

Name Pat L. & JoAnn Daly
 By COID
 Address 999 NW 59th St
Redmond, OR 97756

4459

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
 Trib. of _____ County of Deschutes
 Use irrigation
 Quantity of water _____ No. of acres 2⁰
 Name of ditch Pilot Butte Canal
 Date of priority Oct 31, 1900 & Dec 2, 1907
 In name of Russel Netts
Deschutes R. Adjudication, Vol. 16, page 129^{5/26}
 App. No. _____ Per. No. _____ Cert. No. 29052
 Certificate cancelled _____
 Notation made on record by _____

Change in POV
 Date filed March 26, 1980
 Date of hearing _____
 Place of hearing _____
 Date of order 6-9-80 Vol. 33, page 289
 Date for application of water 10-1-81
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

FEEES PAID

Date	Amount	Receipt No.
<u>3/26/80</u>	<u>30.00</u>	<u>16832</u>
TOTAL		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

to run 12/81

REMARKS

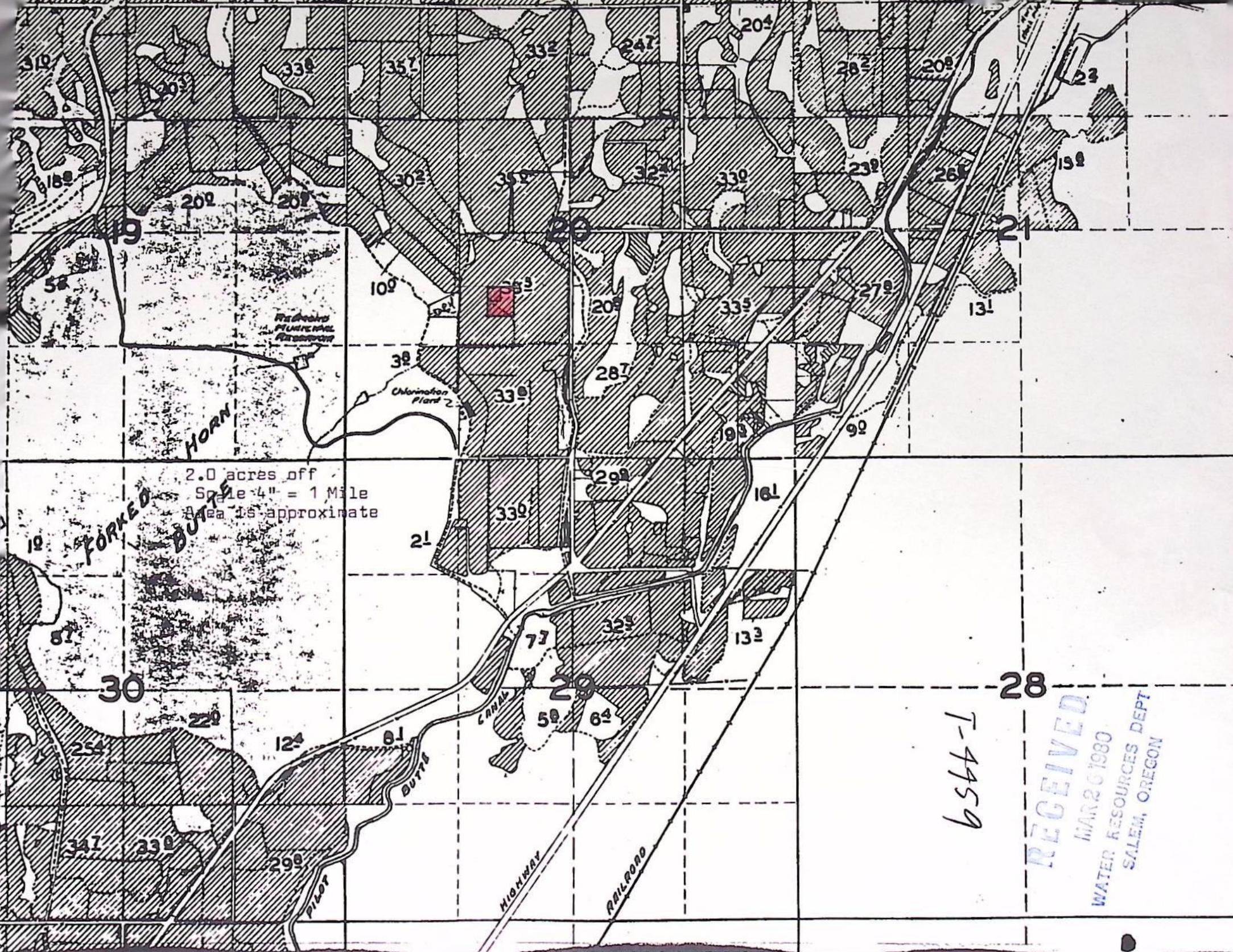
W.R.I.S.

Assembled 2-19-85 by SD

Entered _____ by _____

Verified _____ by _____

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



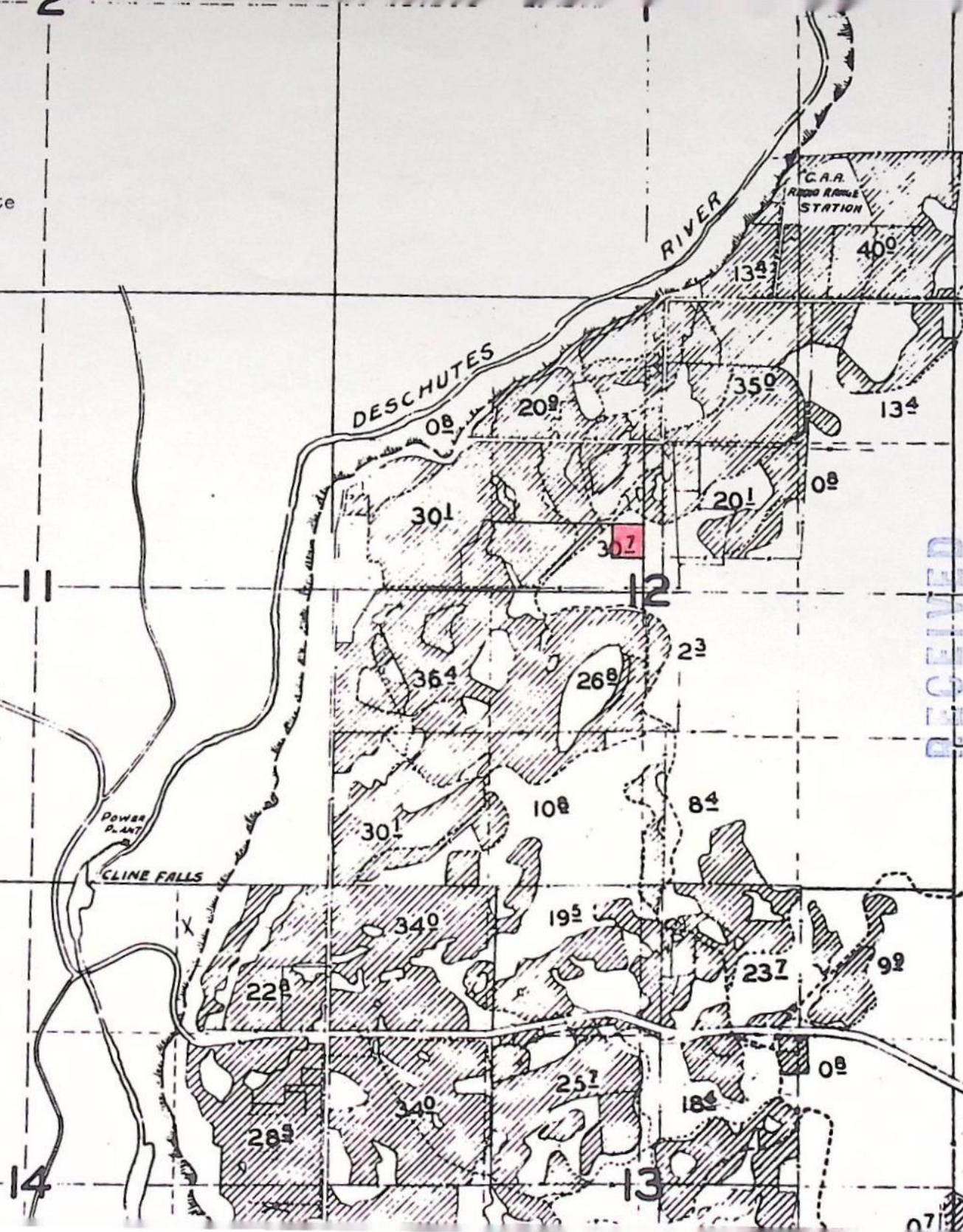
T-4959

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 MAR 26 1980
 WATER RESOURCES DEPT
 SALEM, OREGON

2.0 acres on
Scale 4" = 1 Mile
Area is approximate

14
13
12
11
10
9
8
7
6
5
4
3
2
1
0
1
2
3
4
5
6
7
8
9
10
11
12
13
14

MSKENZIE HIGHWAY



RECEIVED

MAR 26 1980

WATER RESOURCES DEPT
SALEM, OREGON

T-4459

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
PAT L. AND JO ANN DALY (CENTRAL)
OREGON IRRIGATION DISTRICT) FPR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4459

On March 26, 1980, an application was filed in the office of the Water Resources Director by Pat L. and Jo Ann Daly 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 2.0 acres in NE 1/4 SW 1/4 (part of Block 3, Metts Subdivision) of Section 20, Township 15 South, Range 13 East, W.M., being tabulated in the name of Russel Metts at Volume 16, page 129, with dates of priority of October 31, 1900 and December 2, 1907, as evidenced by certificate of water right recorded at page 29052, Volume 21, State Record of Water Right Certificates. These lands also have a supplemental right under permit No. 23256 to the use of water stored in Crane Prairie Reservoir with a date of priority of February 28, 1913. These lands are irrigated by means of the Pilot Butte Canal.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to a certain 2.0 acres in SE 1/4 NW 1/4 of Section 12, Township 15 South, Range 12 East, W.M.

The lands involved herein are within the boundaries of the Central Oregon Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

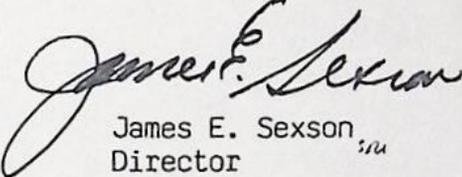
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 9th day of June, 1980.


James E. Sexson,
Director

T-4459

Application for Transfer of Water Right

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

Wex, Pat L. Daly and JoAnn Daly

(Name of applicant)

of 999 N.W. 59th St.

(Mailing address)

Remond

(City)

State of Oregon

97756

(Zip Code)

548-2257

(Phone number)

, do hereby make application for change

in place of use

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

1. Is the water right recorded in your name? No. Russel Metts, page 129

(If not, give name)

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

(Yes or No)

Adjudication of the Deschutes River

number of certificate

3. Was your water right acquired by Water Right Permit? 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, Pilot Butte Canal

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

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

(N. or S.)

(E. or W.)

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

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

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

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

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

(N. or S.)

(E. or W.)

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

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

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

T-4459

Application for Transfer of Water Right

RECEIVED 1980
WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

Wex Pat L. Daly and JoAnn Daly

(Name of applicant)

of 999 N.W. 59th St.

(Mailing address)

Remond

(City)

State of Oregon

97756

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(If not, give name)

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

6. The authorized point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)

corner of _____ being within the _____ 1/4 _____ 1/4 of Section _____ Tp. _____ R. _____ W. M.,
(No. N. or S.) (No. E. or W.)

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

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

7. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)

corner of _____ being within the _____ 1/4 _____ 1/4 of Section _____ Tp. _____ R. _____ W. M.,
(No. N. or S.) (No. E. or W.)

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

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
15	13	20	NE¼ SW¼	2.0
			(Part Block 3, Metts Subdivision)	

(If more space required, attach separate sheet)

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

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

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

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
None		

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
15	12	12	SE¼ NW¼	2.0

(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 10/31/79

Remarks Water rights being transferred to other lands owned by Pat Daly.

Approved by the Board of Directors of the Central Oregon Irrigation
District at a regular meeting held September 11, 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

We x Pat L. Daly and JoAnn Daly....., 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 32nd day of August, 1979
x Pat L. Daly
x Joanne M. Daly
(Name of applicant)

Subscribed and sworn to before me this 22nd day of August, 1979
Robert C. Anderson
NOTARY PUBLIC FOR OREGON

[Notarial Seal]



My commission expires Sept. 14, 1979

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

WATER RIGHT NO. T000044591 PERMIT NO. 016129 CERTIF. NO. 029052
ORIG. NO. C000290521 PREV. NO. C000290521 SUPER. NO.

NAME: PAT & Jo ANN DALY
ADDRESS: COID PO BOX548
CITY/STATE/ZIP/COUNTY: REDMOND, OR 97756

09

STREAM-ID 05 1980

RIV.MI. 0.0 WM.DIST. 11 W.R.TYPE SC STATUS V

CANCEL YEAR---->
PRIORITY-----> 10 31 1900
APPLICATION---> 03 26 1980
PERMIT ISSUE--> 06 09 1980
CONSTR.STRT.--> 06 09 1980
CONSTR.COMPLT--> 10 01 1981
PUT TO USE-----> 10 01 1981
SURVEYED----->
CONCURRENCE---->
CERTIFIED----->
YR.LAST USED----->
LAST TRANS.DATE-->
EXAM.FEE-----> 20.00
CYCLE STATUS----->
CORRES.INIT.----->
NEXT ACTION DUE-->
LAST TRANS.TYPE-->
RECORDING FEE----> 10.00
REPORTED FLAG---->
CORRES.DATE----->

POINT-OF-DIVERSION DATA;							RIV.MI.	RATE	STATUS	S	OR	P
TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID								
170S	120E	29	A D	05 1980	PB	164.9	0.050	V				P
180S	120E	13	A C	05 1980	CO	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 RUSSELL
** METTS.
**
**
**

PLACE-OF-USE DATA:											
TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE %	CNSMTV	ACRES	STATUS	S	OR	P
150S	120E	12	B D	09	IR	100.00	2.00	V			P

W.R.I.S.

Assembled 2-19-85 by SAB

Entered _____ by _____

Verified _____ by _____

RECEIVED

DEC 3 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Place of Use

PURSUANT TO TRANSFER APPLICATION NO. 4459

I, PATRICK L. DALY, 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 AUG 10, 19 81

ok
Daly

11/30/81

Date

Patrick L. Daly

Signature

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



BOARD OF COMMISSIONERS

BEND, OREGON 97701
(503) 382-4000 ext. 200

Albert A. Young

Clay C. Shepard

Robert C. Paulson

May 8, 1980

RECEIVED

MAY 22 1980

WATER RESOURCES DEPT
SALEM, OREGON

Mr. Robert A. Anderson
Secretary-Manager
Central Oregon Irrigation District
P. O. Box 548
Redmond, Oregon 97756

Re: Removal of Water Rights from Daly Property

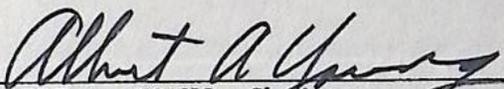
Dear Mr. Anderson:

By this letter, the Board of County Commissioners does hereby authorize the removal of .2 acres of water rights from certain roads or streets dedicated to public use, which are located within the following-described lands, to wit:

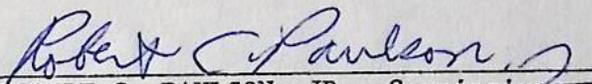
A parcel of land described as: The East 30.00 feet of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 20, Township 15 South, Range 13 E.W.M., Deschutes County, Oregon, more particularly described as the West 30.00 feet of a portion of 29th Street.

Sincerely,

BOARD OF COUNTY COMMISSIONERS


ALBERT A. YOUNG, Chairman


CLAY C. SHEPARD, Commissioner


ROBERT C. PAULSON, JR., Commissioner

BCC:COI:jlc



TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 4-17, 1980

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

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4459

IN THE NAME OF Pat L. & JoAnn Daly

RECEIVED
APR 22 1980
WATER RESOURCES DEPT
SALEM, OREGON

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

One street bloded in and one new house built. It appears
to have been irrigated.

** [Signature]
Watermaster's signature or initials

VENDEE'S ASSIGNMENT OF CONTRACT OF SALE

KNOW ALL MEN BY THESE PRESENTS, That for the consideration hereinafter set forth, the undersigned W. J. WREN and BECCY WREN, husband and wife, hereinafter called "Assignors," do hereby grant, bargain, sell and convey unto PATRICK L. DALY and M. JOANNE DALY, husband and wife, hereinafter called "Assignees," all our right, title, interest in and to that certain written contract of sale dated May 12, 1976, by and between EMIL J. HOWELL and GEORGIA A. HOWELL, husband and wife, therein called Seller, and Assignors W. J. WREN and BECCY WREN, husband and wife, therein called Buyer, in and to the property therein described, to wit:

The West Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twelve (12), Township Fifteen (15) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon,

Also known as the West Half (W $\frac{1}{2}$) of Lot Seven (7), HOWELL TRACTS, containing five (5) acres, more or less,

TOGETHER WITH all appurtenant water rights.

EXCEPTING existing easements, restrictions and rights of way of record;

and we, the Assignors, do hereby authorize and direct said EMIL J. HOWELL and GEORGIA A. HOWELL to deed said property directly to Assignees, PATRICK L. DALY and M. JOANNE DALY, husband and wife, on their payment of the full contract

Page 1 of 3 - VENDEE'S ASSIGNMENT OF CONTRACT OF SALE

Keith L. Erickson

BRYANT, ERICKSON, JAQUA & BROWN
ATTORNEYS AT LAW
888 WEST EVERGREEN AVENUE
P. O. BOX 457
REDMOND, OREGON 97756
TELEPHONE (503) 548-2151

TRICOUNTY TITLE CO
5175

RECEIVED
MAR 26 1980
WATER RESOURCES DEPT
SALEM, OREGON

1967/50



KNOW ALL MEN BY THESE PRESENTS, That PATRICIA C. BEESLEY and her husband, ROBERT K. BEESLEY

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by PATRICK L. DALY and IOANNE M. DALY, husband and wife

hereinafter called 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:

PARCEL 1: The West 136.5 feet of the East 273.42 feet of the North 150.0 feet of Block Three (3) in METTS SUBDIVISION;

PARCEL 2: Beginning at the Northeast corner of the East Half (E 1/2) of Block Three (3) of METTS SUBDIVISION, thence Southerly along the East line of said tract, 301.29 feet to a point; thence Westerly 273.54 feet, which is 300 feet South of the Northwest corner of the East Half of said Block 3; thence Northerly along the West edge of the South edge of a tract previously sold to Gallon E. Davis and Patricia C. Davis, husband and wife; thence Northerly 150 feet to the North edge of the East Half of said Block 3, to a point which is 136.5 feet Westerly from the place of beginning; thence East along the North line of said Block 136.5 feet to the place of beginning.

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, excepting 1970-71 taxes, easements and rights of way of record; and excepting that certain mortgage from grantor herein to Equitable Savings and Loan Association, dated July 23, 1964, recorded August 13, 1964 in Vol. 137, page 260, Mortgage records, with a principal balance remaining unpaid of \$13,056.55, which Grantees herein assume and agree to pay as the same appears of record;

T-4459

and that grantor will warrant and forever defend the above granted 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 \$ 5,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). Assumption of Mtg., above; 2d Mtg. \$5,443.45

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand this 17th day of August, 1970

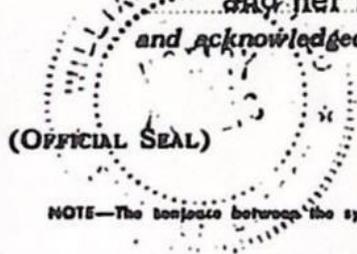
Robert K. Beesley, husband of Patricia C. Beesley, who signs this deed for the purpose of barring his curtesy interest

Patricia C. Beesley, formerly Patricia C. Davis

STATE OF OREGON, County of Deschutes ss. August 17, 1970

Personally appeared the above named Patricia C. Beesley, formerly Patricia C. Davis, and her husband, Robert K. Beesley,

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



Before me: William R. Mayfield, Notary Public for Oregon, My commission expires June 23, 1971

NOTE—The juxtaposition between the symbols ©, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

PATRICIA C. BEESLEY et vir

TO

PATRICK L. DALY et ux

AFTER RECORDING RETURN TO

BEND ABSTRACT COMPANY 1050 BOND STREET BEND, OREGON

INDEX

(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

6th, STATE OF OREGON, County of Deschutes ss.

I certify that the within instrument was received for record on the 25th day of August, 1970, at 4:22 o'clock P.M., and recorded in book 171 on page 774 Record of Deeds of said County.

Witness my hand and seal of County affixed.

Valen W. Dancy County Clerk Title. By Agnes Dejean Deputy

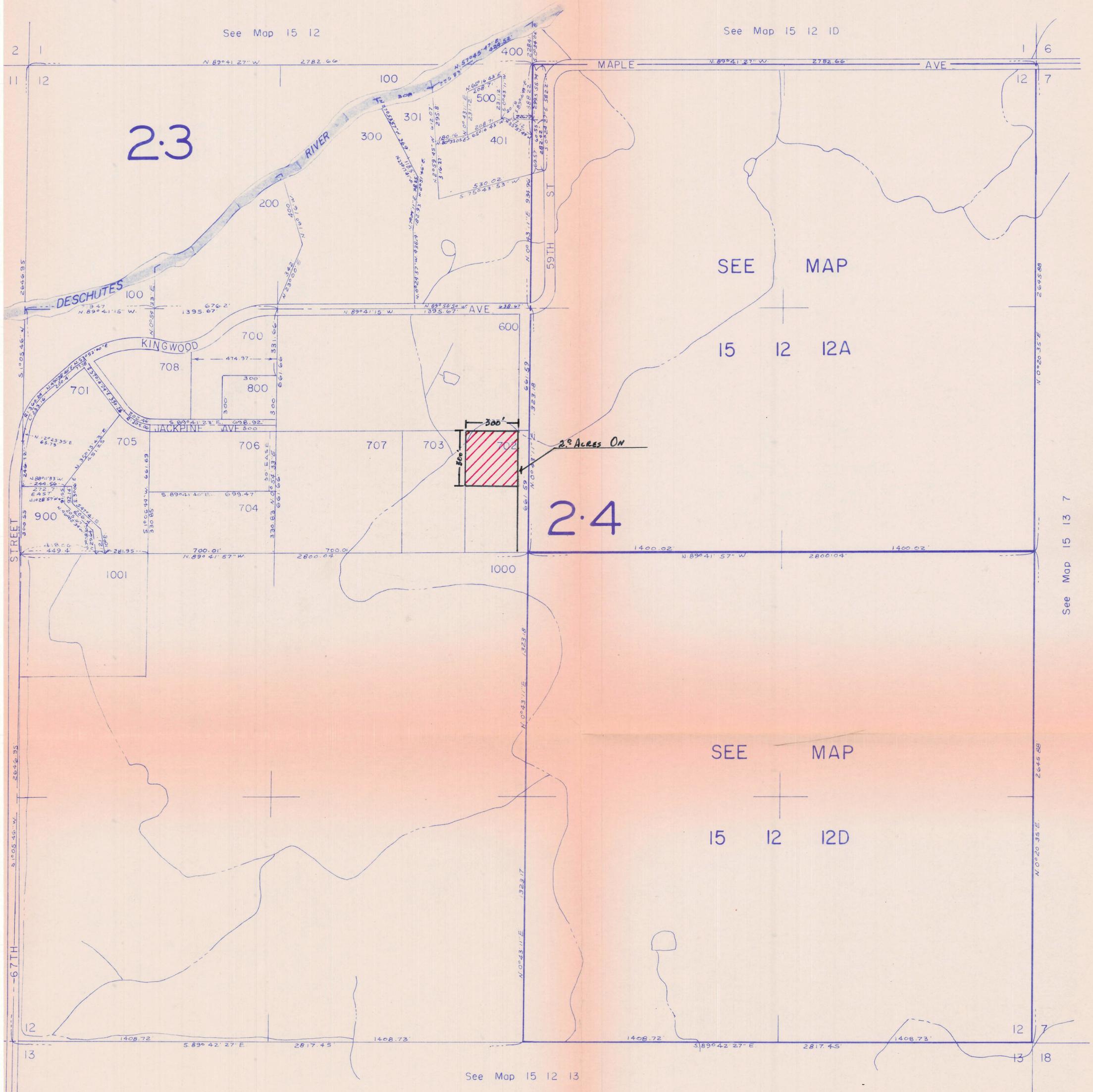
RECEIVED MAR 26 1980 WATER RESOURCES DEPT SALEM, OREGON

SECTION 12 T.15S. R.12E.W.M.
DESCHUTES COUNTY

15 12 12

J-4459

1"=400'



2.3

2.4

SEE MAP

15 12 12A

SEE MAP

15 12 12D

See Map 15 13 7

See Map 15 12 13

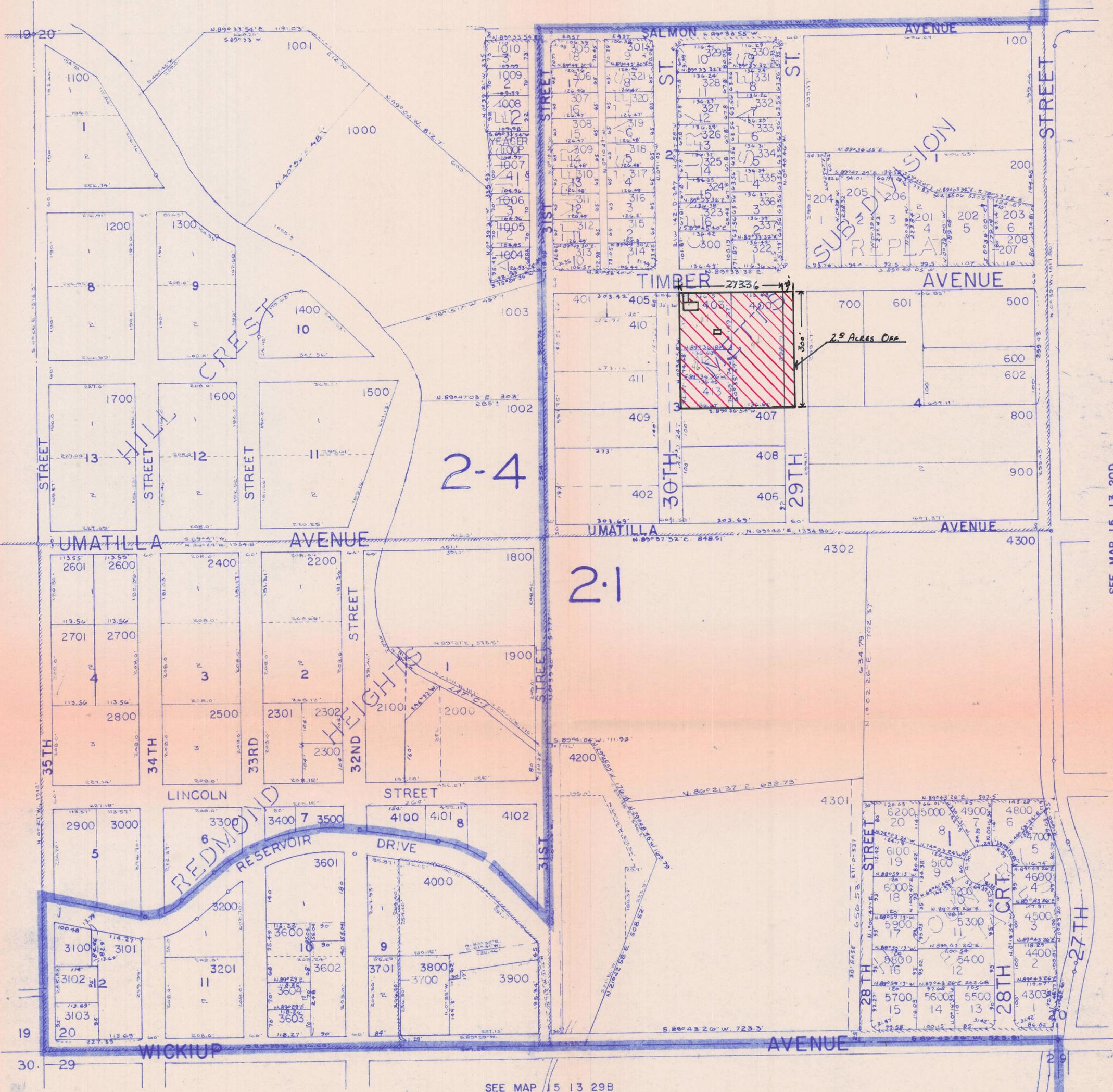
15 12 12

DESCHUTES COUNTY

T-4459

SCALE 1" = 200'

SEE MAP 15 13 20B



SEE MAP 15 13 19

SEE MAP 15 13 20D