

T-8696



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

MAR 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

APPLICATION FOR:

Please check one

- Water Right Transfer
- Temporary Transfer
- Permit Amendment
- Historic Point of Diversion Change
- Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: BILLY L. COFFER TRUST
First Last
BILLY L. COFFER, TRUSTEE

Address: 5600 NE MILL CREEK ROAD
PRINEVILLE OREGON 97754
City State Zip

Phone: (541) 447-4131
Home Work Other

*Fax: _____ *E-Mail address: _____

*Optional information

2. TYPE OF CHANGE

- Use
- Place of Use
- Point of Diversion
- Point of Appropriation

Reason for change: TRANSFER WATER RIGHT TO OTHER LANDS FOR PRIORITY CHANGE; CHANGE POINT OF DIVERSION TO RECEIVING LANDOWNER

Is the land within an irrigation or other water district? Yes No

If yes, include district name: N/A

For Department Use

App. No. _____ Permit No. _____ Date _____

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: BILLY L. COFFER / JAMES LAWSON / OREGON & WESTERN COLONIZATION COMPANY

Decree: CROOKED RIVER DECREE

Not applicable

C.75204 C.75205

Permit Number:

Certificate Number: C.76365 C.76366

Not applicable

Not applicable

Priority Date: 1868

Authorized Use: IRRIGATION-PRIMARY

Source of Water: MILL CREEK County: CROOK

Are there other sources listed on the water right? Yes No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
APPROX. STANTON DITCH - P.O.D.#1 940' NORTH & 660' WEST LOCATION OF SE COR. SEC. 10	SE, SE	10	145	17E
APPROX. STANTON & EVANS DITCH P.O.D.#2 - 3730' NORTH LOCATION #460' EAST OF SW COR. SEC. 11	SW, NW	11	145	17E

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
					<u>14-17</u>	
145	17E	15	—	NE, NE	TL 1701	3.4
145	17E	15	—	NW, NE	TL 1701	5.0
145	17E	15	—	SW, NE	TL 1701	10.0
145	17E	15	—	SE, NE	TL 1701	1.9
145	17E	15	—	NE, SE	TL 1701	12.4
145	17E	15	—	NW, SE	TL 1701	7.0
145	17E	15	—	SW, SE	TL 1701	6.0
145	17E	15	—	SE, SE	TL 1701	9.6

Are there other lands described in the water right? Yes No

Are there other water rights or permits associated with this land? Yes No
If yes, include a copy of all rights or permits.

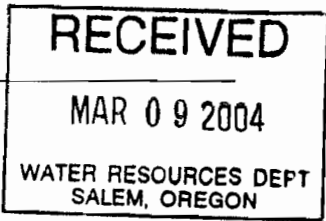
Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

PRESENT DELIVERY SYSTEM IS BY DITCHES TO FLUGH IRRIGATE. THE MAIN DITCHES ARE ABOUT 2-3 FEET WIDE AND 2 FEET DEEP. THERE ARE LATERAL DITCHES FROM THE MAIN DITCHES TO SPREAD THE WATER. THE STANTON DITCH IS ON THE WEST SIDE OF MILL CREEK ROAD FOR MUCH OF ITS LENGTH. TRANSFER IS ONLY FOR A PORTION OF THE RIGHT AND SYSTEM CAPACITY (IN CFS): 3.0 CFS EXISTING DELIVERY SYSTEM WILL CONTINUE TO BE USED.

4. PROPOSED CHANGES TO THE WATER RIGHT

Change in Use:

Proposed use: _____



Change in Point of Diversion or Point of Appropriation:

Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
35' SOUTH & 80' WEST FROM NE COR. NW 1/4 SE 1/4 SEC. 35	NW, SE	35	135	17E
RECEIVING LANDOWNER JAMES R. BAUERSFELD, JR.				

Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
135	17E	35	---	NW, SE	TL 600 13-17	13.4
135	17E	35	---	SW, SE	TL 600 13-17	9.9
135	17E	35	---	NE, SW	TL 600 13-17	0.6
135	17E	35	---	SE, SW	TL 600 13-17	13.7
145	17E	2	---	---	14-17	---
145	17E	2	---	SE, NW	TL 401	5.3
145	17E	2	GOV LOT 2 (NW, NE)		TL 401	3.7
145	17E	2	GOV LOT 3 (NE, NW)		TL 401	8.7

Remarks: PAGE 5 EVIDENCE OF USE - WATER RIGHTS UNDERGOING TRANSFER ARE NOT ON LANDS COVERED BY PARTIAL CANCELLATION ACTION ON C. 75204 AND C. 76365 DATED JANUARY 15, 2004.

TRANSFER NOTE - THE APPLICANT WISHES TO AMEND TRANSFER T-8696 TO CONFORM TO THIS APPLICATION AND MAP. THIS TRANSFER IS A PERMANENT TRANSFER AND IS INTENDED TO COVER THE SAME RIGHTS AND LANDS AS TEMPORARY TRANSFER T-9432.

INSTRUCTIONS

FOR TRANSFER APPLICATIONS

Note: All information should be typewritten or neatly printed with dark ink. All items must be completed even if parts or all of the required information appears on supplemental maps or drawings. Applications must be submitted on original forms that are provided by the Department or watermaster. Sign the forms in ink. If you have additional comments that will not fit on the form please submit an attached sheet referencing the section and question.

1. APPLICANT INFORMATION

You may include a fax number and an e-mail address if you have these. (These numbers are not required but they may assist the Department in contacting you.)

2. TYPE OF CHANGE

Mark the proposed change to your existing water right and describe the reason for that change. You may apply to change all three major components of your water right, however, you must pay the transfer fees for each change.

Indicate if the land is within an irrigation district. The Department is required to notify irrigation districts if transfers are proposed within their boundaries.

3. CURRENT WATER RIGHTS

Indicate the name on the current water right. Enter the decree, permit or certificate number, whichever applies. Also enter the priority date, authorized use, source of water, and the county it is located in. If the use and source are in different counties, please indicate.

Fill in the table locating the place(s) of diversion (surface water) or point(s) of appropriation (wells).

Fill in the table locating the place(s) of use.

Describe the general delivery system. Include type, size, length, measurements.

Finally, list the capacity of the delivery system in cubic feet per second (cfs).

4. PROPOSED CHANGES

If you are proposing a change in type of use, check the box and provide the proposed new use.

If you are proposing a change in the point of diversion (surface sources) or appropriation (wells) check the box and then indicate if it will be a change or an addition to the existing water right.

Fill in the table locating the new place(s) of diversion (surface water) or point(s) of appropriation (wells).

For a change in the place of use, check the box and fill in the table locating the new place(s) of use.

5. LAND OWNERSHIP

Answer only the section(s) that apply.

If you are changing the type or place of use: Indicate if the lands are free of "encumbrances": liens, rights-of-way, or other contracts. If not, provide the name of the holder and obtain written permission from them to proceed with the transfer.

If you are applying for a transfer on land that you do not own: Provide names and addresses for all the landowners shown on the deed. You must obtain notarized permission from all the landowners listed on the deed to proceed with the transfer.

If the transfer will change water rights to someone other than the landowner or applicant: Check the appropriate box to indicate whom the Department should work with to complete the transfer.

6. EXHIBITS

Depending on the type of change you are proposing, you may be required to include several exhibits with your application.

For most applications you will need to include a completed Land Use Information Form. If you meet the four listed criteria, you may submit your application without the Land Use Information Form.

All applications require a map. If you are applying for a water right transfer, the map must be prepared by a certified water rights examiner (CWRE). If you do not have a CWRE, you may contact the Department for more information. All other applications may provide maps prepared without a CWRE.

All applications require evidence of use within the last five years.

Applications for changes in or to point(s) of appropriation require well reports.

7. SIGNATURE:

Before signing the application be sure you have answered the questions completely and prepared the necessary maps and exhibits. Include a check made out to the Oregon Water Resources Department for the required fees and a completed Land Use Information Form (if required).

FEES

Regular transfers and permit amendments

First change: \$200 **Each additional change:** \$100

Each cfs: \$100

or fraction thereof, requested beyond the first cfs (for changes in place of use, type of use, or water exchanges)

Temporary transfers

Base fee: \$100 **Each cfs:** \$50

or fraction thereof, and each additional cfs, or fraction thereof (for non irrigation uses) or

Each acre of irrigated land: \$0.25

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MAR 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

5. LAND OWNERSHIP

Use/Place of Use

Answer only if for change in Use or Place of Use.

Are the lands free of encumbrances? Yes No

If no, name of encumbrance holder: WELLS FARGO BANK

If no, application must include written permission for the transfer from the encumbrance holder.

Landowners

Answer only if applicant is not the landowner.

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: _____
(List all landowners shown on deed.)

Address(es): _____

_____ City State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Receiving Landowner

Answer only if the receiving landowner is not the original landowner or the applicant.

JAMES R. BAUERSFELD, JR.
Name: CHRISTINE R. BAUERSFELD

Address: 9500 NE MILL CREEK RD.

PRINEVILLE, OREGON 97754
City State Zip

The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.

Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed: (must meet the following four requirements)
- ① In EFU zone or irrigation district.
 - ② Change in place of use only.
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
 - ④ Irrigation only.
- List all affected governments (city, county, state, tribal, federal):
CROOK COUNTY

Map:

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

SEE REMARKS PAGE 3

Water Well Reports: *N/A*

- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- Amount enclosed \$ _____

See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

applicant signature

name (print)

date

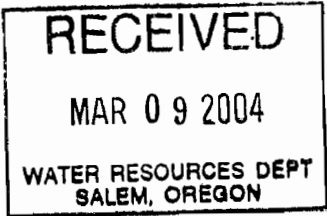
applicant signature

name (print)

date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
Not needed: (must meet the following four requirements)
1 In EFU zone or irrigation district.
2 Change in place of use only.
3 No structural changes needed, including diversion works, delivery facilities, other structures.
4 Irrigation only.

List all affected governments (city, county, state, tribal, federal): CROOK COUNTY

Map:

- Water Right Transfer: Must be prepared by a Certified Water Right Examiner.
All others: Need not be prepared by a Certified Water Right Examiner.

Deed:

- Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use. SEE REMARKS PAGE 3

Water Well Reports: N/A

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Fees:

- Amount enclosed \$
See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

Handwritten signature: Billy L. Coffey, name (print): Billy L. Coffey, date: 3-4-04

applicant signature

name (print)

date

Before you submit your application be sure you have:

- Answered each question completely.
Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
Included the necessary exhibits.
Included a check payable to the Oregon Water Resources Department for the appropriate amount.

Billy J Coffey personally appeared before me on March 4, 2004 Sara L Quant

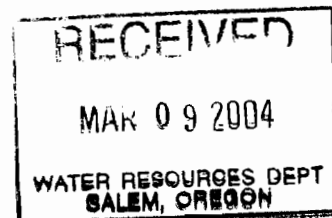


Armstrong Surveying & Engineering, Inc.

378 NE Second Street – Prineville, Oregon 97754 - (541) 447-7791 – fax: (541) 416-1602

March 2, 2004

State of Oregon
Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97301-4172



RE: Comparison of Temporary Water Right Transfer T-9431 with
Map of Areas Alleged "Non-Use" by Robert Baxter Relating
To Billy L. Coffe C. 76365 C. 75204

Dear Staff:

I have been asked by James Bauersfeld to review the "Map of Areas of "Non Use" of Water Rights" prepared by Robert Baxter, CWRE dated 9-12-03 and bearing received date Nov. 10, 2003-Water Resources Dept., Salem, Oregon.

I have compared this map to the transfer off map for the Billy L. Coffe Trust originally dated March 20, 2003 and corrected October 20, 2003 prepared by myself for T-9432. I found by overlaying the maps that there is no conflict between the two and none of the water right proposed to be transferred was mapped by Baxter as "Non Use".

I would therefore submit that the transfer can be completed without affecting the "Non Use" process.

Thank you for your attention in this matter.

Sincerely,

David B. Armstrong

David B. Armstrong, CWRE
President

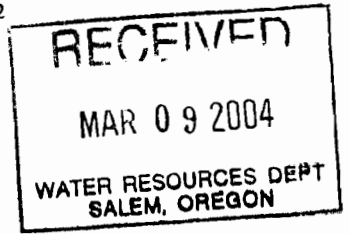
CC: Billy L. Coffe
James Bauersfeld
Jessica O'Connor

2192LET5

Armstrong Surveying & Engineering, Inc.

378 NE Second Street - Prineville, Oregon 97754 - (541) 447-7791 - fax: (541) 416-1602

March 2, 2004
State of Oregon
Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97301-4172



RE: Temporary Water Right Transfer T-9431 Map of Areas Alleged "Non-Use"
Billy L. Coffey C. 76365 C. 75204

Dear Staff:

Based on information supplied by Billy L. Coffey and his agent, James Bauersfeld, I have made amendments to the Baxter map to reflect water rights that Mr. Coffey would concede have been lost by non-use.

These areas include under Certificate No. 75204, in Section 15, T.14S., R.17E., W.M., Crook County, Oregon: SE1/4 SE1/4- 4.6 acres. Under Certificate No. 76365, in Section 15, T.14S., R.17E., W.M., Crook County, Oregon: SE1/4 SE1/4- 3.1 acres.

One item of note should be made relative to the Baxter map concerning the alleged non-use areas. The area shown as 5.6 acres non-use under Certificate No. 75204 located in the NE1/4 NE1/4 of Section 15 would appear to lie above the Staton Ditch. This certificate did not have any water right above or west of the ditch and no water has been applied to those lands. The land is cleared and is dry and has not been claimed as irrigated under the water right certificates noted.

Please review the attached map marked up to locate the affected portions of these water rights bearing date February 20, 2004.

Thank you for your attention in this matter.

Sincerely,

David B. Armstrong
David B. Armstrong, CWRE
President

REVIEWED AND APPROVED

Billy L. Coffey 3-4-04
Billy L. Coffey Date

CC: Billy L. Coffey
James Bauersfeld
Jessica O'Connor
2192LET4

Billy L. Coffey personally appeared before me on March 04, 2004

Sara L. Quant

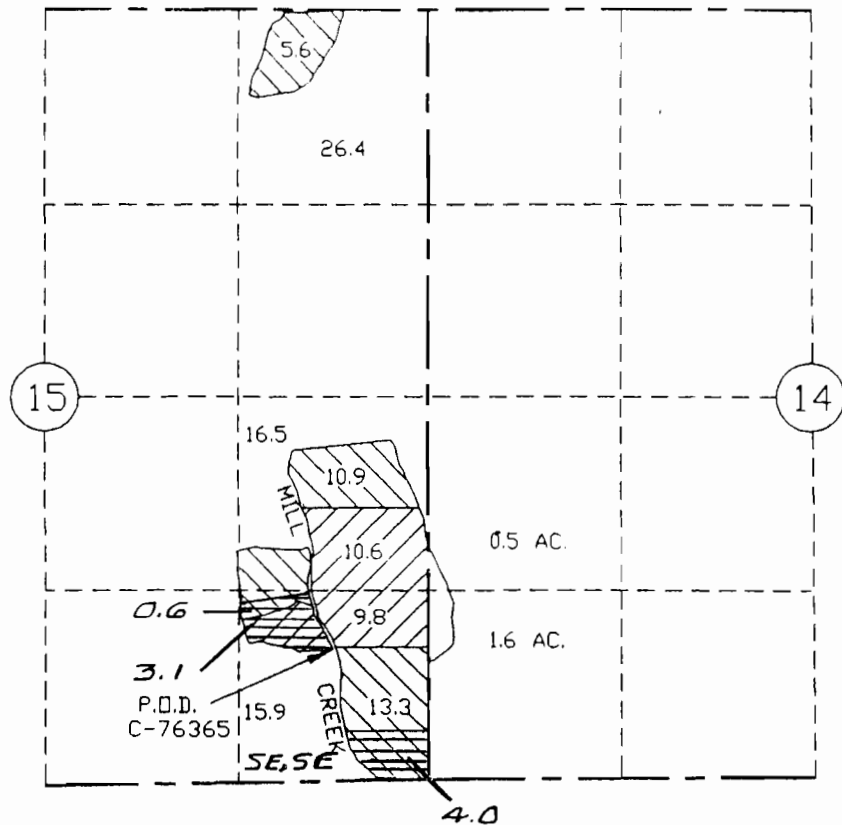





MAP OF AREAS OF "NON USE" OF WATER RIGHTS

LOCATED IN
IN SECTIONS 14 & 15, T. 14 S., R. 17 E., W.M
CROOK COUNTY, OREGON

RECEIVED
MAR 09 2004
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
NOV 10 2003
WATER RESOURCES DEPT
SALEM OREGON



-  CERT. NO. 76365 (FORFEITED FOR NON-USE)
-  CERT. NO. 75204 (FORFEITED FOR NON-USE)
-  ADMITTED WATER RIGHTS FORFEITED FOR NON-USE

SCALE: 1" = 1320'
DATE: 9-12-03

**ADDITIONAL INFORMATION
CONCERNING NON-USE
ADDED FEB. 20, 2004
D. ARMSTRONG, CWRE 145**

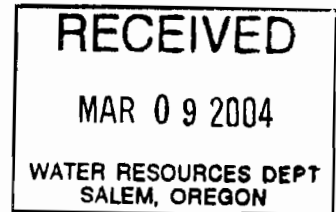
I, ROBERT E. BAXTER, CERTIFIED WATER RIGHT EXAMINER
IN THE STATE OF OREGON, HEREBY CERTIFY THAT THIS
WATER RIGHT SURVEY MAP WAS PREPARED BY ME.

THE PREPARATION OF THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR
LOCATIONS OF PROPERTY OWNERSHIP LINES.

CERTIFIED WATER RIGHT EXAMINER
#015
Robert Baxter
ROBERT BAXTER
NOV. 19, 1987
STATE OF OREGON

PREPARED BY: BAXTER LAND SURVEYING, INC.
P.O. BOX 7022 BEND, ORE, 97708 (541) 382-1962


State of Oregon
Water Resources Department
158 12th Street, N.E.
Salem, Oregon 97310-0210



RE: Water Rights Transfer-Mill Creek, tributary to Ochoco Creek, tributary to Crooked River
Tax Lot 1701 of Tax Map 14-17
C. 75204, 75205, 76365, and 76366

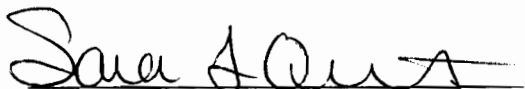
AFFIDAVIT OF USE

I, Billy L. Coffey, am familiar with the lands involved in this transfer being located in the W1/2 W1/2 of Section 14 and the E1/2 of Section 15, Township 14 South, Range 17 East, W.M., Crook County, Oregon, and have owned said lands since 1987. I have been responsible for the irrigation of said lands since 1987 and have irrigated said lands to produce pasture and hay for livestock purposes. I have recently been served with documents asserting non-use on a portion of these lands. I am willing to concede non-use on the following areas: Certificate No. 75204, in Section 15, T.14S., R.17E., W.M., SE1/4 SE1/4: 4.6 acres; Certificate No. 76365, in Section 15, T.14S., R.17E., W.M., SE1/4 SE1/4: 3.1 acres. All other rights have been used within the terms of the certificates.


Billy L. Coffey

State of Oregon)
County of Crook)

Subscribed and sworn to before me this 4th day of March, 2004.


Notary Public of Oregon
County of Crook



C:2197let3