

4123

Name Robert & Phyllis Gates

By Ta Tumalo Irrigation Dist.

Address 64697 Cook Ave.

Bend Or. 97701

Change in POV

Date filed January 10, 1979

Date of hearing _____

Place of hearing _____

Date of order 5-14-79 Vol. 32 page 92

Date for application of water 10-1-80 ^{ext:} 10-1-81 ^{ext:} 10-1-82

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Tumalo Creek, et al

Trib. of _____ County of Deschutes

Use irrigation

Quantity of water _____ No. of acres 30

Name of ditch _____

Date of priority August 5, 1900

In name of tabulated in name of Sid Rogers

Tumalo Creek Adjudication, Vol. 16, page 196

App. No. _____ Per. No. _____ Cert. No. 26508 ^{primary}

Certificate cancelled _____

Notation made on record by _____

Cert No. 26050
" " 26051
" " 31412
Permit No 27841
} supplemental

FEES PAID

Date	Amount	Receipt No.
<u>1-10-79</u>	<u>30-</u>	<u>8435</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

To sur 10/82

Surveyed 7/16/85 (Flannery)

REMARKS

W.B.I.S.

Assembled 4-11-85 by SPH

Entered _____ by _____

Verified _____ by _____

	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>leg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>leg</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>leg</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>leg</u>	_____
CHECKED TO RECORD		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>WLO</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>WLO</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>WLO</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>WLO</u>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>leg</u>	_____
<input checked="" type="checkbox"/> Abstracts	<u>leg</u>	_____

3.0 acres trasfered off;

FROM

T-4123

Robert Gates SW $\frac{1}{4}$ SW $\frac{1}{4}$ 27-16-11

SEC. SW $\frac{1}{4}$ SW $\frac{1}{4}$ 27

TWP 16S

RANGE 11E

PRIMARY RIGHTS:

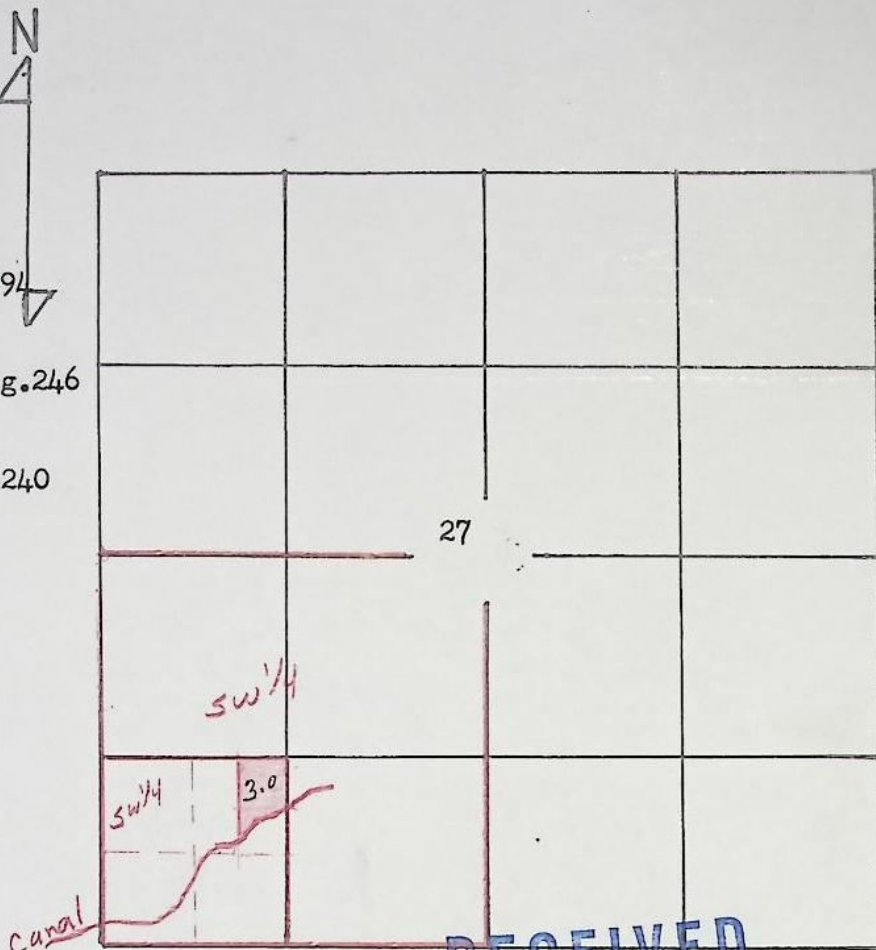
Cert. # 26508 26.9 ac.
priority date; Aug. 5, 1900
Sid Rogers Vol. 2 pg. 294

SUPPLEMENTAL RIGHTS:

Cert. # 31412 37.5 ac.
priority date; 1905 vol. 2 pg. 294

Cert. # 26050 36.9 ac.
priority date; 10/29/13 vol. 2 pg. 246

Cert. # 26051 37.5 ac.
priority date; 4/7/1911 Vol 2 pg 240



RECEIVED

JAN 10 1979

WATER RESOURCES DEPT.
SALEM, OREGON

FROM: Robert Gates

TRANSFERRED FROM: SW $\frac{1}{4}$ SW $\frac{1}{4}$

SEC. 27

TWP. 16S

R. 11E

TO: Dennis Flannery

TRANSFERRED TO: SE $\frac{1}{4}$ SW $\frac{1}{4}$

SEC. 26

TWP. 16S

R. 11E

RECEIVED

DEC 15 1978

WATER RESOURCES DEPT.
SALEM, OREGON

FROM Robert Gates: Moorman & Sally Willock

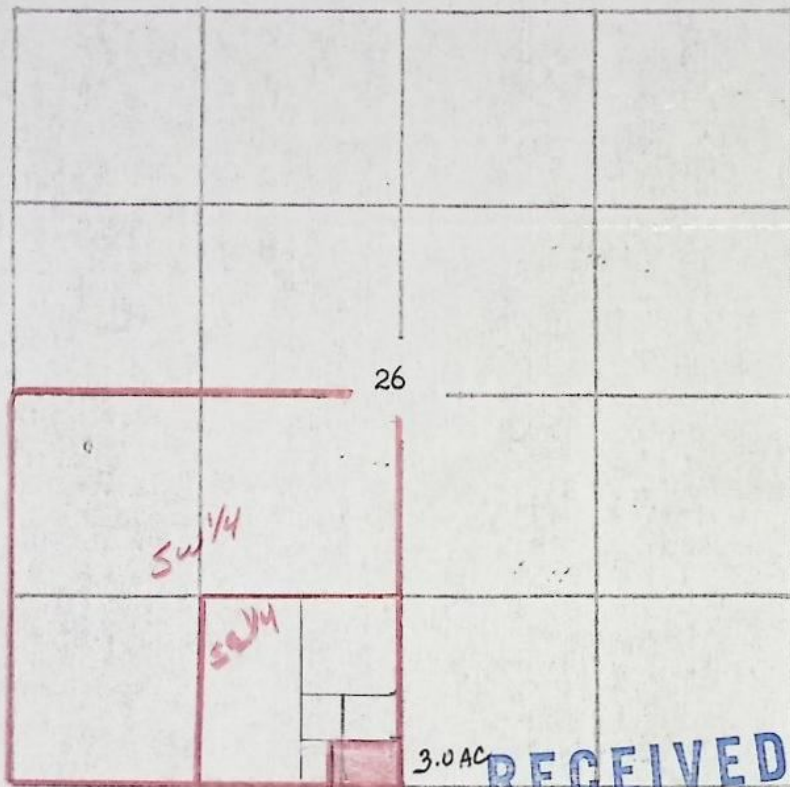
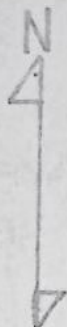
TO

T-4123

SEC. SW $\frac{1}{4}$ SW $\frac{1}{4}$ 27

TWP 16S

RANGE 11E



FROM:

Robert Gates & Frank Moorman;

RECEIVED
JAN 10 1979
WATER RESOURCES DEPT.
SALEM, OREGON

TRANSFERRED FROM: SW $\frac{1}{4}$ SW $\frac{1}{4}$

SEC. 27

TWP. 16 S

R. 11E

TO:

Dennis Flannery;

TRANSFERRED TO: SE $\frac{1}{4}$ SW $\frac{1}{4}$

SEC. 26

TWP. 16S

R. 11E

RECEIVED
DEC 15 1978
WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
ROBERT & PHYLLIS GATES (TUMALO IRRIG-)
GATION DISTRICT) FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4123

On January 10, 1979, an application was filed in the office of the Water Resources Director by Robert and Phyllis Gates 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.

By Decree of the Circuit Court for Deschutes County, Oregon, entered August 27, 1958, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, a water right was allowed in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), tabulated in the name of Sid Rogers at page 196, Volume 16, for irrigation of, among other lands, a certain 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 16 South, Range 11 East, W.M., with a date of priority of August 5, 1900, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 26508, Volume 18, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates, for the use of water from Deschutes River, with a date of priority of 1905; certificate 26050, Volume 18, for the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, with a date of priority of October 29, 1913; certificate 26051, Volume 18, for the use of 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 priority date of December 8, 1961.

The applicants herein, owners of the lands above described, propose to transfer the water rights therefrom, without loss of priority, to a certain 3.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 16 South, Range 11 East, W.M. (Dennis Flannery).

The lands involved herein are within the boundaries of the Tumalo Irrigation

432,292

District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting held December 12, 1978.

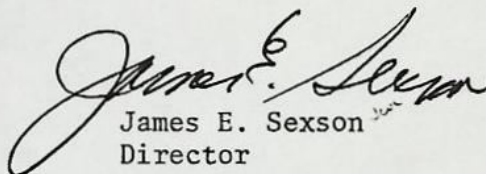
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 14th day of May, 1979.


James E. Sexson
Director

TUMALO CREEK

W 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 *41231* PERMIT NO. 016/96 CERTIF. NO. 0026508
 ORIG. NO. C000265081 PREV. NO. C000265081 SUPER. NO.

NAME: *ROBERT & PHYLLIS GATES*

ADDRESS: TID, 64697 COOK AVE

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

09

STREAM-ID 05 1980 1320

RIV.MI.

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

CANCEL YEAR--->

CONSTR.COMPLT--> *10 01 1982*

YR.LAST USED-----> _____

NEXT ACTION DUE--> _____

PRIORITY-----> *08 05 1900*PUT TO USE-----> *10 01 1982*

LAST TRANS.DATE--> _____

LAST TRANS.TYPE--> _____

APPLICATION---> *01 10 1979*

SURVEYED----->

EXAM.FEE-----> *20.00*RECORDING FEE-----> *10.00*PERMIT ISSUE--> *05 14 1979*

CONCURRENCE----->

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR.STRT.--> *05 14 1979*

CERTIFIED----->

CORRES.INIT.-----> _____

CORRES.DATE-----> _____

POINT-OF-DIVERSION DATA;
 TWNSP RNGE SECT QTR/QTR STREAM-ID

05 1980 1320

RIV.MI.

RATE

STATUS S OR P

0.042

V

P

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

** *CHANGES POU PART OF TUMALO I. D.*** *C-26508 SUPP RIGHTS UNDER C-31412,*** *C-26050, C-26051, P-27841.*

PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CHSMTV ACRES STATUS S OR P

160S 110E 26 C D 09 IR 100 3.00

V

P

** -----

** -----

** -----

** -----

W.R.I.S.

Approved *4-11-85* by *SLB*

Entered _____ by _____

Verified _____ by _____

0.014

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

WFT-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 41232 PERMIT NO. 019628 CERTIF. NO. 0026050
 ORIG. NO. A000032631 PREV. NO. A000032631 SUPER. NO.

NAME: ROBERT & PHYLLIS GATES

ADDRESS: TID, 64697 COOK AVE

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 1982 YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 10 29 1913

PUT TO USE-----> 10 01 1982 LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION---> 01 10 1979

SURVEYED----->

EXAM.FEE-----> 20.00

RECORDING FEE-----> 10.00

PERMIT ISSUE--> 05 14 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.--> 05 14 1979

CERTIFIED----->

CORRES.INIT.----->

CORRES.DATE----->

 POINT-OF-DIVERSION DATA:
 TWP/SP RGE 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 RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

160S 110E 26 C D 09 IR 100 3.00 V S

RIV.MI.

RATE

STATUS

S OR P

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

V

S

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

V

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

V

** 27841, - - - - -

V

V

** - - - - -

V

** - - - - -

** - - - - -

** - - - - -

** - - - - -

W.R.I.S.

Assembled 4-11-85 by SDA

Entered by

Verified by

0.020

DESCHUTES RIVER

W 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 *41233* PERMIT NO. 009493 CERTIF. NO. 0031412
 ORIG. NO. C000313121 PREV. NO. C000314121 SUPER. NO.

NAME: *ROBERT & PHYLLIS GATES*

ADDRESS: TID, 64697 COOK AVE

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 1982*

YR.LAST USED-----> _____

NEXT ACTION DUE--> _____

PRIORITY-----> 12 31 1905

PUT TO USE-----> *10 01 1982*

LAST TRANS.DATE--> _____

LAST TRANS.TYPE--> _____

APPLICATION---> *01 10 1979*

SURVEYED----->

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

RECORDING FEE-----> *10.00*

PERMIT ISSUE--> *05 14 1979*

CONCURRENCE----->

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR.STRT.--> *05 14 1979*

CERTIFIED----->

CORRES.INIT.-----> _____

CORRES.DATE-----> _____

POINT-OF-DIVERSION DATA;
 TWNSP RNGE SECT QTR/QTR STREAM-ID
 05 1980

RIV.MI.

RATE

STATUS S OR P
 V S

0.005

** 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 110E 26 C D 09 IR 100 3.00

V

S

**-----
 **-----
 **-----
 **-----

W.R.I.S.

Approved *4-11-85* by *SDA*

Entered _____ by _____

Verified _____ by _____

0.0015

CRESCENT LAKE RES

W 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 *41234* PERMIT NO. 000624 CERTIF. NO. 0026501
 ORIG. NO. A000013431 PREV. NO. A00013431 SUPER. NO.
NAME: *ROBERT & PHYLLIS GATES*

ADDRESS: TID, 64697 COOK AVE

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--> <i>10 01 1982</i>	YR. LAST USED-----> _____	NEXT ACTION DUE--> _____
PRIORITY-----> 04 07 1911	PUT TO USE-----> <i>10 01 1982</i>	LAST TRANS. DATE--> _____	LAST TRANS. TYPE--> _____
APPLICATION----> <i>01 10 1979</i>	SURVEYED-----> _____	EXAM. FEE-----> <i>20.00</i>	RECORDING FEE----> <i>10.00</i>
PERMIT ISSUE--> <i>05 14 1979</i>	CONCURRENCE-----> _____	CYCLE STATUS-----> _____	REPORTED FLAG-----> _____
CONSTR. STRT.--> <i>05 14 1979</i>	CERTIFIED-----> _____	CORRES. INIT.-----> _____	CORRES. DATE-----> _____

POINT-OF-DIVERSION DATA:

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV. MI.	RATE	STATUS	S OR P
240S	060E	11	C D	05 1980 1450 0260 080			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:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE %	CNSMTV	ACRES	STATUS	S OR P
-------	------	------	---------	------	-------	--------	-------	--------	--------

<i>160S</i>	<i>110E</i>	<i>26</i>	<i>C D</i>	<i>09</i>	<i>IR</i>	<i>100</i>	<i>3.00</i>	<i>V</i>	<i>S</i>
-------------	-------------	-----------	------------	-----------	-----------	------------	-------------	----------	----------

 **-----
 **-----
 **-----
 **-----

W.R.I.S.

Approved *4-11-85* by *SRM*Entered *01*Verified *by*

RECEIVED

OCT 21 1982

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

PLACE OF USE OF WATER RIGHT

PURSUANT TO TRANSFER APPLICATION NO. I-4123

I, FLANNERY 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 8-29, 1982.

9-3-82

Date

Dennis Flannery
Signature

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

OK
OK

Application No.

Application for Extension of Time
for Transfer of Water Right

RECEIVED

JUL 7 1981

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Dennis D. and Janel A. Flannery
(Name of applicant)
of c/o Tumalo Irrigation District, 64697 Cook Avenue, Bend
(Mailing address) (City)
State of Oregon 97701 382-3053
(Zip Code) (Phone number)

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

under the terms of an order of the Water Resources Director entered on
May 14, 1979, approving transfer application No. 4123,
in the name of Robert and Phyllis Gates and Tumalo Irrigation District
Pursuant extension-granted per receipt 20950 of 10/8/80

The following has been accomplished toward completion of the
change within the time allowed, which expired on October 1, 1980: orig. appl.
October 1, 1981 extension

Cleared 3.0 acres of land, excavated and sealed pond

(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. All certificates recorded in name of Tumalo Irrigation
District. Purchased water right formerly on the pro-perty of Robert
and Phyllis Gates.

Ext to 10-1-82
SRS

77-81
\$10.00
#25565

To fully complete the change, it will be necessary to accomplish the following: _____ before the next irrigation season, we will install _____ mainline for irrigation, plant and then will be able to irrigate _____ next irrigation season, 1982 _____

I am unable to complete the change under the terms of the order, within the time allowed, because _____ water shortage in Tumalo Irrigation _____ District _____

and request that the time for completion be extended to _____ October 1, 1982 _____.

AFFIDAVIT OF APPLICANT

I, _____ Dennis D. and Janel A. Flannery _____, 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 _____ 6th _____ day of _____ July _____, 19 _____ 81 _____

Subscribed and sworn to before me this _____ 6th _____ day of _____ July _____, 19 _____ 81 _____

[Notarial Seal]

Janel A. Flannery

Janet E. Baettchen
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

OCT 08 1980

To the WATER RESOURCES DIRECTOR OF OREGON:

WATER RESOURCES DEPT
SALEM, OREGON

I, Dennis D. and Janel A. Flannery
(Name of applicant)
of c/o Tumalo Irrigation District, 64697 Cook Avenue, Bend
(Mailing address) (City)
State of Oregon, 97701, 382-3053
(Zip Code) (Phone number)

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

under the terms of an order of the Water Resources Director entered on
May 14, 1979, approving transfer application No. 4123,
in the name of Robert and Phyllis Gates, Tumalo Irrigation District *
to Dennis Flannery, c/o Tumalo Irrigation District

The following has been accomplished toward completion of the
change within the time allowed, which expired on October 1, 1980 :
We have cleared 3.0 acres of land, had a pond excavated and sealed

(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. All certificates are recorded in the name of Tumalo Irrigation
District. I purchased the water right formerly on the property of
Robert and Phyllis Gates.

*Ext to 10-1-81
S/R*

To fully complete the change, it will be necessary to accomplish the following: before the next irrigation season, we will install main-
line for irrigation, plant and then will be able to irrigate next
irrigation season (1981)

I am unable to complete the change under the terms of the order, within the time allowed, because have only been on the property one
year; there was previously no existing system or water rights; have
expended a considerable sum in installing the pond

and request that the time for completion be extended to October 1, 1981.

AFFIDAVIT OF APPLICANT

I, Dennis D. and Janel A. Flannery, 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 6th day of October
1980.

Subscribed and sworn to before me this 6th day of October, 1980

[Notarial Seal]

Dennis D. Flannery
Janel A. Flannery
Dennis D. and Janel A. Flannery

Janet L. Boettcher
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

Receipt # 20950
\$10
10/8/80

fd from
fee
account for full

T-4123
RECEIVED

DEC 15 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

RECEIVED

JAN 10 1979

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

Robert phyllis Gates

I, ~~Dennis Flannery~~ / Tumalo Irrigation 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? *Sid Rogers Vol. 2 Pg. 259 Cert. # 26508*
(If not, give name)

2. Was your water right determined by Decree of Court? *Yes* If so, give title of proceedings
(Yes or No)
Tumalo Cr. Adjudication number of certificate *# 26508 primary*

3. Was your water right acquired by Water Right Permit? *supp. yes* If so, give number
(Yes or No)
of permit *# 624* Number of certificate *26051*

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, last pg.*

5. What is the date of priority of your water right? *"*

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
16S	11E	27	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Robert 3.0 ac. from Gates

(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	TO List ¼-¼ of Section	Number Acres To Be Irrigated
16S	11E	26	SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 ac. Dennis Flannery

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

That this water will be of more beneficial use

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WATER RESOURCES DEPT.
SALEM, OREGON

15. Construction work will be completed on or before none needed

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

Remarks Source of Water is;

PRIMARY: Cert. # 26508; The waters of Tumalo Cr. tributary of Deschutes River; 8/5/1900

SUPP.: Cert. # 26050; The waters of Tumalo Cr. Crater Cr. Little Cr. Creek and the three Springs Branches; Priority date; Oct. 29, 1913

Supp.: Cert. # 26051; The waters of Crescent Lake Reservoir Apr. 7, 1911 Permit #624

Supp.: Cert. # 31412 Deschutes River
Supp.: Permit # 27841 Crescent Lake Reservoir

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.

NOTE: This transfer approved by the Tumalo Irrigation Dist. Board of Directors; Dated; 12/12/78

AFFIDAVIT OF APPLICANT

I, Robert Gates Phyllis M. Gates, 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 17 day of Nov, 1978.

Robert Gates - Phyllis M. Gates
(Name of applicant)

Subscribed and sworn to before me this 17 day of Nov, 1978.

[Notarial Seal]

Morgan H. Elliott
NOTARY PUBLIC FOR OREGON

My commission expires March 28, 1981

11164

STEVENSON LAW PUBLISHING CO. PORTLAND, OR. 97204

1-1-74

WARRANTY DEED

DEC 15 1978

WATER RESOURCES DEPT.
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That

FRANK C. MOORMAN AND JEANNETTE M. MOORMAN, husband and wife
hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by
ROBERT GATES AND PHYLLIS M. GATES, husband and wife
the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee'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:

A tract of land located in Section 27, Township 16 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of said Section 27, thence N 0 degrees 08' 27" E 1322.19'; thence S 89 degrees 50' 21" E 792.70 to the true point of beginning; thence S 89 degrees 50' 21" E 525.00'; thence S 0 degrees 03' 18" W 421.58'; thence S 60 degrees 47' 03" W 89.56'; thence S 23 degrees 26' 34" W 152.73'; thence S 55 degrees 50' 05" W 307.40'; thence S 77 degrees 48' 34" W 134.35'; thence N 807.88 feet to the true point of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same 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 those covenants, conditions, and restrictions of record

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 16,000.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 2 day of Oct, 1978; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation,
affix corporate seal)

Frank C. Moorman

Jeannette M. Moorman

STATE OF OREGON,

County of Deschutes

Oct 2, 1978

Personally appeared the above named

Frank C. Moorman and

Jeannette M. Moorman

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:
Susan L. Hellstrand
Notary Public for Oregon
My commission expires: 2/26/80

STATE OF OREGON, County of Deschutes

1978

Personally appeared

who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

11164

STATE OF OREGON,

County of Deschutes

I certify that the within instrument was received for record on the 12th day of October, 1978, at 8:12 o'clock A.M., and recorded in book 285 on page 127 or as file/reel number

Record of Deeds of said county.

Witness my hand and seal of County affixed.

Rosemary Patterson

Recording Officer

By Rhonda Lantz Deputy