIT NO. 019628 CERTIF. NO. 0026050

NAME: O. S. FLAHERTY

ORIG. NO. A000032631 PREV. NO. A000032631 SUPER. NO.

ADDRESS: TID, 64697 COOK AVE

T000029241

CITY/STATE/ZIP/COUNTY: BEND, OR 97701

09

STREAM-ID 05 1980 1320

RIV. MI.

WM. DIST. 11 W.R. TYPE SA STATUS V

CANCEL YEAR--->

CONSTR. COMPLT--> 10 01 1981

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 10 29 1913

PUT TO USE-----> 10 01 1981

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 04 12 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE----->

10.00

PERMIT ISSUE--> 04 29 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 04 29 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA:
 TWP/SP RNGE SECT QTR/QTR STREAM-ID

170S 110E 23 A C 05 1980 1320

180S 100E 02 D B 05 1980 1320

170S 090E 31 C A

D B

D D

180S 090E 02 B D

PLACE-OF-USE DATA:

TWP/SP RNGE SECT QTR/QTR CNTY

USE % CNSMTV ACRES

STATUS S OR P

160S 110E 25 A B 09 IR 100 2.00

V P

RIV. MI.

RATE

STATUS

S OR P

V

P

V

V

V

V

V

** REMARKS; - - - - -

** DATED-->

** CHANGES POOL PART OF TUMALO I. D. C-26050.

** SUPP. RIGHTS UNDER C-31412, C-26051, P-

** 27841, - - - - -

** - - - - -

** - - - - -

** - - - - -

** - - - - -

W.R.I.S.

Approved 5-1-85 L. J. J. J.

Entered 5-1-85

Verified by

0.020

DESCHUTES RIVER

1: T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***PAGE 1
RUN ON: 3/20/81 AT: 9:08WATER RIGHT NO. T0000 *71932* PERMIT NO. 009493 CERTIF. NO. 0031412NAME: *O. S. FLAHERTY*ORIG. NO. C000313121 PREV. NO. ~~C000314121~~ SUPER. NO.

ADDRESS: TID, 64697 COOK AVE

T000027241

CITY/STATE/ZIP/COUNTY: BEND, OR 97701

09

STREAM-ID 05 1980

RIV.MI.

WM.DIST. 11 W.R.TYPE SC STATUS V

CANCEL YEAR--->

CONSTR.COMPLT--> *10 01 1981*

YR.LAST USED-----> _____

NEXT ACTION DUE--> _____

PRIORITY-----> 12 31 1905

PUT TO USE-----> *10 01 1981*

LAST TRANS.DATE--> _____

LAST TRANS.TYPE--> _____

APPLICATION---> *04 12 1979*

SURVEYED----->

EXAM.FEE-----> *20.00*RECORDING FEE-----> *10.00*PERMIT ISSUE--> *04 29 1979*

CONCURRENCE----->

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR.STRT.--> *04 29 1979*

CERTIFIED----->

CORRES.INIT.-----> _____

CORRES.DATE-----> _____

POINT-OF-DIVERSION DATA;
TWNSP RNGE SECT QTR/QTR STREAM-ID
05 1980RIV.MI. RATE
*0.003*STATUS S OR P
V S** REMARKS; - - - - -
** DATED-->

** SUPP. IR. CHANGES POU PART OF TUMALO

** I. D. C-31412 OTHER SUPP RIGHTS UNDER

** C-26050, C-26051, P-27841.

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P
1605 11015 25 AB 09 IR 100 2.00 V S

**-----

**-----

**-----

**-----

W.R.I.S.

Assembled *5-1-85* by *SD*

Entered _____ by _____

Verified _____ by _____

0.0015

CRESCENT LAKE RES

LIF T-0982-C1

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

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. T0000 *41033* PERMIT NO. 000624 CERTIF. NO. 0026501
NAME: *O. S. FLAHERTY*
 ORIG. NO. A000013431 PREV. NO. ~~A00013431~~ SUPER. NO.

ADDRESS: TID, 64697 COOK AVE

T000029241

CITY/STATE/ZIP/COUNTY; BEND, OR 97701

09

STREAM-ID 05 1980 1450 0260 080

RIV. MI.

WM. DIST. 11 W.R. TYPE SA STATUS V

CANCEL YEAR---->

CONSTR. COMPLT--> *10 01 1981*

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 04 07 1911

PUT TO USE-----> *10 01 1981*

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION----> *04 12 1979*

SURVEYED----->

EXAM. FEE-----> *20.00*

RECORDING FEE----->

*10.00*PERMIT ISSUE--> *04 29 1979*

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> *04 29 1979*

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA;
 TWP/SP RNGE SECT QTR/QTR STREAM-ID
 240S 060E 11 C D 05 1980 1450 0260 080

RIV. MI. RATE

STATUS S OR P

V S

240S 060E 11 D C 05 1980 1450 0260 080

V S

 ** REMARKS; - - - - -
 ** DATED-->

** SUPP. IR. CHANGES POLL PART OF TUMALO

** I. D. C-26051. OTHER SUPP. RIGHTS UNDER

** C-26050, C-31412, P-27841.

 PLACE-OF-USE DATA:
 TWP/SP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

**-----

**-----

**-----

**-----

V.R.I.S.

Assembled *5-1-85* by *SAP*Entered *by*Verified *by*

RECEIVED
DEC 2 1981
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

PLACE OF USE

PURSUANT TO TRANSFER APPLICATION NO. T-4193

I, VERNON PALMER, 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 October 1, 1981.

OK
Day
Nov. - 10 - 1981
Date

Vernon M. Palmer
Signature

(Mail completed form to Tumalo Irrigation District,
64697 Cook Avenue, Bend, Oregon 97701)

Application for Extension of Time

for Transfer of Water Right

2.5 acres TM 16 11 25, TL 205, name of Richard Gary Davis

2.5 acres TM 16 11 24, TL 2600, name of Margurite Davis

RECEIVED

JAN 21 1981

To the WATER RESOURCES DIRECTOR OF OREGON:

WATER RESOURCES DEPT
SALEM, OREGON

I, Richard G Davis (Name of applicant)
 of 8468 Golden Ridge Rd., Lakeside (Mailing address) (City)
 State of Calif 92040 714-561-1999
 (Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete

a change in: () point of diversion

(✓) place of use

() use heretofore made of water

under the terms of an order of the Water Resources Director entered on

April 24, 1979, approving transfer application No. 4193
4222,in the name of Richard G Davis & Margurite Davis *.

The following has been accomplished toward completion of the

change within the time allowed, which expired on Oct 1, 1980:

2a. Cleared on TM 16 11 24, TL 2600
I have all so cleared 1a. on TM 16 11 25 TL 205
At this time neither parcel are
under irrigation.

(If for irrigation, how many acres, total, are now irrigated)

*If you are not the applicant named above, please explain your interest in
 this matter. _____

1-21-81
 \$10.00
 #22459

To fully complete the change, it will be necessary to accomplish the following: Plant, clear additional ground in the Spring of 1981

I am unable to complete the change under the terms of the order, within the time allowed, because it is too late in the season to plant and successfully grow a crop.

and request that the time for completion be extended to October 1981.

AFFIDAVIT OF APPLICANT

I, Richard G. Davis, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of Dec.

....., 1980.

Subscribed and sworn to before me this 26th day of December, 1980.

[Notarial Seal]

Judy Tracy as agent
Bill Taylor, Bartlett's Realty

Janet L. Brettker
Notary Public for Oregon
My commission expires 5/10/83

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00

TO:

Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

Application No.

Application for Extension of Time for Transfer of Water Right

RECEIVED

SEP 29 1980

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Richard Gary Davis
(Name of applicant)
of 19410 Smokey Butte Dr., Bend
(Mailing address) (City)
State of Oregon, 97701, 389-7491
(Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete
a change in: () point of diversion
(☒) place of use
() use heretofore made of water

under the terms of an order of the Water Resources Director entered on
April 24, 1979, approving transfer application No. 4193,
in the name of Richard Gary Davis *.

The following has been accomplished toward completion of the
change within the time allowed, which expired on Oct. 1, 1980 :
I have cleared 2 acres of ground and installed an underground sprinkler
system. There is currently one acre of ground producing established pasture.

(If for irrigation, how many acres, total, are now irrigated)

*If you are not the applicant named above, please explain your interest in
this matter. Property is being purchased by Vernon W. and Edna F. Palmer
who will complete this transfer.

*Ext to 10-1-81
SRB*

*9/29/80
\$10.00
#20693*

To fully complete the change, it will be necessary to accomplish the following: Plant and irrigate the additional cleared ground in the
Spring of 1981.

I am unable to complete the change under the terms of the order, within the time allowed, because it is too late in the season to plant
and successfully grow a crop before my time expires

and request that the time for completion be extended to October 1981.

AFFIDAVIT OF APPLICANT

I, Richard Gary Davis, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of Sept.
1980

Subscribed and sworn to before me this 24 day of September, 1980.

[Notarial Seal]

Werna Groves
Notary Public for Oregon
My commission expires 9/5/81

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00

TO:

Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

RECEIVED

APR 12 1979

**WATER RESOURCES DEPT.
SALEM, OREGON****Application for Transfer of Water Right**

To the WATER RESOURCES DIRECTOR OF OREGON:

I, O. S. Flaherty / Sumalee Dist.
(Name of applicant)
of 64697 Cook Ave, Bend
(Mailing address) (City)
State of Oregon, 97701, 382-3053, do hereby make application for change
(Zip Code) (Phone number)
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 (If not, give name)
2. Was your water right determined by Decree of Court? yes If so, give title of proceedings
(Yes or No) Supplemental of Deschutes River number of certificate 31412
3. Was your water right acquired by Water Right Permit? yes If so, give number
(Yes or No) of permit 19628 primary Number of certificate 26050

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 please see Remarks
5. What is the date of priority of your water right? please see Remarks
6. The authorized point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the $\frac{1}{4}$ $\frac{1}{4}$ of Section Tp. R. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of The name of the ditch 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 $\frac{1}{4}$ $\frac{1}{4}$ 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:

From

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
16 S	11 E	25	NW ¼ NE ¼	2.0 AC <u>Flarity</u>
<u>Please refer to T- 2924</u>				

(If more space required, attach separate sheet)

☒ 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.

☒ 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)

☒ If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>Please see Warranty Deed</u>		

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 ¼-¼ of Section	Number Acres To Be Irrigated
16 S	11 E	25	NW ¼ NE ¼	2.0 AC <u>GARY Davis</u>

(If more space required, attach separate sheet)

Transfer from Flaherty to Davis

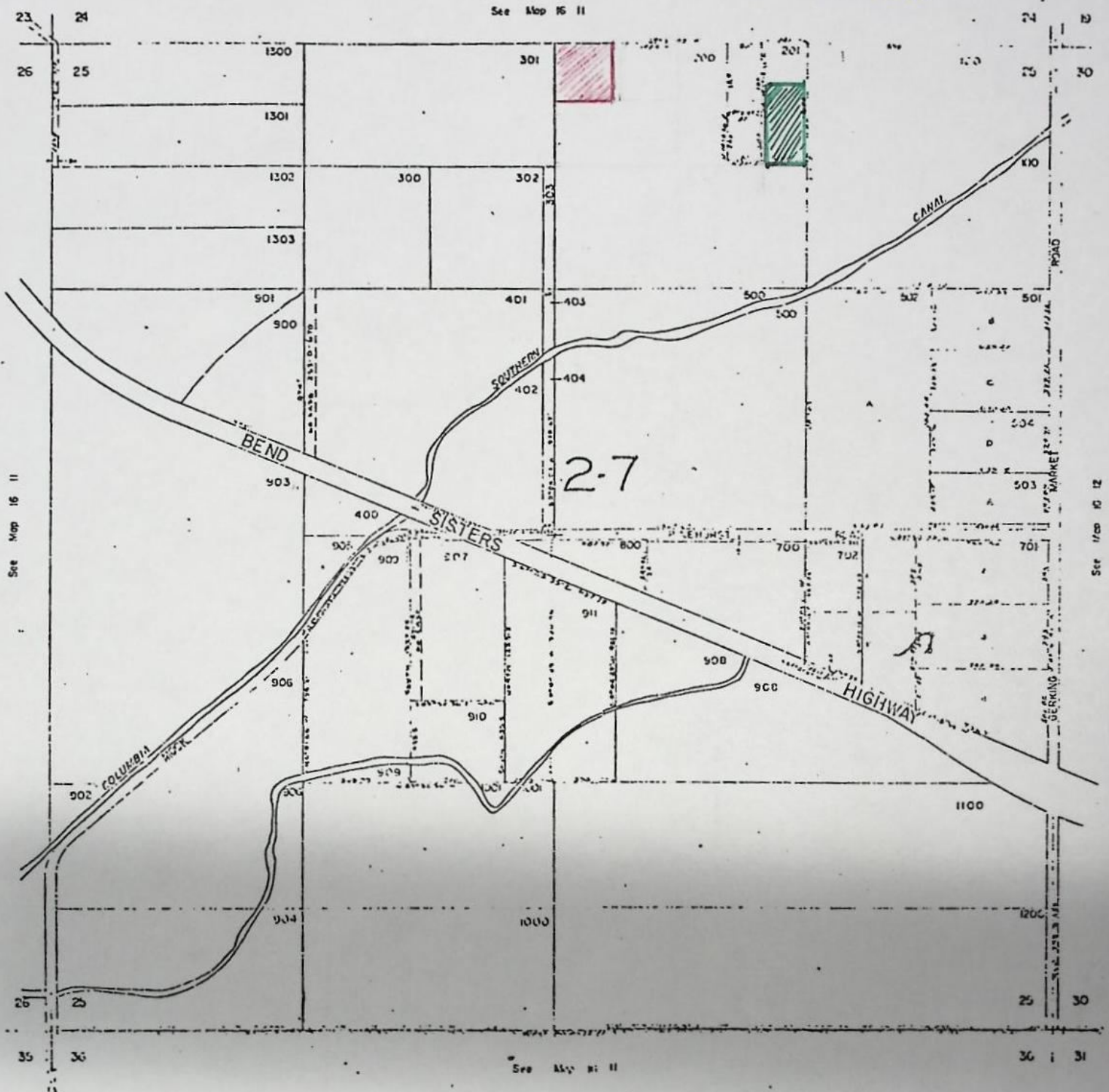
Section 25, T.16S. R.11E.W.M.
DESCHUTES COUNTY
1"=400'

RECEIVED

APR 12 1979

WATER RESOURCES DEPT.
SALEM, OREGON

16 11 2



Previously transferred from T-2924

REMOVE: 2.0 acres from Section 25, Township 16S, Range 11E NW $\frac{1}{4}$ SE $\frac{1}{4}$
from O. S. Flaherty, Tax lot #201, as indicated on map in green

PLACE ON: 2.0 acres Section 25, Township 16S, Range 11E NW $\frac{1}{4}$ NE $\frac{1}{4}$
to Richard Gary Davis, as indicated on map in red

16 11

RECEIVED

APR 12 1979

WATER RESOURCES DEPT.
SALEM, OREGON

VOL 186 PAGE 953

WARRANTY DEED

R. J. ANLIKER and MARIE M. ANLIKER, husband and wife,
hereinafter called grantors, convey to O. S. FLAHERTY and
GERALDINE F. FLAHERTY, husband and wife, all that real property
situated in Deschutes County, State of Oregon described as:

IN TOWNSHIP 16 SOUTH, RANGE 11 EAST OF THE
WILLAMETTE MERIDIAN;

Section 25: Beginning at the North 1/16th
corner of the NE1/4 of Section 25, thence
South along the common boundary line of the
NW1/4NE1/4 and the NE1/4NE1/4 624 feet;
thence West 240 feet; thence North 624 feet
to the North line of the NW1/4NE1/4 of Section
25; thence East along the North line of Section 25,
240 feet to the point of beginning.

and covenant that grantors are the owners of the above-described
property free of all encumbrances and will warrant and defend the
same against all persons who may lawfully claim the same.

The true and actual consideration for this transfer is
a gift.

Dated this 28th day of July, 1972.

R. J. Anliker

R. J. Anliker

Marie M. Anliker

Marie M. Anliker

STATE OF OREGON)
) ss
County of Deschutes)
July 28, 1972.

Personally appeared the above-named R. J. ANLIKER and
MARIE M. ANLIKER and acknowledged the foregoing instrument to be
their voluntary act. Before me:



Carroll C. Collins

Notary Public for Oregon

My Commission Expires: 6-23-76

WARRANTY DEED

McKAY, PANNER, JOHNSON, MARCEAU & KARNOPP

ATTORNEYS AT LAW
BEND, OREGON 97701

14. Reasons for the proposed changes are

*That the water will be more
beneficially used.*

15. Construction work will be completed on or before *on State approval*

16. The water will be completely applied to the proposed use on or before *on State approval*

Remarks *please refer to T- 2924 2.0 AC went to NW NE 1/4 K-11-25.*

*(a letter from the manager, Morgan Elliott enclosed to use of that water.)
Primary Cert # 26050 priority Oct. 29, 1913 Inumb. Cr. Crater Cr. Little Crater
Creek & Three Springs Branches.*

Supp. Cert # 26051 priority April 7, 1911 priority # 624 (Crescent Lake Reservoir)

Supp. Cert # 31412 prior 1905 Deschutes River Diversion of consl.

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.

Date of Board approval - April 10, 1979

AFFIDAVIT OF APPLICANT

I, O. S. Flaherty, 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 28 day of Feb, 1979.

X O. S. Flaherty
(Name of applicant)

Subscribed and sworn to before me this 28 day of February, 1979.

[Notarial Seal]

Morgan H. Elliott
NOTARY PUBLIC FOR OREGON

My commission expires March 28, 1981

(Previously transferred from T-2924)

REMOVE: 210 acres from Section 25, Township 16S,
Range 11E, NW $\frac{1}{4}$ SE $\frac{1}{4}$, from O. S. Flaherty
(as indicated in green)

PLACE ON: 2.0 acres Section 25, Township 16S,
Range 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$ to Richard Gary Davis,
(as indicated in red)

RECEIVED

APR 12 1979

WATER RESOURCES DEPT.
SALEM, OREGON

20.0 AC
Permit
water

TUMALO IRRIGATION DISTRICT

64697 COOK AVE.
BEND, OREGON 97701
Phone 382-3053

RECEIVED

4/10/79

APR 12 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

State Water Resources Dept.
555 13th NE
Salem, OR 97310

Dear Mr. Overcash,

In regards to this transfer for Richard Gary Davis this 2.0 acres of water had been transfered from T-2924 to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 16S 11E.

Since there has been no completion survey please accept this letter as proof that this water has been in use in this area as allowed in T-2924.

If there is any further questions please advise.

Thank you.

Morgan Elliott, Manager

Morgan H. Elliott
Signature

4/9/79
Date

TUMALO IRRIGATION DISTRICT
64697 COOK AVE.
BEND, OREGON 97701
Phone 382-3053

3/27/79

State Water Resources
555 13th St.
Salem, OR 97701

RECEIVED
MAR 29 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Conner,

In regards to a new transfer I am doing for Gary Davis I find it was 2.0 AC that had been transferred in T-2924 in NW NE 1/4 25-165-11E. The 2.0 AC. will be moved but stay within the NW NE 1/4 25-165-11E.

My problem is that I do have a copy of the Transfer but not of the map where the 2.0 AC is located. I will send along a copy of the map I have & hope you know where the 2.0 AC is now so I can transfer it.

Also, In looking at my files I wonder if you need any further information on T-4136, T-4051, ~~T-2937~~ & do they need further legal descriptions? If so, please advise.

Thank You.

J. Brown

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION OF }
JACK VOGT (TUMALO IRRIGATION DISTRICT) }
FOR THE APPROVAL OF A CHANGE IN PLACE }
OF USE OF WATER FROM TUMALO CREEK, }
DESCHUTES RIVER, CRATER CREEK, LITTLE }
CRATER CREEK, AND THREE SPRINGS AND }
CRESCENT LAKE RESERVOIR }

ORDER APPROVING
TRANSFER NO. 2924

On November 20, 1973, Jack Vogt filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and Three Springs and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, confirms a right to the use of not to exceed 136.0 cubic feet per second of water from Tumalo Creek supplemented by the use of not to exceed 40.0 cubic feet per second of water from Crater Creek and not to exceed 34.0 cubic feet per second of water from Little Crater Creek and not to exceed 1.0 cubic foot per second from three spring branches for irrigation of, among other lands, 10.18 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 16 South, Range 11 East, W.M., with a date of priority of October 29, 1913.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; certificate recorded at page 26051, Volume 18, State Record of Water Right Certificates, to the use of the waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and permit No. 27841 for the use of waters of Crescent Lake Reservoir, with a date of priority of December 8, 1961.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.18 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 16 South, Range 11 East, W.M., 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.0 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 16 South, Range 12 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 boundaires of the Tumalo 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 September 5, 1972.

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 proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 10.18 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at page 26050, with a date of priority of October 29, 1913, together with the supplemental rights evidenced by certificates recorded at pages 26051 and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.18 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 16 South, Range 11 East, W.M., 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.0 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 16 South, Range 12 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon, this 7th day of March, 1974.

/s/ CHRIS L. WHEELER
State Engineer

FLAHERTY
2.0 acres

RECEIVED

JAN 4 1973

SEC 25

TWP 16

STATE ENGINEER

SALEM OREGON RANGE 11

PRIMARY RIGHT

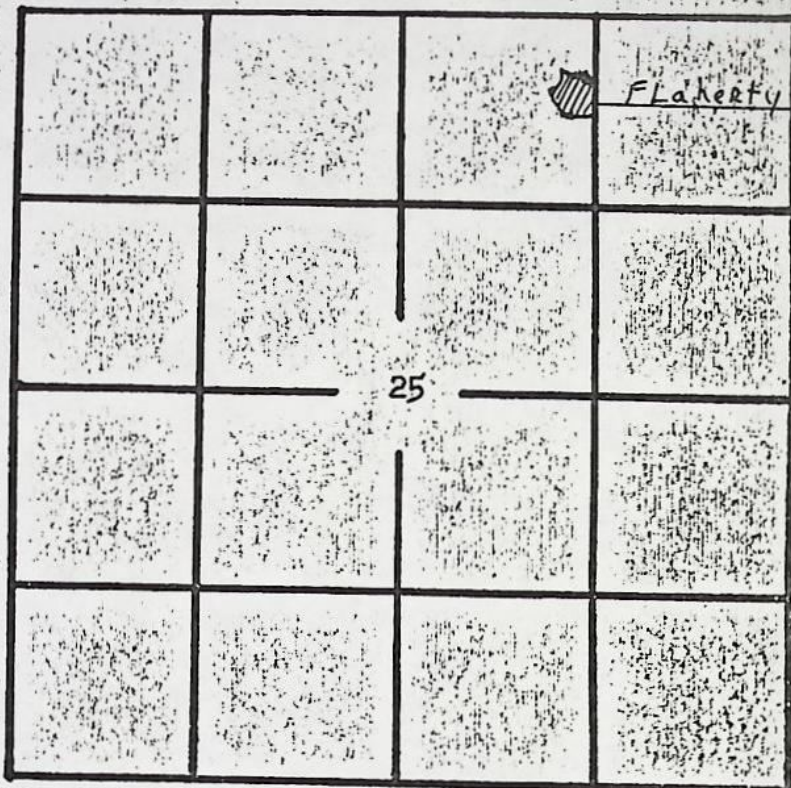
Priority dates from
April 28, 1905
Cert. No. 31412
10.18

SUPPLEMENTAL RIGHT

Priority dates from
April 7, 1911
Permit No. 624
Cert. No. 26051
10.18

SUPPLEMENTAL RIGHT

Priority dates from
Oct. 29, 1913
Permit No. 19628
Cert. No. 26050
10.18



TRANSFERED FROM: NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SEC 26 TWP 16 RANGE 11

TRANSFERED TO: NW $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SEC 25 TWP 16 RANGE 11

PUMPING RIGHT ONLY

2924