

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF IRL DAVIS, JR. FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4313

On October 18, 1979, an application was filed in the office of the Water Resources Director by Irl Davis, Jr. for approval of a change in place of use from Badger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46532, Volume 39, State Record of Water Right Certificates, in the name of Badger Improvement District, describes a right for the use of not to exceed 24.0 cubic feet per second from Badger Creek and reservoir for irrigation and supplemental irrigation of, among other lands, a certain 4.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 4 South, Range 12 East, W. M., with a date of priority of October 21, 1929.

Water for the said right is diverted, through the Badger Ditch, from points located 400 feet North and 800 feet East from the Southwest Corner of Section 16, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 3 South, Range 10 East, W. M., and 1290 feet South and 550 feet West from the Center of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 3 South, Range 11 East, W. M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 4 South, Range 13 East, W. M.

Mr. Thomas J. Paul, 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.

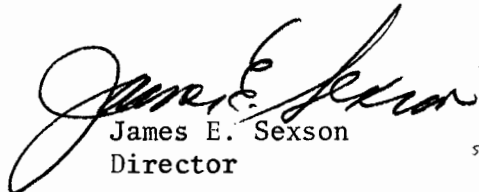
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water used shall not exceed 0.2 cubic foot per second from Badger Creek for irrigation and 0.08 cubic foot per second from Badger Lake reservoir for supplemental irrigation, and shall be further limited to one acre foot per acre during any 30 day period up to July 1st of each year and not to exceed 3 acre feet per acre during any irrigation season; provided, that the rate of flow shall not exceed one-fortieth of a second foot per acre up to July 1st of each year and thereafter not to exceed one-eightieth of a second foot per acre, except in case of rotation; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein.

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 completion of works and beneficial use of water to the extent intended under the provisions of this order the certificate of water right heretofore issued to Badger Improvement District and recorded at page 46532, Volume 39, State Record of Water Right Certificates, be canceled, and in lieu thereof a new certificate of water right be issued in the name of Badger Improvement District.

Dated at Salem, Oregon this 27th day of November, 1979.


James E. Sexson
Director 5/26