

4330

Name Harold R. & Gayle L. Kilgore

By COID

Address 10225 N.W. 27th St.

Terrebonne, OR 97760

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes River

Trib. of _____ County of Deschutes

Use irrigation

Quantity of water _____ No. of acres 4.9

Name of ditch Pilot Butte Canal

Date of priority Oct 31, 1900 & Dec 2, 1907

In name of J.O. Hanson

Deschutes R. Adjudication, Vol. 16, page 76

App. No. _____ Per. No. _____ Cert. No. 29052

Certificate cancelled _____

Notation made on record by _____

Change in POU

Date filed Nov 19, 1979

Date of hearing _____

Place of hearing _____

Date of order 1-21-80 Vol. 32, page 656

Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

to survey 6/80

REMARKS

Surveyed 5/31/84 (Hollander)

W.R.I.S.	
Assembled <u>7-3-85</u> by <u>SK</u>	
Entered _____ by _____	
Verified _____ by _____	

FEEES PAID

Date	Amount	Receipt No.
<u>11-19-79</u>	<u>30.00</u>	<u>15057</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

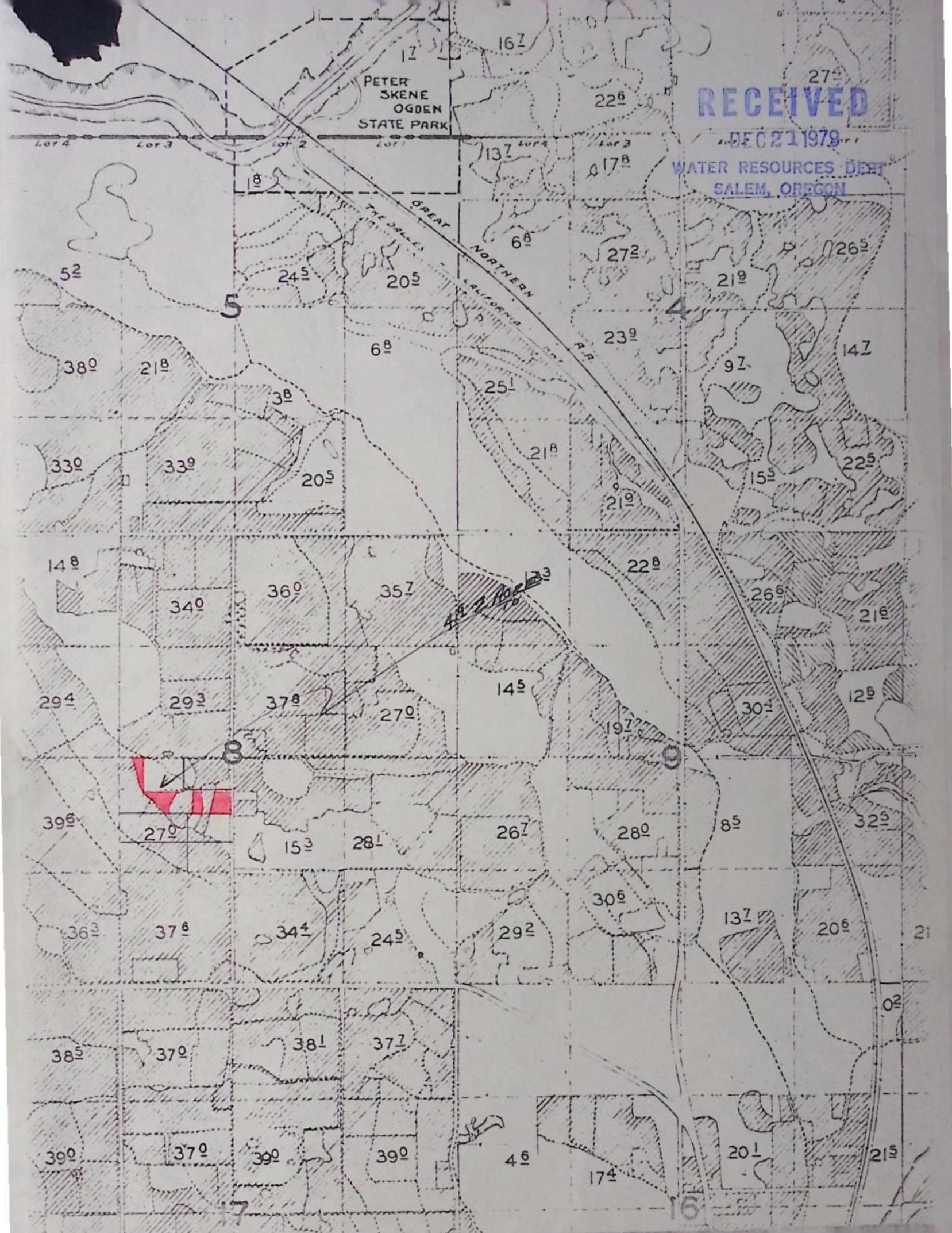
TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/> Name	<u>SK</u>	
	<input checked="" type="checkbox"/> Stream	<u>SK</u>	
	<input checked="" type="checkbox"/> Pt. of Div.	<u>SK</u>	
	<input checked="" type="checkbox"/> Calendar	<u>SK</u>	
	CHECKED TO RECORD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

SK

RECEIVED

DEC 21 1979

WATER RESOURCES DEPT
SALEM, OREGON





PETER SKENE OGDEN STATE PARK

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DEC 21 1979
WATER RESOURCES DEPT
OREGON

THE GREAT NORTHERN CALIFORNIA PACIFIC R.R.

173 HOOPER FIELD



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
HAROLD R. & GAYLE L. KILGORE (CENTRAL)
OREGON IRRIGATION DISTRICT) FOR AP-)
PROVAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM DESCHUTES RIVER)

ORDER APPROVING
TRANSFER NO. 4330

On November 19, 1979, an application was filed in the office of the Water Resources Director by Harold R. and Gayle L. Kilgore 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 4.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 14 South, Range 13 East, W.M., being tabulated in the name of J.O. Hanson at Volume 16, page 76, 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 other 4.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8.

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 held November 14, 1978.

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

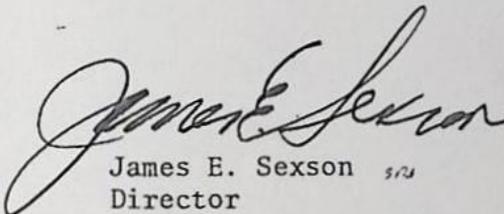
place of use may be made without injury to existing rights, the application should be approved.

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 receipt of 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 21st day of January, 1980.



James E. Sexson
Director

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

WATER RIGHT NO. T0000 43301 PERMIT NO. 016076 CERTIF. NO. 029052
ORIG. NO. C000290521 PREV. NO. C000290521 SUPER. NO.

NAME: HAROLD & GAYLE KILCORE

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--> 06 11 1980 YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 10 31 1900

PUT TO USE-----> 06 11 1980 LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION---> 11 19 1979

SURVEYED-----> 05 31 1984 EXAM.FEE-----> 20.00

RECORDING FEE----> 10.00

PERMIT ISSUE--> 01 21 1980

CONCURRENCE-----> CYCLE STATUS----->

REPORTED FLAG---->

CONSTR.STRT.--> 02 21 1980

CERTIFIED-----> CORRES.INIT.----->

CORRES.DATE----->

POINT-OF-DIVERSION DATA;

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV.MI.	RATE	STATUS	S	OR	P
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 POLL

** PART OF C-29052 PILOT BUTTE CENTRAL

** OREGON CANAL TAB IN NAME OF J. D.

** HANSON.

** - - - - -

** - - - - -

** - - - - -

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE %	CNSMTV	ACRES	STATUS	S	OR	P
140S	130E	08	C A	09	IR	100.00	4.90	V			P

W.R.I.S.

Assessed: 4-3-85 by SOK

Entered _____ by _____

Verified _____ by _____

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JUN 11 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. 4330

HAROLD R KILGORE
I, COAYLE L KILGORE, 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 6/10, 1980.

6/10/80
Date

Harold R Kilgore
Signature
Coayle L Kilgore

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

OK
Lij

FEB 19 1980

WATER RESOURCES DEPT
SALEM, OREGON

STATUTORY BARGAIN AND SALE DEED

GRANTOR: DANIEL R. KILGORE and IRA DELL KILGORE, husband and wife.

GRANTEE: HAROLD R. KILGORE and GAYLE KILGORE, husband and wife.

TRUE AND ACTUAL CONSIDERATION: No dollars but the exchange of other real property.

DATE: December 19, 1979.

Grantor conveys to Grantee the following described real property:

In the NE1/4 SW1/4, Section 8, Township 14 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the Center 1/4 corner of said Section 8; thence N 89°43'14" W a distance of 1332.16 feet; thence S 00°14'55" E a distance of 650.62 feet; thence S 89°40'21" E a distance of 1329.30 feet; thence N 00°00'15" E a distance of 235.22 feet; thence N 39°43'14" W a distance of 550.00 feet; thence N 00°00'15" E a distance of 400.00 feet; thence S 89°43'14" E a distance of 550.00 feet; thence N 00°00'15" E a distance of 16.50 feet to the point of beginning.

IN WITNESS WHEREOF, the Grantor has executed this document on the day and year first above written.

Daniel R. Kilgore
DANIEL R. KILGORE

Ira Dell Kilgore
IRA DELL KILGORE

STATE OF OREGON, County of Deschutes) ss.

Personally appeared the above named DANIEL R. KILGORE and IRA DELL KILGORE, husband and wife, and acknowledged the foregoing to be their voluntary act and deed.

Before me:

Frank G. MacMurray, Jr.
Notary Public for Oregon
My commission expires:

FRANK G. MACMURRAY, JR.
CRAIG P. EMERSON
ATTORNEYS AT LAW
331 SOUTH SEVENTH STREET - P. O. BOX C
REDMOND, OREGON 97756
(503) 548-6121

FRANK G. MACMURRAY, JR.
CRAIG P. EMERSON
ATTORNEYS AT LAW
331 SOUTH SEVENTH STREET - P. O. BOX C
REDMOND, OREGON 97756
(503) 548-6121



STATE OF OREGON

RECEIVED INTEROFFICE MEMO

JAN 31 1980

WATER RESOURCES DEPT

TO: TRANSFERS, WATER RIGHTS DIVISION SALEM, OREGON. DATE: Dec 26, 1979.

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

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4330

IN THE NAME OF Harold R. & Gayle L. Kilgore

In my opinion the proposed change in POU 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

** RM Watermaster's signature or initials

T-4330

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WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

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NOV 19 1979

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

We Harold R. Kilgore and Gayle L. Kilgore
(Name of applicant)

of 10225 N.W. 27th Street, Terrbonne
(Mailing address) (City)

State of Oregon, 97760, 548-2552, 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. J.O. Hanson. Page 76
(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? Yes 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

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 1/4-1/4 of Section	Number Acres To Be Irrigated
14	13	8	NE1/4 SW1/4	4.9

(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 1/4-1/4 of Section	Number Acres To Be Irrigated
14	13	8	NE1/4 SW1/4	4.9

(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, 1979

Remarks Water rights being changed in place of use within properties owned by Harold Kilgore.

Approved by the Board of Directors of the Central Oregon Irrigation District at a regular meeting held November 14th 1978.

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

Wex, Harold R. Kilgore and Gayle L. Kilgore, 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 23rd day of October, 1978

x Harold R Kilgore
x Gayle L Kilgore
(Name of applicant)

Subscribed and sworn to before me this 23rd day of OCTOBER, 1978

[Notarial Seal]

Robert A. Anderson
NOTARY PUBLIC FOR OREGON

My commission expires Sept. 14, 1979



GRANTOR: DANIEL R. KILGORE and IRA DELL KILGORE,
husband and wife.

GRANTEE: HAROLD R. KILGORE and GAYLE KILGORE,
husband and wife.

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SALEM, OREGON

TRUE AND ACTUAL CONSIDERATION: No dollars but the exchange of other
real property.

DATE: August 1, 1978.

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NOV 16 1978
WATER RESOURCES DEPT
SALEM, OREGON

Grantor releases and quitclaims to Grantee, all right,
title and interest in and to the following described real
property:

In the NE1/4 SW1/4, Section 8, Township 14 South,
Range 13 East of the Willamette Meridian, Deschutes
County, Oregon, more particularly described as follows:

Beginning at the Center 1/4 corner of said Section 8;
thence N 89°43'14" W a distance of 1332.16 feet; thence
S 00°14'55" E a distance of 650.62 feet; thence S 89°40'21"
E a distance of 1329.30 feet; thence N 00°00'15" E a
distance of 235.22 feet; thence N 89°43'14" W a distance
of 550.00 feet; thence N 00°00'15" E a distance of
400.00 feet; thence S 89°43'14" E a distance of 550.00
feet; thence N 00°00'15" E a distance of 16.50 feet to
the point of beginning.

IN WITNESS WHEREOF, the parties hereto have executed
this document on the date and year first above written.

Daniel R. Kilgore *Ira Dell Kilgore*
DANIEL R. KILGORE IRA DELL KILGORE

STATE OF OREGON, County of Deschutes) ss.

Personally appeared the above named DANIEL R. KILGORE
and IRA DELL KILGORE, husband and wife, and acknowledged the
foregoing to be their voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My commission expires: 11/18/81



15838

STATE OF OREGON
County of Deschutes

I hereby certify that the within instru-
ment of writing was received for Record
the 28 day of Nov AD. 1978
at 10:16 o'clock A M., and recorded
in Book 288 on Page 592 Records
of Deschutes

ROSEMARY PATTERSON
County Clerk

By *[Signature]* Deputy

FRANK G. MACMURRAY, JR.
CRAIG P. EMERSON
ATTORNEYS AT LAW
331 SOUTH SEVENTH STREET - P. O. BOX C
REDMOND, OREGON 97756
(503) 548-6121

INDEX

Name and Postoffice Address of Appropriator	Relative Priority	Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Central Oregon Irrigation District- Continued:							
J. O. Hanson			304.5				37.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 39.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 20.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 34.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, - 33.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 27.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 36.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 38.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, - T. 14 S., R. 13 E., W.M.
				15 th Ac. Trsf. Sp. Or. Vol. 7, p. 561 T-7330 A POU 42			
				9 th Ac. Trsf. Sp. Or. Vol. 12, p. 373			
Joe Bryson			97.0				11.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, - 21.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 29.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, - T. 14 S., R. 13 E., W.M.
H. D. Mustard			65.0				38.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 27.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, - T. 14 S., R. 13 E., W.M.
L. E. Cabe			43.0				34.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 9.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, - T. 14 S., R. 13 E., W.M.
Kirkpatrick			30.0				30.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, - T. 14 S., R. 13 E., W.M.
Estine Pottorff			40.0				25.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 15.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, - T. 14 S., R. 13 E., W.M.
Boyd Brown			35.0				35.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, - T. 14 S., R. 13 E., W.M.
F. H. Bechtel			59.0				24.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, - 35.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, - T. 14 S., R. 13 E., W.M.
				4 th Ac Trsf. Sp. Or. Vol. 23, P. 13			
Mark Coleman			40.0				15.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 25.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, - T. 14 S., R. 13 E., W.M., Being within that part of said subdivisions located west of the Great Northern Railroad right-of-way.
				15 th Ac. Trsf. Sp. Or. Vol. 5, p. 10			
Jln Steel			49.5				17.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 14.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 18.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, - T. 14 S., R. 13 E., W.M.
				1 st Ac. Trsf. Sp. Or. Vol. 5, P. 13			
K. B. Hayes			52.0				24.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 28.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, - T. 14 S., R. 13 E., W.M.

TOWNSHIP 14

T-7332

Section 8, T.14S. R.13E.W.M.
DESCHUTES COUNTY

1" = 400'

14 13 8
Tax Lot 1200 Dead 203

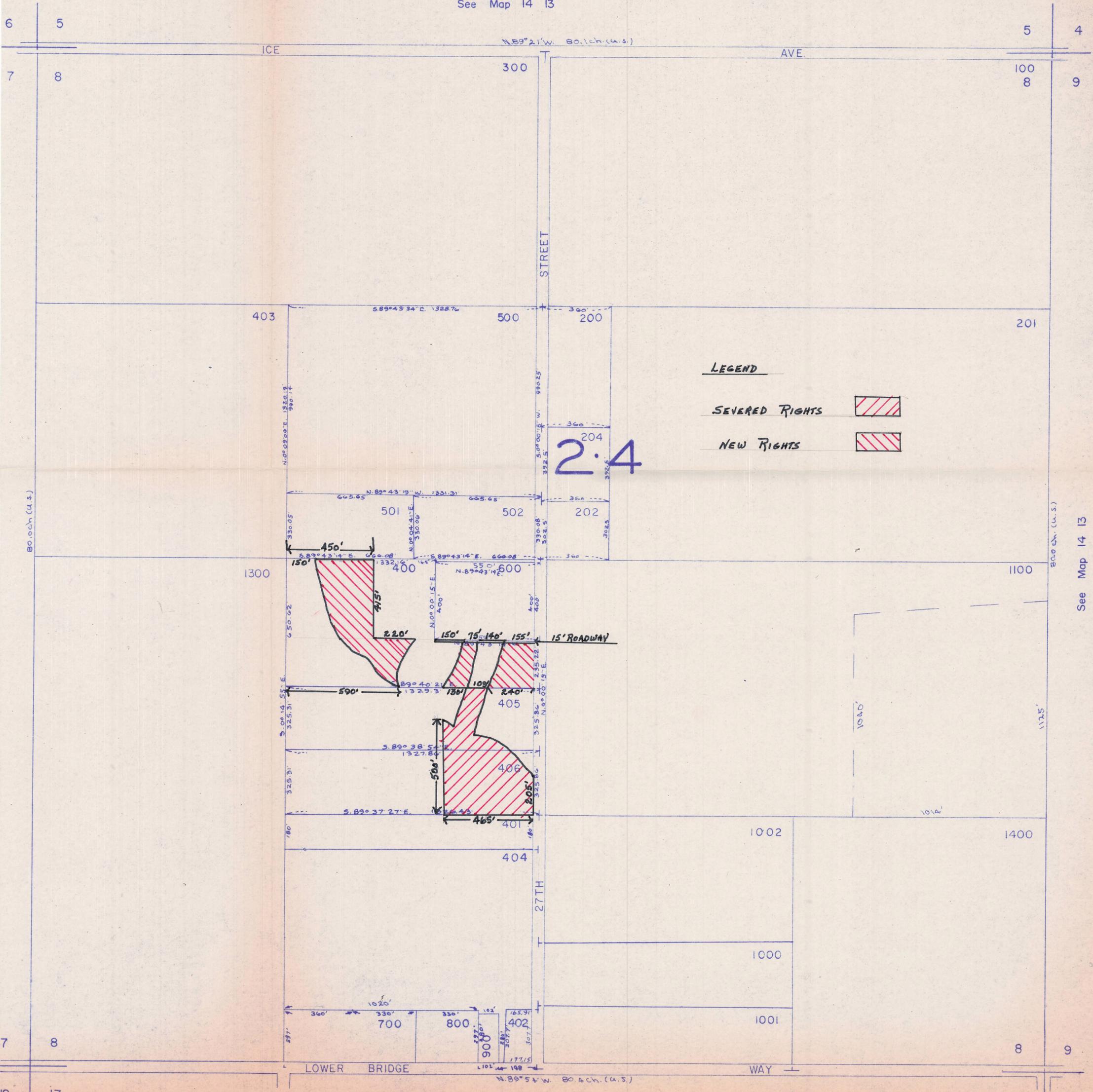
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T-4330

See Map 14 13



See Map 14 13