

Name David E. + Peggy A. Franke
 By _____
 Address 1631 NE Second St., Suite A
Bend, OR 97701

4348

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
 Trib. of _____ County of Deschutes
 Use irrigation
 Quantity of water _____ No. of acres 8³³
 Name of ditch Central Oregon Canal
 Date of priority Oct 31, 1900 + Dec 2, 1907
 In name of Foley Tracts
Deschutes Riv. Adjudication, Vol. 16, page 54^{SRB}
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by _____

Change in POU
 Date filed Dec 21, 1979
 Date of hearing _____
 Place of hearing _____
 Date of order 9-11-80 Vol. 33, page 664
 Date for application of water 10-1-81
 Proof mailed 4-25-89 (+COLD)
 Proof received Vested 26 Jun 89
 Certificate issued _____ Vol. _____, page _____

Surveyed 8/20/84
 Nov 30, 88 AE
 to survey 11/81

2-20-89 AE

REMARKS

see T-2795 also - FP survey involves both transfers. Loss of right order V41p142
 must be amended to allow the acreage mapped by Leslie Olson on Paulson portion
 of this transfer. Done. V43p 204 Amends loss of right order

— finis —
26 Jun 89

W.R.I.S.	
Assembled	<u>9-3-85</u> by <u>SRB</u>
Entered	_____ by _____
Verified	_____ by _____

FEEES PAID

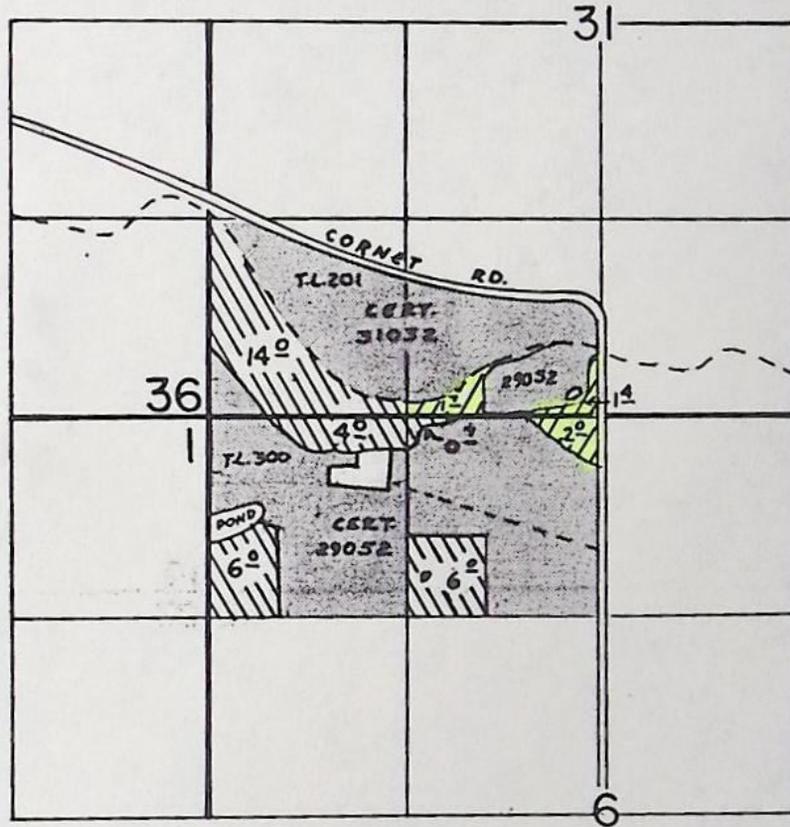
Date	Amount	Receipt No.
<u>12-21-79</u>	<u>30.00</u>	<u>15448</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	<input checked="" type="checkbox"/>	INDEX CARDS:	Entered <u>LOR</u>	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>	_____
	<input checked="" type="checkbox"/>	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/>	Twp. & Rge.	<u>SRB</u> <u>SRB</u>	_____
	<input checked="" type="checkbox"/>	Decree-vault	<u>SRB</u> <u>SRB</u>	_____
	<input checked="" type="checkbox"/>	Decree-safe	<u>SRB</u> <u>SRB</u>	_____
	<input checked="" type="checkbox"/>	Cert. of W/R	<u>SRB</u> <u>SRB</u>	_____
	<input checked="" type="checkbox"/>	Per. Folder	_____	_____
	<input checked="" type="checkbox"/>	Chainindex	_____	_____
<input checked="" type="checkbox"/>	Cross Ref.	_____	_____	
<input checked="" type="checkbox"/>	Power Claim	_____	_____	
<input checked="" type="checkbox"/>	Abstracts	<u>leg</u>	_____	

T.14&15S., R.15E., W.M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY

UNDER

Transfer 4348 & pt. of Tr. 2795



IN NAME OF

RON PAULSON

Surveyed April 27, 1984, by L. OLSON

CENTRAL OREGON IRRIGATION DISTRICT

MUNICIPAL CORPORATION OF THE STATE OF OREGON

847 SOUTH SIXTH STREET • P.O. BOX 548

REDMOND, OREGON 97758

PHONE: 548-6047

FACSIMILE TRANSMITTAL

FAX NO. 378-8130

TO: Jake DATE: 4/8/93
Oregon Water Resources Dept TIME: _____

RE: T-4348 - on maps

FILE NO. _____ TOTAL PAGES 2 BY: Quinn

COMMENTS: Please note 7.4 acres were to be
applied North of Cornet Road +
only .93 acres South of our Canal.
Also it is my understanding that W Gross
filed on Water Rights on land between
the Road & our Canal

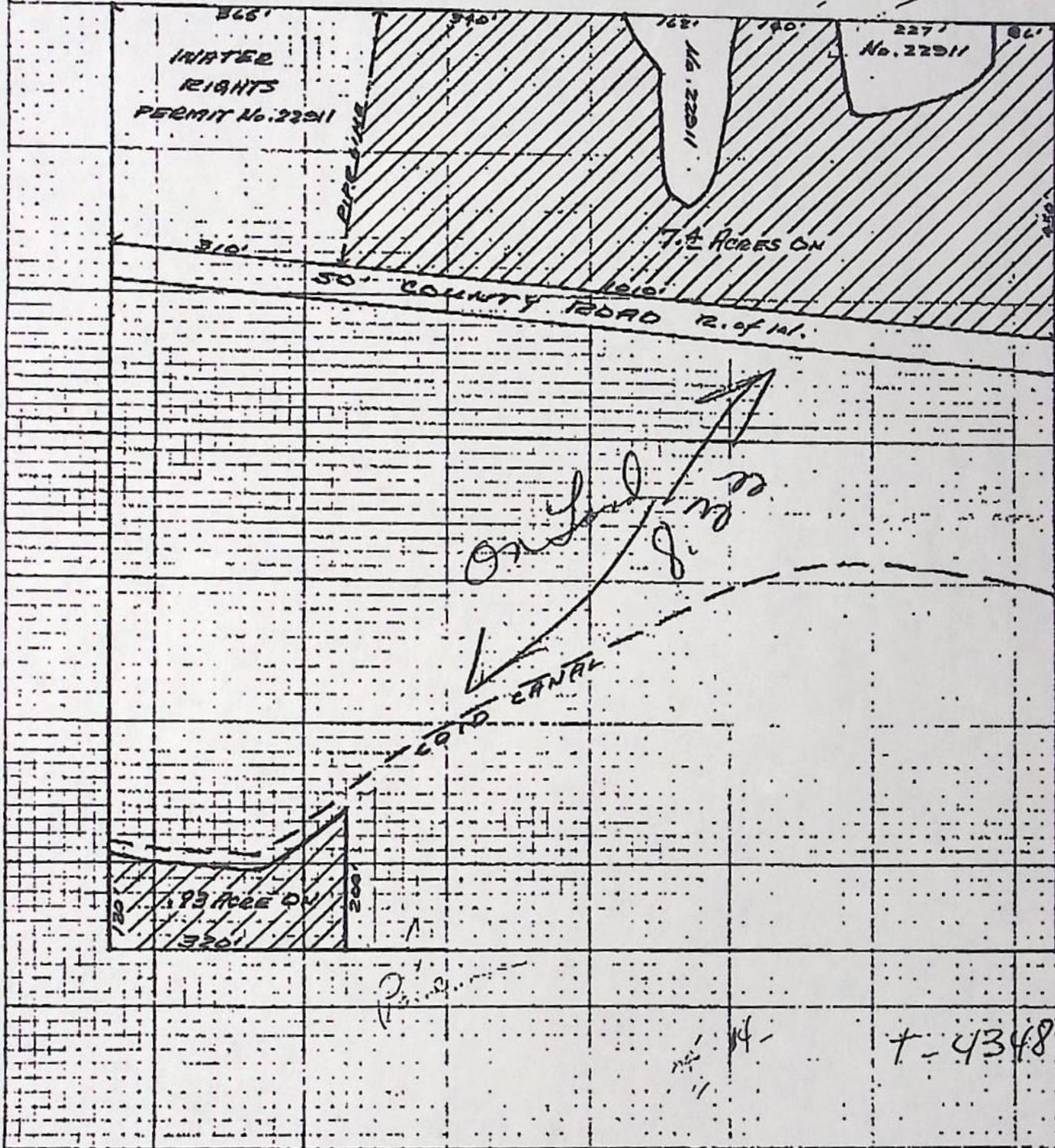
NOTE: IF YOU HAVE ANY QUESTIONS, PLEASE CALL
(503) 548-6047

FOR FAX RESPONSE, CALL (503) 548-0243

SE 1/4 SW 1/4 SECTION 31
T.14S., R.15E.W.1

WATER RESOURCES DEPT
SALEM, OREGON

SCALE 1" = 200'



to beneficial use on the lands or place or use
subject to all other conditions and limitations contained in said

8-210-58A
 1570
 150-221 R

REPORT ON INSPECTION UNDER TRANSFER
 OF WATER RIGHT FOR CHANGE IN:

New owner: south of Cornet Rd:

RON PAULSON
 P.O. Box 633
 NEWPORT, OR 97365

POD
 FOU
 USE
 Add'l POD

RECEIVED

FEB 14 1986

WATER RESOURCES DEPT
 SALEM, OREGON

Crook

County Deschutes

Transfer No. 4348

Old Certificate No. 29052

1. Name David & Peggy Franke ^{NO USE} / COLD 1560 NE 1st. St. Bend
 Address family in Oregon Rt. 1 Box 166, P. B 97753

2. Source of Supply Deschutes R, Trib of _____

3. Use ir / 833

4. Amount of Water _____

5. Priority Date 10/31/1900 + 12/2/1907

6. Proposed Point of Diversion _____

7. Completion Date 10-1-81

8. Place of Use: _____

v. 33 p. 664

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>14S</u>	<u>15E</u>	<u>31</u>	<u>SE SW</u>	<u>8.33 ac</u> <u>5.1 (Paulson)</u>

62 CT-29052 ✓
 18-29059/2297 CT-31032
 1959
 2-2775 ✓
 8-4348 ✓

Frank's portion

Info: Dave Frank

Plans to put pump in ditch & sprinkle
lower portion. Needs extension of time. Sewer
form.

NO USE

8-20-84

Jessie Ober

WRE

Area south of road was sold to Ron Paulson

Info: Sauder, manager

Area south of rd. is owned by Paulson.

See TR. 2795

180-221 R

Ron

P.O. Box 633

Newport 97365

Flood irrigated pasture

4-27-84

Jessie Ober

WRE

Dave FRANKE Application
 From Rolling Hills Subdivision
 To Valley View Panel
 (Audemore)

T.14 & 15S. R.15E.W.M.

T-4348

79.21

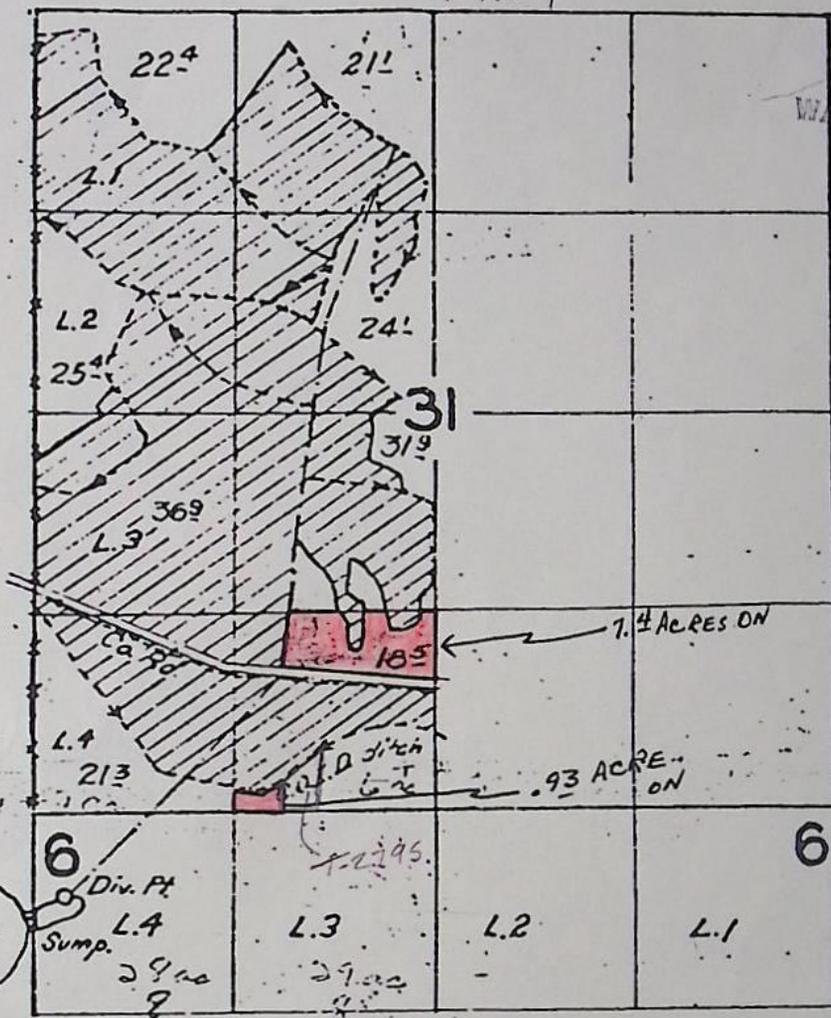
RECEIVED

FEB 14 1986

WATER RESOURCES DEPT
 SALEM, OREGON

389-414

Linda Bend Tibb
 382-470



79.60

5

6

7

8. FINAL PROOF SURVEY

UNDER

Application No 29059 Permit No. 22911
 IN NAME OF

Wendell A. Grass

Surveyed Oct. 31 1962, by Carl R. Baker

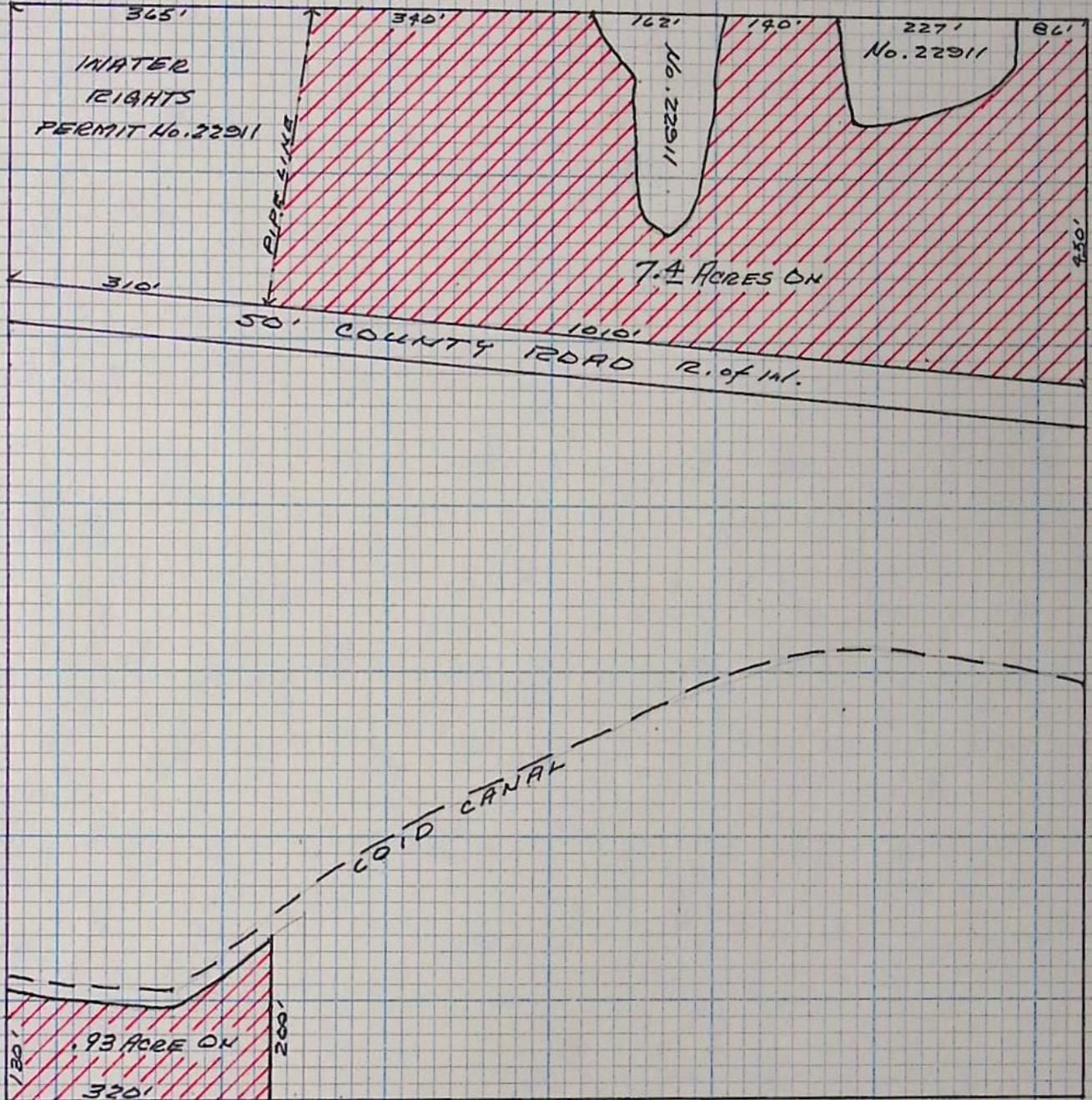
T-4348 RECEIVED

DEC 21 1979

WATER RESOURCES DEPT.
SALEM, OREGON

SE 1/4 SW 1/4 SECTION 31
T.14S., R.15E.11W

SCALE 1" = 200'



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF TRANSFER)
APPLICATION 4348 IN THE) LOSS OF RIGHT
NAME OF DAVID E. FRANKE AND)
PEGGY A. FRANKE)

Transfer Application 4348, in the names of David E. Franke and Peggy A. Franke, 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, for irrigation of a certain 8.33 acres in SE 1/4 SW 1/4, Section 31, Township 14 South, Range 15 East, WM.

The order of the Water Resources Director, entered September 11, 1980, approving Transfer Application 4348, provided: "...that said water so transferred shall be applied to beneficial use on or before October 1, 1981."

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 has been lost.

Dated at Salem, Oregon this 23rd day of March, 1987.

William H. Young
WILLIAM H. YOUNG
Director

0337/d
9313D

4348 or 8E 1/2

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAVID E. AND PEGGY A. FRANKE)
(CENTRAL OREGON IRRIGATION DISTRICT))
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4348

On December 21, 1979, an application was filed in the office of the Water Resources Director by David E. and Peggy A. Franke 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 8.33 acres in Lots 5, 6, 7 and 8, Block 2, Ellis Subdivision, Section 28, Township 17 South, Range 12 East, W.M., being tabulated in the name of Foley Tracts (Ellis Subdivision) at Volume 16, page 54, 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 Central Oregon Canal. *was*

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to a certain 8.33 acres in SE 1/4 SW 1/4, Section 31, Township 14 South, Range 15 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.

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.

Mr. Robert A. Anderson, Secretary-Manager of said District has submitted a statement that no progress to change the use of the land to subdivision was made until after the application had been filed and approved by the District.

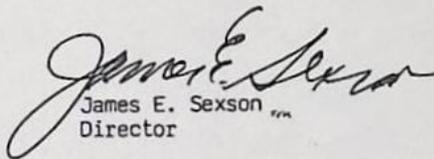
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right shall be issued to Central Oregon Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 11th day of September, 1980.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF TRANSFER)
APPLICATION 4348 IN THE) ORDER AMENDING
NAME OF DAVID E. FRANKE AND) LOSS OF RIGHT
PEGGY A. FRANKE) ORDER

On March 23, 1987 an order was entered which cancelled all of the right authorized to be transferred under the terms of transfer 4348. The final proof survey found no use of water being made by David and Peggy Franke, however, part of the intended land had been sold to Ronald Paulson. Mr. Paulson irrigated 5.1 acres within the terms of the transfer as noted in the report of the final proof survey. The order incorrectly included this 5.1 acres.

NOW THEREFORE, it is hereby ORDERED that page 142, Volume 41, Special Order Record, be amended as follows: line 4 of the first paragraph is amended to read "3.23 acres in SE 1/4 SW 1/4, Section 31, Township 14 South, Range 15 East, W.M." and line 3 of the third paragraph is amended to read "therefore, this portion of the subject water right has been lost."

Dated at Salem, Oregon this 18th day of April, 1989.

William H. Young
WILLIAM H. YOUNG
Director

4348or

STATE OF OREGON
COUNTY OF DESCHUTES

THIS PROPOSAL ISSUED TO

CENTRAL OREGON IRRIGATION DISTRICT
P.O. BOX 548
REDMOND, OREGON 97756

(RON PAULSON)
P O BOX 633
NEWPORT, OR 97365

confirms the right to use the waters of DESCHUTES RIVER, a tributary of COLUMBIA RIVER, for the purpose of IRRIGATING 35.8 ACRES.

The right was confirmed by decrees of the Circuit Court of the State of Oregon for DESCHUTES County. The dates of priority are OCTOBER 31, 1900 AND DECEMBER 2, 1907.

The right is limited to not more than 1.105 CUBIC FEET PER SECOND measured at the point of diversion from the river.

The point of diversion is the CENTRAL OREGON CANAL.

The amount of water used for irrigation shall be limited to THE RATE AND DUTY ESTABLISHED BY THE DECREE OF THE CIRCUIT COURT FOR DESCHUTES COUNTY DATED MARCH 24, 1933.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SW 1/4 SW 1/4 14.0 ACRES (T-2795)
SE 1/4 SW 1/4 3.1 ACRES (T-4348)
SECTION 31
TOWNSHIP 14 SOUTH, RANGE 15 EAST, W.M.

NE 1/4 NW 1/4 6.7 ACRES (T-2795)
NE 1/4 NW 1/4 2.0 ACRES (T-4348)
NW 1/4 NW 1/4 10.0 ACRES (T-2795)
SECTION 6
TOWNSHIP 15 SOUTH, RANGE 15 EAST, W.M.

(These lands are supplemented by Crane Prairie Reservoir storage)

This PROPOSED PARTIAL CERTIFICATE is to confirm a change in PLACE OF USE authorized by orders of the Water Resources Director entered JUNE 11, 1974 & SEPTEMBER 11, 1980, approving transfer applications 2795 & 4348. This right will be part of a certificate to be issued to Central Oregon Irrigation District at a later date which will supersede certificate 29052, State Record of Water Right Certificates.

This proposed partial certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decrees.

NOTE! THIS PROPOSED PARTIAL CERTIFICATE WILL BECOME EVIDENCE OF A VESTED WATER RIGHT 60 DAYS FROM THE NOTICE DATE IF THE OWNER OR OCCUPANT OF THE LAND RECEIVING THE TRANSFERRED WATER DOES NOT PETITION THE DEPARTMENT TO RECONSIDER THE CONTENTS OF THE PROPOSAL.

T-2795B.BE & T-4348



STATE OF OREGON

INTEROFFICE MEMO

DEPT.

TELEPHONE

TO: Sam Allison

DATE: Feb. 11, 1986

RECEIVED
FEB 14 1986
WATER RESOURCES DEPT
SALEM, OREGON

FROM: Leslie Olson

SUBJECT: Tr. 4348 (Franke)

Mr. Franke called yesterday, as did COID and the Title Co. regarding your letter of 2/7/86. Is this letter in response to their application for extension of time? The letter did not mention it. Mr. Franke claims that he was already under an existing extension. Our records do not indicate that he has received any prior extensions of time for this transfer. I visited his property on 8-20-84. At that time, he told me that he had not yet installed his equipment and would like to apply for an extension. I mailed him the form as I was out at the time. He says he gave me \$100 at the time. This is false and I told him that he was mistaken. Anyway, to satisfy everybody, could you please research his file for any previous applications for extension of time and return a memo to me or Bob Main stating the results of your findings?

Also, we have not yet drafted this transfer. It was on hold pending notice of approval or denial of extension. There is another ownership involved in this transfer who is irrigating, so the full 8.33 acres shouldn't be cancelled.

I am also including copies of correspondence to Mr. Franke that indicate my attempts to contact him during the summer of 84. I surveyed the Paulson portion of this transfer on April 27, 1984. I left a card on Franke's gate that same day. I followed this up with a letter. After no response, I made several attempts to call him and Mrs. Franke at home and at their business. Messages were taken but not returned. The letter from Bob Andersen resulted in my meeting with him.

Thanks for your time on this. Any information you can provide will be appreciated.

Sam's letter of 2-7-86 was a denial of the extension request.

February 7, 1986

Peggy A. Franke
Route 1, Box 166
Powell Butte, OR 97753

Dear Ms. Franke:

REFERENCE: File T-4348

The above referenced water right transfer, for irrigation of 8.33 acres of Central Oregon Irrigation District water right transferred to the SE 1/4 SW 1/4 of Section 31, Township 14 South, Range 15 East, WM, was approved by the Water Resources Director on September 11, 1980.

The order approving the transfer contained the provision that the water was to be put to beneficial use by October 1, 1981.

On September 19, 1980 and again on February 22, 1983, we received statements signed by David E. Franke that he had completed the transfer.

A representative of the Water Resources Department inspected the lands involved in Transfer 4348 on August 20, 1984. At that time, there was no indication that the water had been beneficially used.

There is no way, under Oregon law, to hold a water right except through continued beneficial use of the water under the provisions of the subject water right, in this case by October 1, 1981.

Since proof of beneficial use under the terms of the order approving Transfer 4348 has not been demonstrated, nor has evidence of diligent effort toward completion been shown, the right has been lost.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc

cc: Robert F. Main, Jr., Watermaster, District 11
Ron Nelson, Manager, Central Oregon Irrigation District
Linda Purtzer, Deschutes County Title Company

2584D

RECEIVED

FEB 5 - 1986

WATER RESOURCES DEPT
SALEM, OREGON

Transfer 4348

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Peggy A. Franke
(Name of Applicant)
of Rt. 1 Box 166, Powell Butte
(Mailing Address) (City)
State of Oregon, 97753, 447-6190
(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 September 11, 19 80, approving Transfer 4348, in the name
of David E. FRANKE and PEGGY A. FRANKE
for 8.33 acres in the SE1/4 SW1/4 Section 31, Township 14 South, Range 15 East
of the Willamette Meridian, Crook County, Oregon.

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 19 81 :
preliminary clearing of property

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

TO FULLY COMPLETE the change, it will be necessary to accomplish the
followings: finish clearing land and install water lines

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because Due to economy, it was not feasible or desirable to spend extra money at that
time. It has now become feasible to apply water to property.

_____ and request that the
time for completion be extended to October 1, 19 86.

Peggy A. Franke
(signature of applicant)

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:
WATER RESOURCES DEPARTMENT
Mill Creek Office Park
555 13th Street, NE
Salem, Oregon 97310

2-5-86
\$100.00
#48684

RECEIVED
FEB 22 1983
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

8.33 Acres Central Oregon Irrigation District

PURSUANT TO TRANSFER APPLICATION NO. 4348

I, David E. Franke, 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.

2-17-83

Date

David E. Franke

Signature

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

555 13th St NE

de
Qiy

RECEIVED

SEP 19 1980

WATER RESOURCES DEPT
SALEM, OREGON

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

PURSUANT TO TRANSFER APPLICATION NO. 4348

I, David E. Franke, 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 May 15, 1980.

Sept 16, 1980
Date

David E. Franke
Signature

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

ok
Lij

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

WATER RIGHT NO. T0000 43481 PERMIT NO. 016 054 CERTIF. NO. 029052
ORIG. NO. C000290521 PREV. NO. C000290521 SUPER. NO.

NAME: DAVID & PEGGY FRANK
ADDRESS: COID PO BOX548
CITY/STATE/ZIP/COUNTY; REDMOND, OR 97756

07
~~09~~

STREAM-ID 05 1980 RIV.MI. 0.0 WM.DIST. 11 W.R.TYPE SC STATUS V

CANCEL YEAR----> CONSTR.COMPLT--> 10 01 1981 YR.LAST USED-----> NEXT ACTION DUE-->
PRIORITY-----> 10 31 1900 PUT TO USE-----> 10 01 1981 LAST TRANS.DATE--> LAST TRANS.TYPE-->
APPLICATION--> 12 21 1979 SURVEYED-----> 08 20 1984 EXAM.FEE-----> 20.00 RECORDING FEE-----> 10.00
PERMIT ISSUE--> 09 11 1980 CONCURRENCE-----> CYCLE STATUS-----> REPORTED FLAG----->
CONSTR.STRT.--> 09 11 1980 CERTIFIED-----> CORRES.INIT.-----> CORRES.DATE----->

POINT-OF-DIVERSION DATA;					RIV.MI.	RATE	STATUS	S	OR	P
TWN	SP	RNGE	SECT	QTR/QTR	STREAM-ID					
170S	120E	29	A	D	05 1980	164.9	V	P		
180S	120E	13	A	C	05 1980	171.0	V	P		
						0.0				

** REMARKS; - - - - -
** DATED-->
** PRIORITY ALSO 12-2-1907 CHANGES POIL
** PART OF C-29052 PILOT BUTTE CENTRAL
** OREGON CANAL TAB IN NAME OF FOLEY
** TRACTS.
**
**
**

PLACE-OF-USE DATA:													
TWN	SP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
140S	150E	31	C	D	07	IR	100.00		8.33	V			P

W.R.I.S.

Assigned 4-3-85 by SDX

Entered _____ by _____

Verified _____ by _____

Accepted the proposal of Doug Sawyer represented by Doug Brown, attorney, for a partial release of 30 acres of land within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2-18-13, said tract being a portion of the SE $\frac{1}{4}$ of said Section 2-18-13 being purchased by Sawyer Bros. with a mortgage and promissory note, balance owing being \$20,349.00 and having an appraised value of approximately \$130,000.00 with improvements with the provision that an additional \$5,000.00 payment be made to the District by the Sawyers and further conditioned that this proposal be acceptable in the opinion of Vince Hurley, attorney for the District.

Being no further business at hand meeting adjourned at 6.05 P.M.

CENTRAL OREGON IRRIGATION DISTRICT

RECEIVED
MAR 8 1982
WATER RESOURCES DEPT
SALEM, OREGON

Donald W. Mitterberg
President

Kenneth W. White
Vice President

Donald C. Farnier

Thomas Kadbury

ATTEST

Robert C. Anderson
Secretary-Manager

=====
=====
=====

Minutes of the Regular meeting of the Board of Directors of the Central Oregon Irrigation District was held on June 12, 1979.

Regular meeting of the Board of Directors was called to order in the offices of the District at 9:55 A.M., June 12, 1979. All directors were present. Also attending were Robert Anderson, Secretary-Manager and Diana Ewing, Assistant Secretary.

By unanimous agreement minutes of the last regular meeting were approved as mailed. Accounts payable and payroll for May were examined and approved for payment.

By motions made, seconded and duly passed the following actions were taken:

Approved a water right transfer application of David E. Franke of 8.33 acres from Lots 5, 6, 7, and 8 of Ellis subdivision located within a part of the NW $\frac{1}{2}$ SE $\frac{1}{2}$ of 28-17-12 to other lands in his ownership located within a part of the SE $\frac{1}{2}$ SW $\frac{1}{2}$ of 31-14-15. Delivery of water through COC-78.

Approved the plat of "Rolling Hills" located on lands formerly described as Lots 5, 6, 7 and 8 of Ellis subdivision within the NW $\frac{1}{2}$ SE $\frac{1}{2}$ of 28-17-12.

Gave tentative approval to the water right transfer application of Michael Tennant to transfer 5.5 acres from a part of the NW $\frac{1}{2}$ SW $\frac{1}{2}$ of 27-17-12 to lands in the Powell Butte area owned by Lynn Lundquist and located within the NE $\frac{1}{2}$ NW $\frac{1}{2}$ of 16-16-14 with the provision that the application is completed to District requirements.

Gave tentative approval to the plat of "Star Bright Estates" providing that water rights are removed in proper form.

Authorized Director, Don Farrier, to represent the District before the Deschutes County hearings officer in opposition to a planned horse arena designed on lands located within the E $\frac{1}{2}$ NW $\frac{1}{2}$ of 14-16-12 and along the west side of the Pilot Butte Canal, instructing Mr. Venn, hearings officer, that the high density use of these lands is within a potentially hazardous area since the basic construction of the adjacent canal is a high fill section subject to future failures and that in lieu of the objection would consider the lining or enclosure of the adjacent canal, at the expense of the developers or owners, to safeguard the planned arena site.

Gave tentative approval of a water right transfer application of R.E. Lynds transferring 3.0 acres from Government Lot 2 and 6.2 acres from the NW $\frac{1}{2}$ SE $\frac{1}{2}$ all in 2-16-12 with 2.4 acres to Phillip Olson in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ of 2-16-12, 1.2 acres to Sherwood Nichols in a part of the SE $\frac{1}{2}$ SW $\frac{1}{2}$ of 25-15-12, 2.0 acres to Double R Realty, Inc. in a part of the NW $\frac{1}{2}$ SE $\frac{1}{2}$ of 3-15-13, 2.0 acres to D.C. Reimenschneider in a part of the NW $\frac{1}{2}$ SE $\frac{1}{2}$ of 3-15-13 and 2.0 acres to James R. Bauersfeld in a part of the SE $\frac{1}{2}$ SW $\frac{1}{2}$ of 18-15-13.

Placed a moratorium on any contracts for agreements and entries to Carey Act Lands described as the W $\frac{1}{2}$ NW $\frac{1}{2}$ of 24-16-12 pending (1) legal advice relative to retrieving liens and monies owing to the District, (2) legalities of entries on the lands, (3) order of entries by any priorities and (4) valuations of lands to the District.

Approved the following water right transfers:

- (a) Jack Swanson; .22 of an acre from Lots 1, 2, & 32, Block 76 all within the Terrebonne Townsite.
- (b) Phillip Olson; 1.0 acre within the SW $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 2-16-12.
- (c) Ammended the application of D.G. Reed approved 4-4-79 to read; 7.0 acres from the SW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 21-14-13 with 5.0 acres to Faye English on a part of the SE $\frac{1}{2}$ NW $\frac{1}{2}$ of 9-14-13, 1.0 acre to Alfred Sottosanti on Lot 1, Block 1, Country View Estates in a part of the NW $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 15-17-12 with delivery through Avion Water Co. system and 1.0 acre to Frank Armstrong on a part of the NE $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 17-15-13.
- (d) A. Mae DeLude; 2.64 acres from a part of the NW $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 10-15-13 to A.C. Bowen on a part of Tract 65, Wayman Tracts located within the NW $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 2-17-12.

Denied the request of Rodney J. Stanley for a delivery from the Pilot Butte Canal to serve lands within the NW $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 13-14-13 based on the policy of the District not to serve lands by new delivery, having a water right of less than 10 acres.

Approved the plat of "Harris Estates, Phase I" located within the E $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 15-14-13.

Denied the request of Wayne Singhose to waive the base charges levied for 1979 on the water rights that he had purchased from Babler Bros., in 1979 based on advise relayed to the directors from Mr. Hurley's office and in keeping with existing policies of the district.

Withheld execution of a joint road use easement with Mary Barrett until all monies due to the district are paid in full.

Gave tentative approval to the requests of Pat Gisler and Scott Oakley to a future delivery of water, through the Avion Water Co. system, to their lands currently owned in 15-17-12 and totaling some 30 acres in area. Approval conditioned on an orderly development of the lands and securing of proper water rights.

Approved the purchase of an additional acetylene set at a price of \$261.30 with payment from the new equipment fund.

Approved the payment of \$670.30 for the District's portion of the water hemlock control program on the Upper Deschutes River.

Approved the following water right transfer applications:

(a) Darrell Stiers; 2.0 acres from the NW $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 26-15-14 to M.F. Coats on a part of the SE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 6-15-15 conditioned upon the Coat's paying in advance for the installation of a new delivery to serve their lands.

(b) Kent Wilcox; 16.0 acres from a part of the NE $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 20-17-13 to Lynn Lundquist on a part of the E $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 16-16-14.

(c) Edward Burton; 6.0 acres from a part of the SE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 34-17-12 to Robert Lowe in the NW $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 28-17-13 with delivery through D-20 COC.

Approved payment to Betty Anderson on amount of \$100.00 for May janitorial services.

Approved in increase to Chuck Popish in an amount of 75¢ per hour effective July 12, 1979.

Being no further business the meeting adjourned at 12:15 P.M.

CENTRAL OREGON IRRIGATION DISTRICT

Donald Mittenberger
President

James W. Wuts
Vice President

Thomas Kolberg

Walter A. Tracy

Donald Starrier

ATTEST:

Robert L. Anderson
Secretary-Manager

=====
=====
=====



STATE OF OREGON

Bend
RECEIVED INTEROFFICE MEMO

JAN 3 1980

WATER RESOURCES DEPT

TO: TRANSFERS, WATER RIGHTS DIVISION SALEM, OREGON DATE: Dec 27, 1979.

FROM: ** Robert F. Main, Jr., Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4348
IN THE NAME OF David E. & Peggy A. Franke

In my opinion the proposed change in POU of water from Deschutes River
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which
serves this right.

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

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

- (1) PRIOR to the diverting of water at the new point of diversion . . .
- (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because the streets are, paved sidewalks are in,
one house under construction all ground has been torn up and
no apparent irrigation on property.
They told me it was irrigated until the streets were
put in.

** RM
Watermaster's signature or initials

CENTRAL OREGON IRRIGATION DISTRICT

MUNICIPAL CORPORATION OF THE STATE OF OREGON

BOARD OF DIRECTORS
DON MILTENBERGER, PRESIDENT
KENNETH WERTH, VICE-PRESIDENT
WILLIAM PREWITT
DON FARRIER
TOM KASBERGER

847 SOUTH SIXTH STREET • P. O. BOX 548
REDMOND, OREGON 97756
PHONES 548-2413, 548-3151

ROBERT A. ANDERSON
SECRETARY-MANAGER
DIANA L. EWING
ASSISTANT SECRETARY
J. VINCE HURLEY
COUNSEL

January 2, 1980

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JAN 4 1980

WATER RESOURCES DEPT
SALEM, OREGON

Samuel R. Allison
Water Resources Department
555-13th St., N.E.
Salem, Oregon 97310

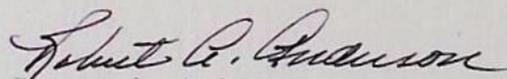
Re: File T-4348
David Franke

Dear Sam,

In speaking with Duane Clarke, Deputy Watermaster, I am advised that an adverse report is being made on the property from which the rights are being divested.

I wish to state that at the time that the application was filed, the lands were producing an excellent stand of tame pasture, used as pasture and grass hay and that no progress to change the use of the land to subdivision was made until after the application had been filed and approved by the District.

Sincerely,


Robert A. Anderson
Secretary -Manager

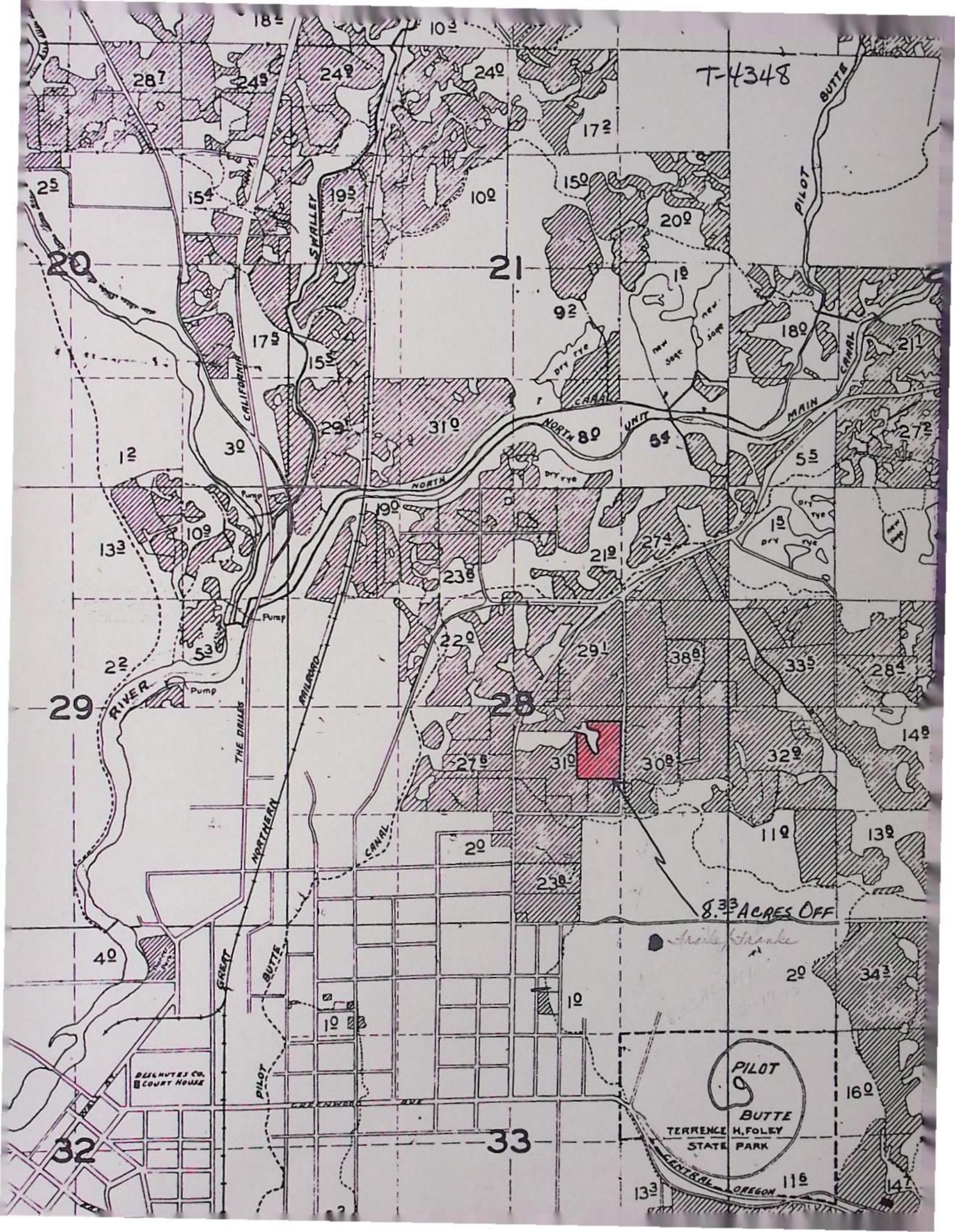
RAA:jma

of Applicant	Relative Priority	Acres	Use	Name of Blkch	Stream	Description of Land or Place of Use
Central Oregon Irrigation District - Continued:						
Hooper Dyer		10.2				10.2 acres in that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, - T. 17 S., R. 12 E., W.M., described as follows: Beginning at the SE corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence N. 88° 57' W. along the south line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 504.9 ft., thence north 1145.68 ft., thence N. 74° 41' E. 204.02 ft., thence N. 9° 38' 20" W. 102.72 ft. to a point on the north line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence S. 89° 23' 40" E. along said north line 328.02 ft. to the NE corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence S. 0° 07' 20" W. along the east line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1306.5 ft. to the point of beginning.
Vernon Stevenson		5.4	2.0 Ac Trsf. Sp. Or. Vol. 125 P. 2			5.4 acres in that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, - T. 17 S., R. 12 E., W.M., described as follows: That portion of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying northerly and westerly from the Powell Butte-Paulina Creek County Road as now constructed, and westerly from the road leading north to Boyd Acres from said Powell Butte-Paulina Creek County Road in said SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Central Oregon Irrigation District		1.7	1/2 Ac. Trsf. Sp. Or. Vol. 10, p. 62			1.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, - T. 17 S., R. 12 E., W.M.
Foley Tracts (Ellis Subdivision)		55.74	1.8 Ac. Trsf. Sp. Or. Vol. 11, p. 430 10.5 Ac. Trsf. Sp. Or. Vol. 8, p. 304 5.5 Ac. Trsf. Sp. Or. Vol. 10, p. 75 8 $\frac{1}{2}$ T-4378 Δ PDU			24.74 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 31.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, - T. 17 S., R. 12 E., W.M.
City of Bend		20.0				4.2 acres in that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, - T. 17 S., R. 12 E., W.M., known as "Pioneer Park" in the city of Bend. 10.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.1 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.7 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, - T. 17 S., R. 12 E., W.M., known as "Drake Park" and "Harmon Field" in the city of Bend.
						See also under: Section 20, T. 17 S., R. 13 E., W.M. (p. 122-52)
Pete Klobus		61.0	12.0 Ac. Trsf. Sp. Or. Vol. 28, P. 24			20.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 31.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, - T. 17 S., R. 12 E., W.M. 10.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, - T. 18 S., R. 12 E., W.M.
Peder Pederson		94.0	3.0 Ac. Trsf. Sp. Or. Vol. 22, p. 295 3.0 Ac. Trsf. Sp. Or. Vol. 23, p. 117 3.0 Ac. Trsf. Sp. Or. Vol. 23, p. 150 2.0 Ac. Trsf. Sp. Or. Vol. 27, p. 145 (T 295)			(a) 22.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 21.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, (b) 34.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, (c) 17.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, - T. 17 S., R. 12 E., W.M.
James Matson		35.0				35.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, - T. 17 S., R. 12 E., W.M.

See Transfer No B-67
for Points of diversion
f
Also see Volume 15, Page 72 P 90

(a) T-4007 PDU a 5.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$
14.0 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$
5.0 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$
(1) T-4075 PDU 2 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$
5.5 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$

T-4075 PDU a 15.2 Ac NE NW



T-4348

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DEC 21 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, David E. Franke and Peggy A. Franke
(Name of applicant)

of 1631 N.E. Second St. Suite A
(Mailing address), Bend
(City)

State of Oregon, 97701,
(Zip Code) ,
(Phone number) do hereby make application for change

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

1. Is the water right recorded in your name? No. Foley Tracts. Page 54
(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 29052

3. Was your water right acquired by Water Right Permit? No 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, Central Oregon 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 $\frac{1}{4}$ $\frac{1}{4}$ 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 $\frac{1}{4}$ $\frac{1}{4}$ 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:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
17	12	28	NW¼ SE¼ Lots 5,6,7,8 Bl. 2	8.33

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? No
(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.? No
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	Mortgage Bancorp Salem, Oregon	Itr. of consent attached

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
14	15	31	SE¼ SW¼	8.33

(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 October 31, 1980

Remarks Water right being transferred to other lands of David Franke in the
SE 1/4 SW 1/4 of 31-14-15

..... Approved by the Board of Directors of Central Oregon Irrigation District

..... at a regular meeting held on June 12, 1979.

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

I, David E. Franke and Peggy A. Franke....., 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 25th day of May, 1979.....

X David E. Franke
X Peggy A. Franke
(Name of applicant)

Subscribed and sworn to before me this 25th day of May, 1979.....

[Notarial Seal]

X Charles J. Labrey
NOTARY PUBLIC FOR OREGON



My commission expires 7-25-80

T-4348 RECEIVED

DEC 21 1979

WATER RESOURCES DEPT
SALEM, OREGON

TRUST DEED

STATE OF OREGON, County of

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book _____ on page _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

County Clerk-Recorder

By _____ Deputy

TO
Mortgage Bancorporation
LOAN NO. 1203-8415

From the Office of
MORTGAGE BANCORPORATION
P. O. Box 230
Salem, Oregon 97308
Phone 363-3151

THE GRANTOR, **DAVID FRANKE & PEGGY FRANKE**

THE TRUSTEE, **KEY TITLE CO.**

AND THE BENEFICIARY, **MORTGAGE BANCORPORATION**, an Oregon corporation,

AGREE AND WITNESSETH THAT:

THE GRANTOR CONVEYS to Trustee, its successors and assigns, IN TRUST, WITH POWER OF SALE, the following described real property, which is not currently being used for agricultural, timber or grazing purposes:

Lots 5, 6, 7 and 8, in Block 2, of ELLIS SUBDIVISION, Deschutes County, Oregon, TOGETHER WITH that portion of a vacated roadway accruing to said Lot 8.

TOGETHER WITH all and singular the tenements, hereditaments, rights, rights of way, easements, privileges and appurtenances thereunto belonging, or in anywise appertaining (all as part of the premises hereby conveyed) which shall be deemed to include but not be limited to (a) all rents, issues, profits, damages, royalties, revenue and benefits therefrom, subject, however, to any right, power and authority hereinafter given to and conferred upon Beneficiary to collect the same; (b) all buildings, improvements, fixtures and equipment (whether or not annexed thereto) now or hereafter used in connection therewith; (c) all water and water rights (whether riparian, appropriative or otherwise and whether or not appurtenant) in or hereafter related to or used in connection with said property; and (d) all accretions, additions and substitutions thereto.

For the Purpose of Securing:

One: Payment of the indebtedness evidenced by a promissory note (and any renewals, extensions, modifications or increases thereof), of even date herewith, in the principal sum of THREE HUNDRED FIFTY THOUSAND AND NO/100----- (\$ 350,000.00) executed by Grantor and delivered to Beneficiary, together with interest thereon and other charges as provided by said note, which is made a part hereof by reference payable as provided therein. All due and payable on or before _____ 19____ on demand or within 1 year from note date.

Two: Payment of additional advances, and interest thereon, which may be made by Beneficiary as provided by paragraph 6 hereof.

Three: Payment of all other moneys herein agreed or provided to be paid by Grantor.

Four: Performance of each agreement of Grantor herein contained or incorporated herein by reference.

GRANTOR COVENANTS AND AGREES:

1. That Grantor is the owner in fee simple of said property and is entitled to possession thereof; that Grantor has the right to convey the same in trust with power of sale; that it is free from encumbrances, except as shown above; that Grantor will keep the same free from all liens and encumbrances, including those of record, whether legal or otherwise; that Grantor will warrant and defend the same forever against all claims and demands whatsoever; that Grantor will pay said notes according to the terms thereof; that Grantor will pay before delinquent all taxes and assessments that may be levied or assessed on the property; that Grantor will not use said property for any unlawful purpose and will comply with all laws, regulations, restrictions and conditions affecting said property; that Grantor will complete all buildings in the course of construction, or to be constructed, within ten months from the date hereof; that Grantor will keep all buildings in good repair and continuously insured against fire, with special form endorsement, and other hazards to the satisfaction of the Beneficiary and in a sum not less than the full insurable value thereof, all policies of insurance with premiums paid and to be payable, in case of loss to Beneficiary, and to be in the companies satisfactory to it. Beneficiary is hereby irrevocably appointed attorney-in-fact for Grantor to make proof of loss or damage under said policies, and adjust, sue for, or compromise any claim thereunder to collect all proceeds therefrom, and at its option, apply any insurance proceeds to the indebtedness hereby secured or to rebuilding or restoring the premises, but any such application or payment shall not cure or waive any default hereunder or invalidate any acts of Beneficiary taken upon any default. Should the Grantor fail to keep any of the foregoing covenants, Beneficiary may, at its option, carry out the same and all of its expenditures therefor shall bear a delinquency charge of 1½% per month from the date expended until repaid, be repayable by Grantor on demand and shall be secured by this Trust Deed, and Beneficiary may, at its option, sue to collect all or any part of the aforementioned expenditures without foreclosing this Trust Deed and without affecting its right to foreclose this Trust Deed at any future time. In any such suit Grantor agrees to pay all costs and reasonable attorney's fee. Beneficiary shall be the sole judge of the validity of any encumbrance, tax or easement against the property.

2. That Grantor shall not sell all or any part of the property or any interest therein without first giving written notice and obtaining written consent of the Beneficiary, which will be subject, at its option, to the Purchaser: (a) filling out and signing the Beneficiary's financial statement and loan application, (b) agreeing to assume and pay the Trust Deed and note, (c) paying a transfer fee not to exceed 2% of the original amount of the Trust Deed and note.

MORTGAGE BANK CORP ATTN R LEWIS
PO BOX 230
SALEM OR 97308

western union Mailgram®



T-4348

4-062526E159 0 6/08/79 ICS IPMRNCZ CSP EUGA
5033633151 MGM IDRN SALEM OR 100 06-08 0620P EST

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DEC 21 1979

WATER RESOURCES DEPT
SALEM, OREGON

DAVID FRANKE
1631 NORTHEAST 2 SUITE A
BEN D OR 97701

PERMISSION IS GRANTED TO RELEASE THE C.O.I. WATER RIGHTS (8.33 ACRES)
ON ROLLING HILLS SUBDIVISION LOCATED IN BEND, OREGON.

MORTGAGE BANK CORPORATION
RICK LEWIS

1822 EST

MGMCOMP MGM

5241 (R1/78)

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

D 87148-E

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DEC 21 1979

T-4348

WATER RESOURCES DEPT
SALEM, OREGON

Until a change is requested, all tax statements shall be sent to Grantees at the following address:

VOL 284 PAGE 572

David E. Franke, et ux, 10303
1560 NE 1st
Bend, OR 97701

NOV 28 28-17-12

WARRANTY DEED

LaVERNE HANSHEW, Grantor, conveys and warrants to DAVID E. FRANKE and PEGGY A. FRANKE, husband and wife, Grantees, the following described real property, free of encumbrances except as specifically set forth herein:

Lots 5, 6, 7 and 8 in Block 2 of ELLIS SUBDIVISION, Deschutes County, Oregon, TOGETHER WITH that portion of a vacated roadway accruing to said Lot 8.

TOGETHER WITH 8.33 acres of C. O. I. water.

SUBJECT TO:

1. The 1978-79 Taxes, a lien as of July 1, 1978, but not yet payable.
2. The premises under search fall within the boundaries of Central Oregon Irrigation District and are subject to rules, regulations, assessments and liens thereon.
3. The right of way of George A. Jones Road No. 253 as shown on the Assessor's map.
4. The right of way of a road and a ditch as shown on the Assessor's Map.

The true consideration for this conveyance is \$120,000.00.

DATED this 28 day of September, 1978.

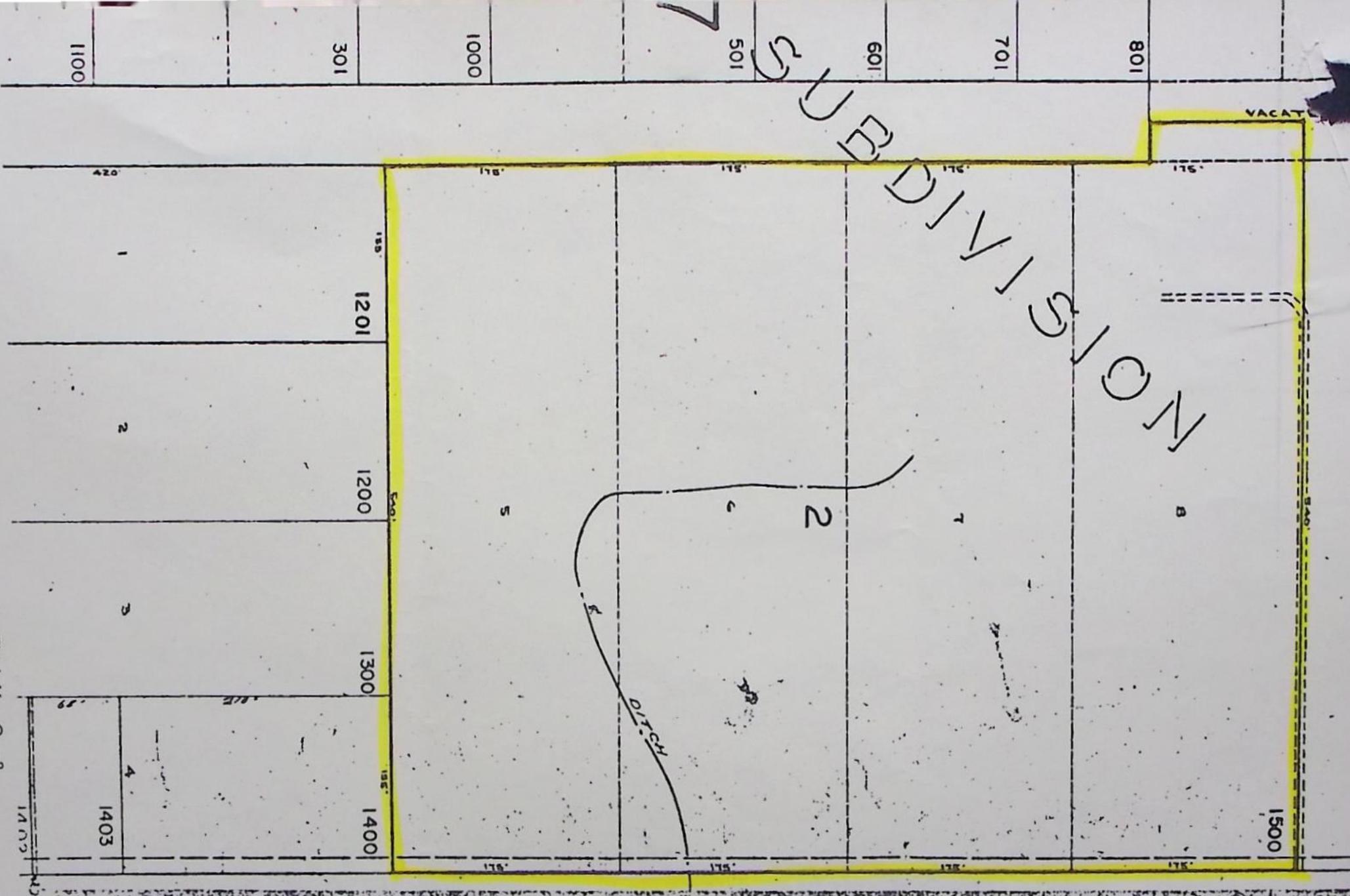
Laverne Hanshaw

LAVERNE HANSHEW

GRAY, FANCHER, HOLMES & HURLEY
ATTORNEYS AT LAW
1044 N.W. BOND STREET
BEND, OREGON 97701

RECORDED
INDEXED
BEND, OREGON 97701

NON SUBDIVISION



GEORGE A. JONES ROAD NO. 293

Do You Own the Property You Think You Own?

See Map 17 12 29DA

DESCHUTES COUNTY

1"=100'

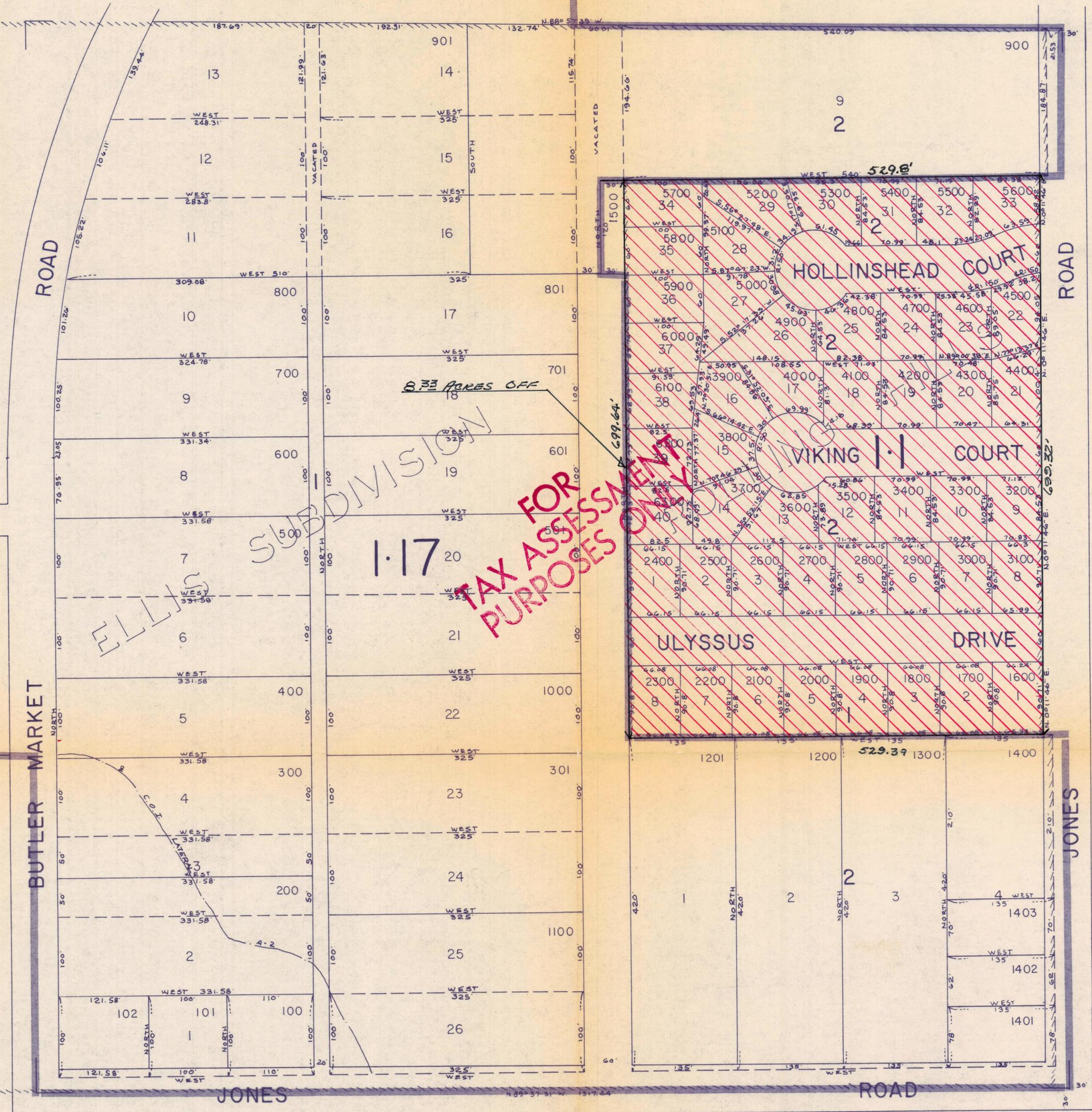
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DEC 2 1979

WATER RESOURCES DEPT
SALEM, OREGON

T-4348

See Map 17 12 28AC



See Map 17 12 28DA

See Map 17 12 28DC