

Name Myron A. & Constance J. Babcock
 By Central Oregon I.D.
 Address P.O. Box 548
Redmond, OR 97556

4428

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River
 Trib. of _____ County of Deschutes
 Use irrigation
 Quantity of water _____ No. of acres 9.07
 Name of ditch C.O. canal
 Date of priority 10/31/1900 & 12/2/1907
 In name of Estates of Oscar Springate
Deschutes Riv Adjudication, Vol. 16, page 66
 App. No. _____ Per. No. _____ Cert. No. 29052^{SRB}
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-17-80</u>	<u>30.00</u>	<u>16669</u>
TOTAL . . .		
	Cert. Fee	

Change in POU
 Date filed March 17, 1980
 Date of hearing _____
 Place of hearing _____
 Date of order 7-9-80 Vol. 33, page 417
 Date for application of water 10-1-81
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

FEES REFUNDED

Date	Amount	Check No.

To Survey 12-81

REMARKS

W.R.I.S.	
Assembled <u>2-11-85</u> by <u>VA</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>fg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>fg</u>	_____
<input type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>fg</u>	_____
CHECKED TO RECORDS		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>SRB</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>SRA</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>SRB</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>SRA</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>fg</u>	_____

T-4428

RECEIVED

MAY 23 1980

WATER RESOURCES DEPT
SALEM, OREGON

See Map 18 12 11

18 12 2

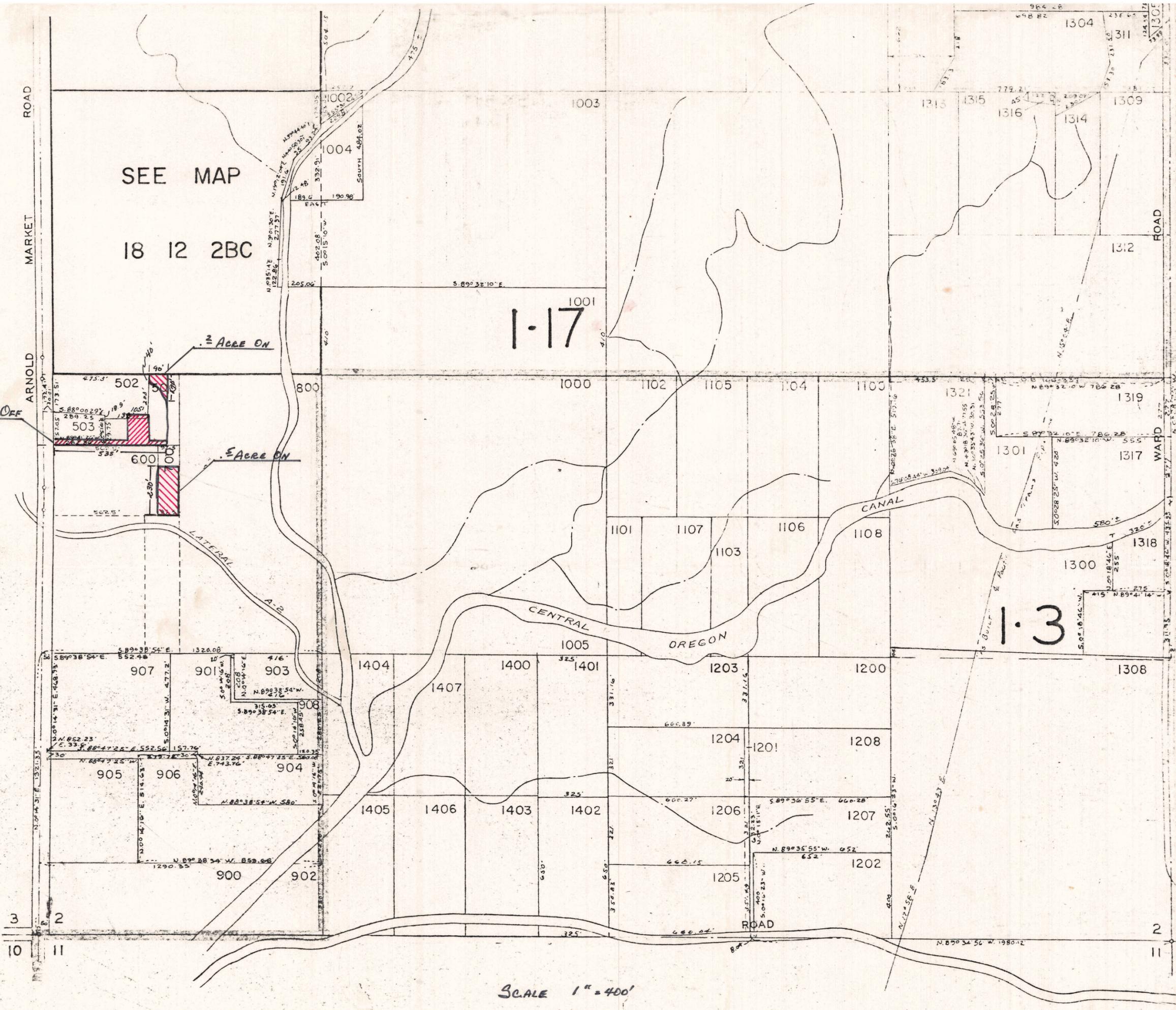
RECEIVED

MAR 17 1980

WATER RESOURCES DEPT

See Map 18 12 11

SCALE 1" = 400'



SEE MAP

18 12 2BC

1-17

1-3

See Map 18 12 3

ROAD

MARKET

ARNOLD

ROAD

WARD

ROAD

CANAL

CENTRAL OREGON CANAL

LATERAL A-2

2 Acre On

5 Acre On

1 Acre Off

3 2

10 11

2 1

11 12

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
MYRON A. and CONSTANCE J. BABCOCK)
(CENTRAL OREGON IRRIGATION DISTRICT))
FOR APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4428

On March 17, 1980, an application was filed in the office of the Water Resources Director by Myron A. and Constance J. Babcock for approval of a change in place of use of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and Its Tributaries, a water right was allowed in the name of Central Oregon Irrigation District for the use of the waters of Deschutes River for irrigation of, among other lands, a certain 0.7 acre in NW 1/4 SW 1/4, Section 2, Township 18 South, Range 12 East, W.M., being tabulated in the name of Oscar Springate at Volume 16, page 66, 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.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to a certain other 0.7 acre in said NW 1/4 SW 1/4 of Section 2.

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.

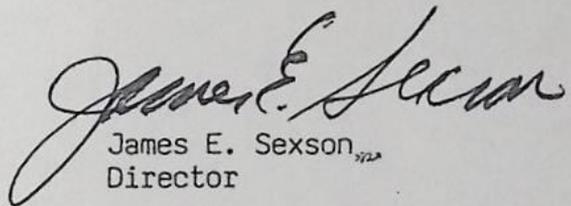
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 July, 1980.


James E. Sexson
Director

RECEIVED T-4428

MAR 17 1980

Application for Transfer of Water Right

RECEIVED
MAY 23 1980
WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Myron A. Babcock and Constance J. Babcock
(Name of applicant)

of 61794 Arnold Market Road, Bend
(Mailing address) (City)

State of Oregon, 97701, 382-4685, 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? No. Oscar Springate, Estate Page. 66
(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 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
18	12	2	NW¼ SW¼	.70

(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
18	12	2	NW¼ SW¼	.70

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are More beneficial use

15. Construction work will be completed on or before _____

16. The water will be completely applied to the proposed use on or before Oct. 31, 1981

Remarks Water rights being transferred to other lands owned by Myron Babcock.
Approved by the Board of Directors of Central Oregon Irrigation District at a regular meeting held on March 11, 1980

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, Myron A. Babcock and Constance J. Babcock, 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 26th day of January, 1980
Myron A. Babcock
x
Constance J. Babcock
(Name of applicant)

Subscribed and sworn to before me this 26th day of January, 1980
Robert P. Anderson
NOTARY PUBLIC FOR OREGON

[Notarial Seal]

My commission expires 11/14/83



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

WATER RIGHT NO. T0000 44281 PERMIT NO. 016 066 CERTIF. NO. 029052
ORIG. NO. C000290521 PREV. NO. C000290521 SUPER. NO.

NAME: MYRON & CONSTANCE BABCOCK
ADDRESS: COID PO BOX 548
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----> 03 17 1980 SURVEYED-----> EXAM.FEE-----> 20.00 RECORDING FEE----> 10.00
PERMIT ISSUE--> 07 09 1980 CONCURRENCE-----> CYCLE STATUS-----> REPORTED FLAG----->
CONSTR.STRT.--> 07 09 1980 CERTIFIED-----> CORRES.INIT.-----> 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	ps	164.9		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 BUFFE CENTRAL
** OREGON CANAL TAB IN NAME OF ESTATE
** OF OSCAR SPRINGATE.
**
**
**

PLACE-OF-USE DATA:												
TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
180S	120E	02	C B	09	IR	100.00	0.70		V			P

W.R.I.S.

Assigned 2-11-83 by SOA

Entered _____ by _____

Verified _____ by _____

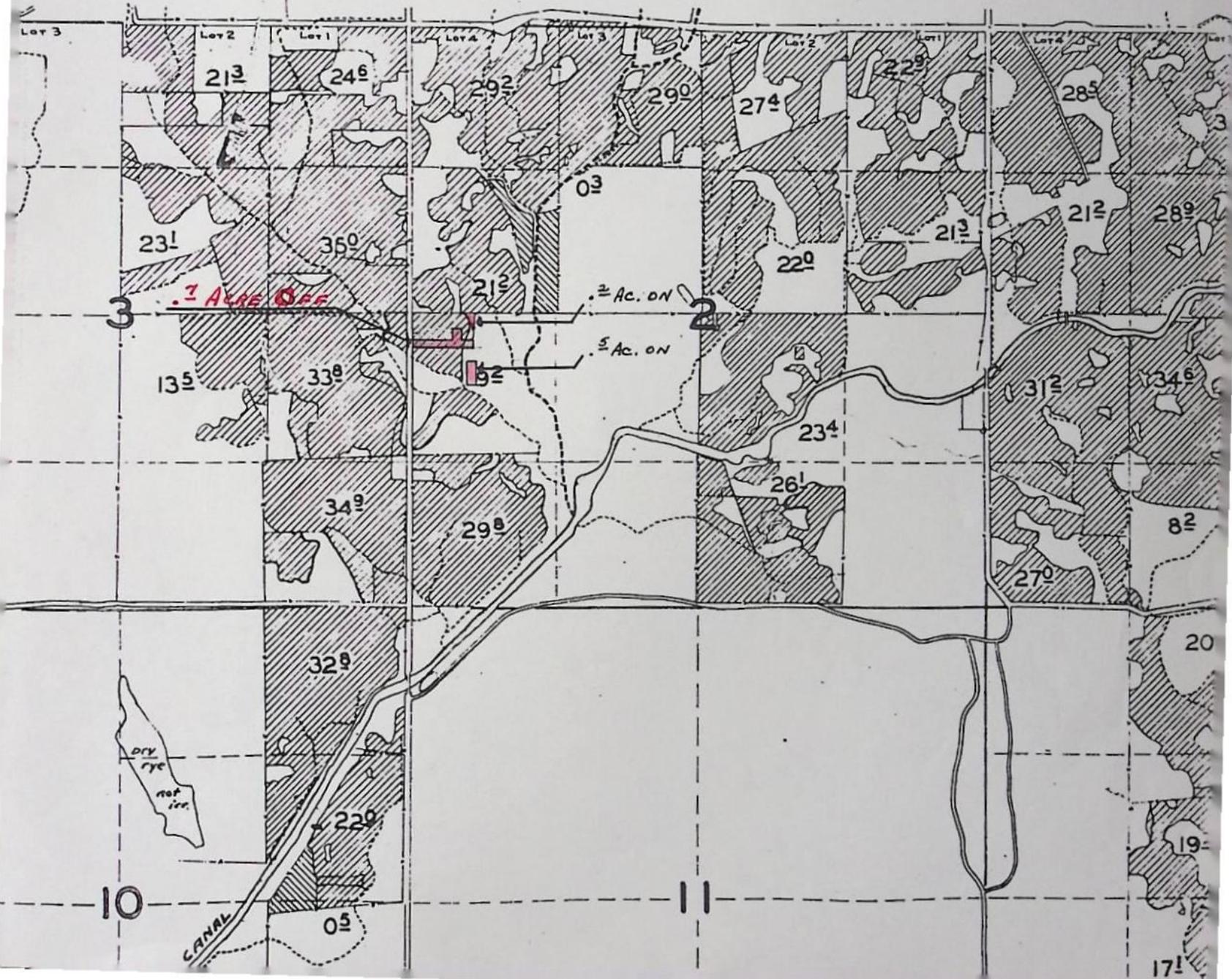
E 12 EAST, W.M.

T-4428

Footnote

SCALE:

4" = 1 MILE APPROX.



NOTICE OF COMPLETION OF CHANGE IN

Place of Use

PURSUANT TO TRANSFER APPLICATION NO. 4428

I, Myron A Barcock, hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving said water right transfer application was accomplished by October 1, 1981.

OK
Dij

11/27/1981
Date

Myron A Barcock
Signature

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



TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: June 6, 1980

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

RECEIVED

JUN 10 1980

WATER RESOURCES DEPT
SALEM, OREGON

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4428

IN THE NAME OF Myron + Constance Babcock

In my opinion ~~the proposed change~~ in place of use 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 _____

** Bob Main
Watermaster's signature or initials

11:54

T-4428

BARGAIN AND SALE DEED

VOL 241 PAGE 336

KENNETH D. BABCOCK conveys to MYRON A. BABCOCK all his undivided one-half interest in and to the following-described real property situated in Deschutes County, Oregon:

A parcel of land containing 1.00 acres, more or less, situated in the North one-half of the Northwest one-quarter of the Southwest one-quarter of the Northwest one-quarter of the Southwest one-quarter (N 1/2 NW 1/4 NW 1/4 SW 1/4) of Section 2, Township 18 South, Range 12, E.W.M., Deschutes County, Oregon, more particularly described as follows: Commencing at the one-quarter section corner common to Sections 2 and 3, Township 18 South, Range 12 E.W.M., Deschutes County, Oregon; thence South 00° 14' 31" West 172.41 feet along the centerline of the Arnold Market Road (Deschutes County); thence South 88° 00' 29" East 30.01 feet to the true point of beginning of this description; thence continuing South 88° 00' 29" East 289.25 feet; thence South 02° 51' 41" West 148.65 feet to the intersection of the East-West centerline of the NW 1/4 NW 1/4 SW 1/4 of said Section 2; thence following along said East-West centerline North 89° 41' 26" West 282.36 feet, more or less, to the Easterly right-of-way of said Arnold Market Road; thence following along said right-of-way North 00° 14' 31" East 157.05 feet to the point of beginning.

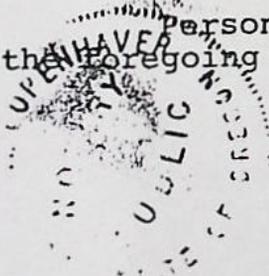
The true and actual consideration for this transfer is other value given or promised.

DATED this 22nd day of November, 1976.

Kenneth Babcock
KENNETH D. BABCOCK

STATE OF OREGON)
) ss.
County of Deschutes)

personally appeared KENNETH D. BABCOCK and acknowledged that foregoing instrument to be his voluntary act. Before me:



Joyce H. Capelana
NOTARY PUBLIC FOR OREGON
My Commission expires: 11/1/77

Vernon W. Robinson
ATTORNEY AT LAW
126 N.E. FRANKLIN AVENUE
BEND, OREGON 97701

T-4428

CRAIG C. COYNER, Grantor, conveys and warrants to MYRON A. BABCOCK and CONSTANCE J. BABCOCK, Grantees, the following described real property, free of encumbrances except as are specifically set forth herein:

The South one-half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter except the West 562.5 feet of Section Two (2), Township Eighteen (18) South, Range Twelve (12), EWM, Deschutes County, Oregon.

SUBJECT TO AND EXCEPTING:

1979-80 real property taxes and all easements and restrictions presently of record if any.

The true and actual consideration for this conveyance is \$3,000.00.

Until a change is requested, all tax statements are to be sent to the following address: 61794 Arnold Market Road, Bend, Oregon 97701.

Dated this 20th day of August, 1979.

Craig C. Coyner
Craig C. Coyner

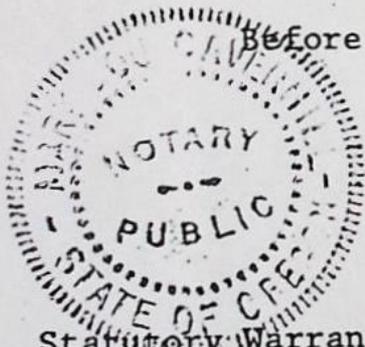
STATE OF OREGON)
County of Deschutes) ss.

August 20, 1979.

Personally appeared the above-named CRAIG C. COYNER and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Wendy Ann Carter Hill
Notary Public for Oregon
My Commission expires: 11-08-82



Statutory Warranty Deed
Coyner to Babcock et ux