

3187

## STATUS OF APPLICATION

Change in place of use & POD  
 Date filed 3-26-75  
 Date of hearing July 23, 1980  
 Place of hearing Lakeview  
 Date of order 8-1-80 Vol. 33 page 521  
 Date for application of water 10-1-80 <sup>Ext.</sup> 10-1-82 83  
 Proof mailed JAN 23 1989  
 Proof received \_\_\_\_\_  
 Certificate issued MAR 29 1989 Vol. 57 page 60692

## DESCRIPTION OF WATER RIGHT

Name of stream Silver Creek  
 Trib. of \_\_\_\_\_ County of LAKE  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 160<sup>e</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
Silver Cr. LAKE Co. Adjudication, Vol. 7, page 528 #11  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 0  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
3-26-75	72.50	45851
3-26-75	45.20 P.O.N.	45850
TOTAL . . .		
	Cert. Fee	

Lake Co. Examina #33.94 pd 4/24/80 ch#4266

## FEES REFUNDED

Date	Amount	Check No.
6/24/80	10 <sup>76</sup>	4267

Exam 15 -  
 fol 43 -  
 POD 15 -  
 PON 3394  
10694

Surveyed 9/14/85 (Cameron/Bell Land & Cattle Co.)

## REMARKS

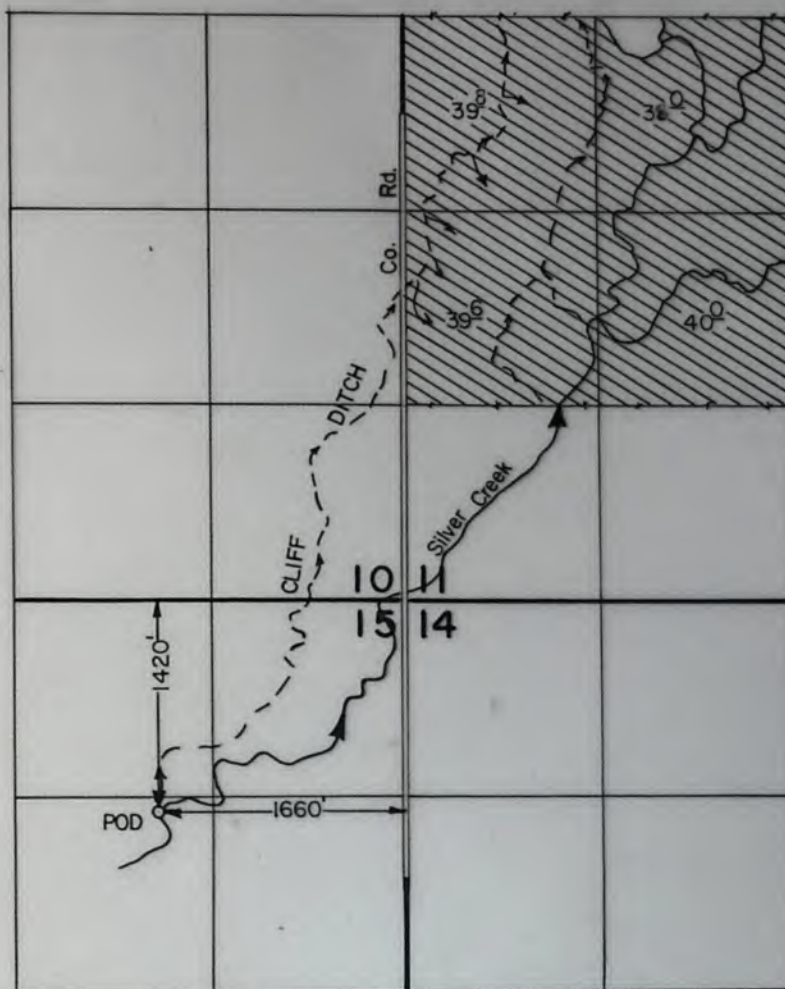
Card for C NOV 20 1981

— finish —

INDEX CARDS:		Entered	Checked
✓	Name	ber	---
✓	Stream	ecj	---
✓	Pt. of Div.	ecj	---
✓	Calendar	ecj	---
✓	Twp. & Rge.	SRB	---
✓	Decree-vault	JWC	---
✓	Decree-saf	ecj	---
0	Cert. of W/R	---	---
---	Per. Folder	---	---
---	Chaindex	---	---
---	Cross Ref.	---	---
✓	Power Claim	---	---
---	Abstracts	ecj	---



T. 28 S., R. 14 E., W.M.



Scale: 1" = 1320'

**FINAL PROOF SURVEY**

UNDER

Transfer 3187

Application No. .... Permit No. ....

IN NAME OF

**BELL A. LAND & CATTLE COMPANY**

Surveyed Sept. 14, 1985, by T. Warren.....



1KK-115

P cut  
AE

ACROSS  
FROM  
LAKE

REPORT ON INSPECTION OF TRANSFER  
OF WATER RIGHT FOR CHANGE IN:

MELVIN ROSE BRICK  
FARM 516-2173

POD  
POU  
USE  
Add'l POD

Lake

Transfer No. 3187

PO Box 96

County Deschutes

Old Certificate No. 0 433-2556

1. Name DECEASED Cameron Cliff / Bell Land & Cattle Co.  
Address Box 97, La Pine, OR 97739

2. Source of Water Silver Cr. Trib of Paulina Marsh

3. Use in ~~160~~ <sup>156</sup> ~~157~~ <sup>157</sup>

4. Amount of Water 2.60 cfs <sup>(2.60)</sup> ~~(1.60)~~

5. Priority Date 9-1-1885

6. Proposed Point of Diversion 800' S + 1750' W from NE Cor, Sec 15,  
w/in SW NE 1/4, Sec 15, T28S, R14E, WM (Cliff Ditch);  
being 1420 feet South and 1660 feet West From NE COR. SEC. 15

7. Completion Date 10-1-83 C Notice Received: 11/83

8. Place of Use: Transfer Order: Vol 33, pg. 521

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<del>28S</del>	<del>14E</del>	<del>11</del>	<del>SW NW</del>	<del>40<sup>0</sup> 37<sup>6</sup></del>
			<del>SE NW</del>	<del>40<sup>0</sup> 37<sup>2</sup></del>
			<del>NE SW</del>	<del>40<sup>0</sup> -</del>
			<del>NW SW</del>	<del>40<sup>0</sup> 39<sup>6</sup></del>
<u>39<sup>8</sup> acres</u>	<u>SW 1/4 NW 1/4</u>			
<u>38<sup>0</sup> acres</u>	<u>SE 1/4 NW 1/4</u>			
<u>40<sup>0</sup> acres</u>	<u>NE 1/4 SW 1/4</u>			
<u>39<sup>6</sup> acres</u>	<u>NW 1/4 SW 1/4</u>			
SECTION 11				
T. 28S., R. 14E., W.M.				

CHZ-1KK-115  
9/14/85 gnuw  
Photo TFE:

NCR



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION )  
OF BELL A LAND AND CATTLE CO. FOR )  
APPROVAL OF CHANGES IN PLACE OF )  
USE AND POINT OF DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3187

On March 26, 1975, an application was filed in the office of the Water Resources Director by Bell A Land and Cattle Co. for approval of changes in place of use and point of diversion of water from Silver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by Finding No. 11, recorded at page <sup>528</sup>534, Volume 7, Findings and Decree of the Lake County Court in the Matter of Hough v Porter, in the name of John C. Porter, and is for the use of not to exceed 2.67 cubic feet per second from Silver Creek, under a priority date of September 1, 1885, for irrigation of 40.0 acres in NE 1/4 NE 1/4, 40.0 acres in NW 1/4 NE 1/4, 40.0 acres in SW 1/4 NE 1/4 and 40.0 acres in SE 1/4 NE 1/4, Section 23, Township 28 South, Range 14 East, W.M.

The authorized point of diversion is located within the NW 1/4 SE 1/4, Section 21, Township 28 South, Range 14 East, W.M. (West, Porter & Martin Ditch).

The applicant proposes to sever the right therefrom and to irrigate in lieu thereof a certain 40.0 acres in SW 1/4 NW 1/4, 40.0 acres in SE 1/4 NW 1/4, 40.0 acres in NE 1/4 SW 1/4 and 40.0 acres in NW 1/4 SW 1/4, Section 11, Township 28 South, Range 14 East, W.M., from a point located 800 feet South and 1250 feet West from the Northeast Corner of Section 15, being within the NE 1/4 NE 1/4, Section 15, Township 28 South, Range 14 East, W.M. (Cliff Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Lake County Examiner, a newspaper printed and having general circulation in Lake County, Oregon, for a period of three weeks in the issues of May 29, June 5 and 12, 1980.

Mr. Dennis R. Glender, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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



NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

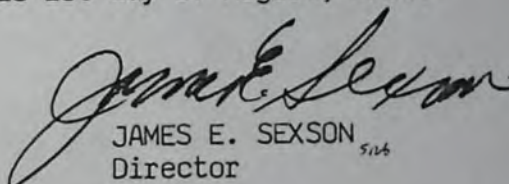
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

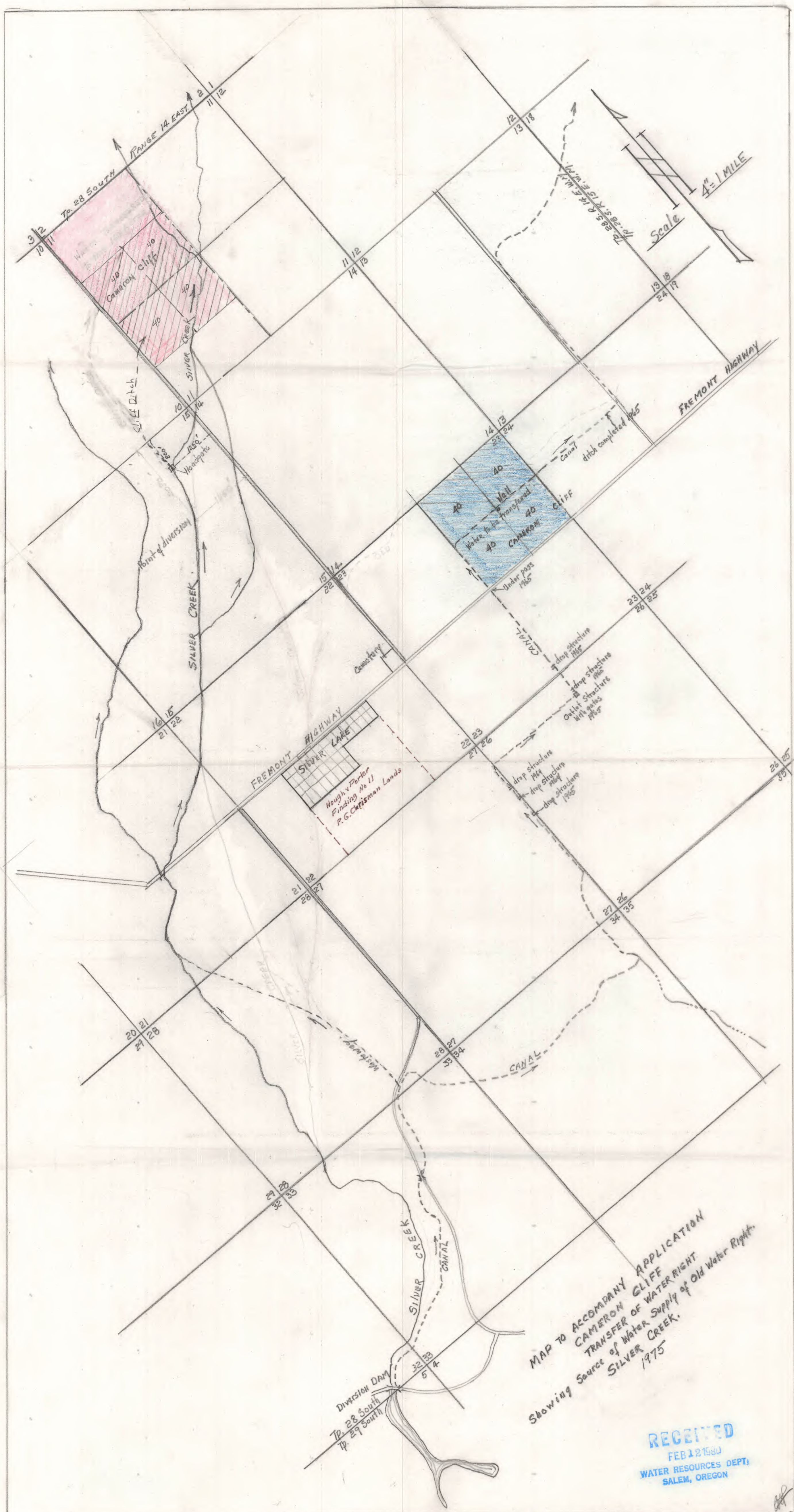
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 1st day of August, 1980.

  
JAMES E. SEXSON  
Director



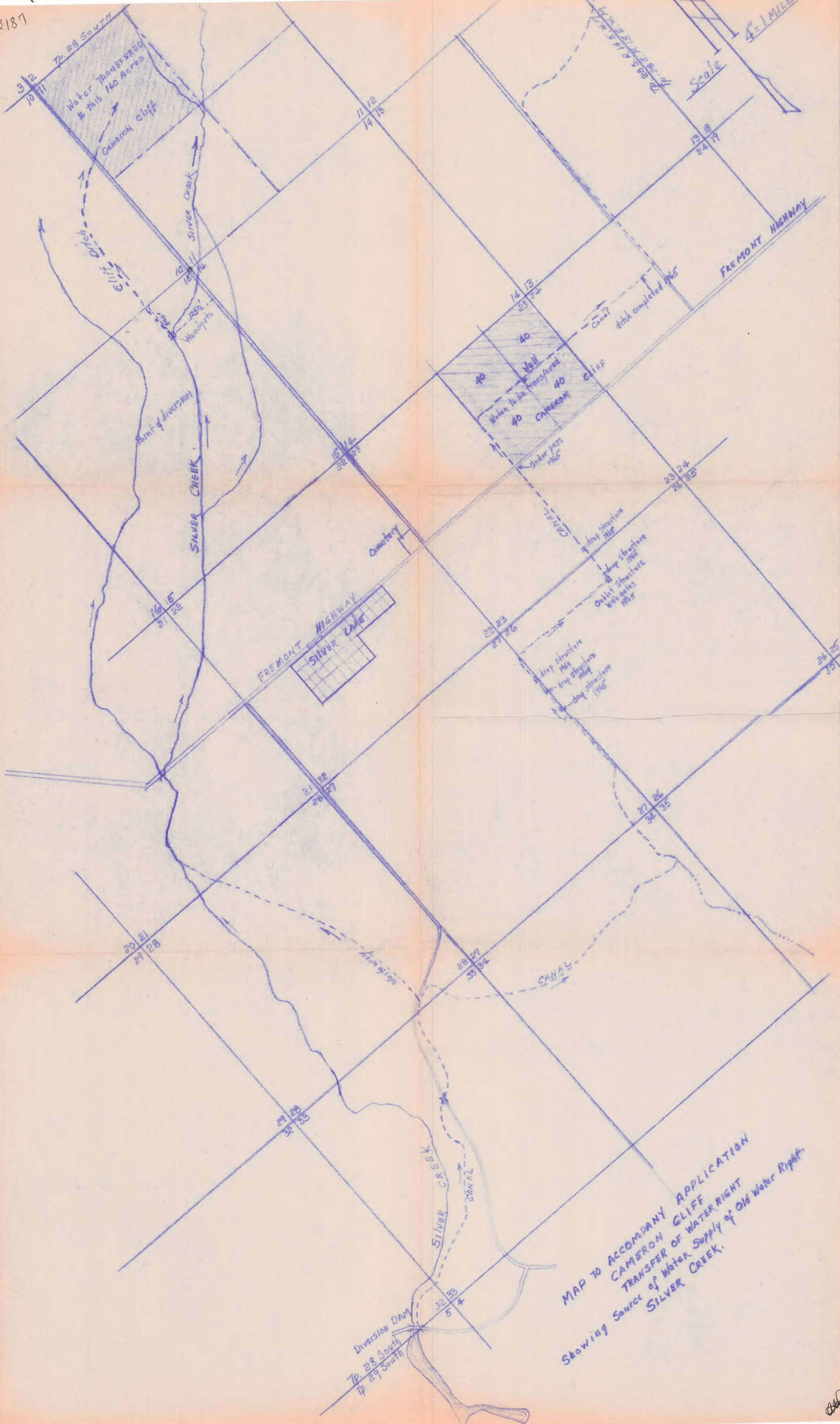


MAP TO ACCOMPANY APPLICATION  
CAMERON CLIFF  
TRANSFER OF WATER RIGHT  
Showing Source of Water Supply of Old Water Right  
SILVER CREEK.  
1975

RECEIVED  
FEB 12 1980  
WATER RESOURCES DEPT.  
SALEM, OREGON



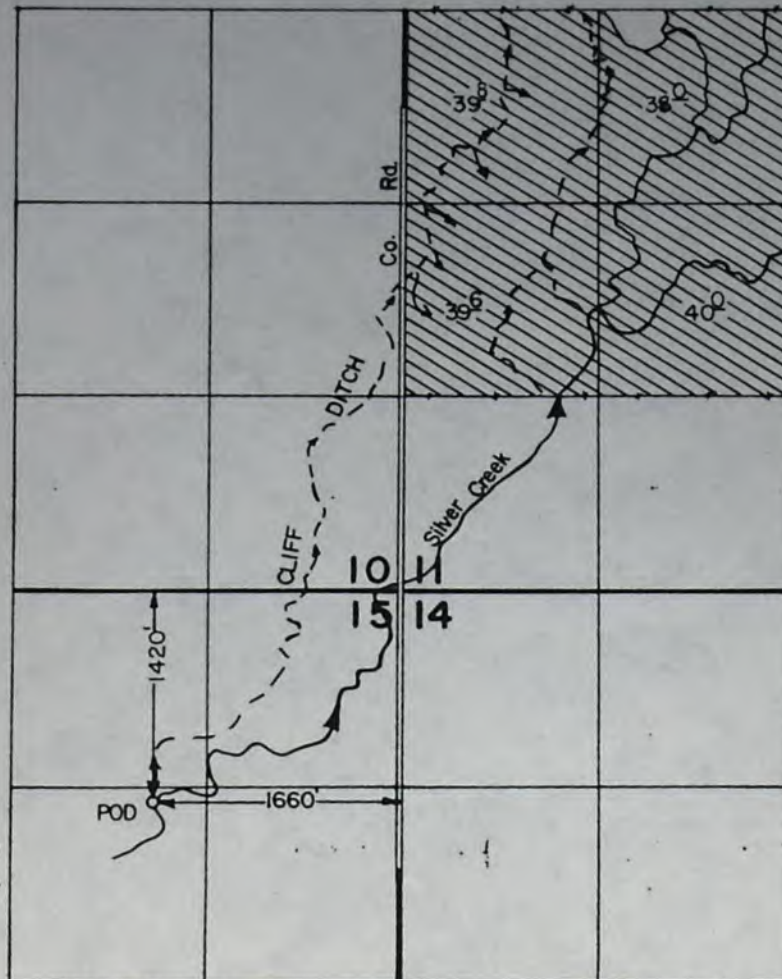
T-3187



MAP TO ACCOMPANY APPLICATION  
TRANSFER OF WATER RIGHT  
SHOWING Source of Water Supply of Old Water Right  
SILVER CREEK.



T. 28 S., R. 14 E., W.M.



Scale: 1" = 1320'

**FINAL PROOF SURVEY**  
**UNDER**

Transfer 3187

Application No. .... Permit No. ....

IN NAME OF

**BELL A. LAND & CATTLE COMPANY**

Surveyed Sept. 14, 1985, by T. Warren .....



Application No. 3187

Application for Extension of Time  
for Transfer of Water Right

RECEIVED  
JAN 11 1983  
WATER RESOURCES DEPT.  
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Bell & Land + Cattle Co  
of # 97 (Name of applicant)  
State of Oreg. (Mailing address) La Pine Or (City)  
97739 (Zip Code) 433-2556 (Phone number)

do hereby make application for an extension of time within which to complete  
a change in: ☒ point of diversion  
☒ place of use  
☒ use heretofore made of water

under the terms of an order of the Water Resources Director entered on  
Dec. 20, 1982, approving transfer application No. 3187,  
in the name of Bell & Land + Cattle Co \*

The following has been accomplished toward completion of the  
change within the time allowed, which expired on Oct-1-, 1982

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
all  
(If for irrigation, how many acres, total, are now irrigated)

\*If you are not the applicant named above, please explain your interest in  
this matter. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ext to 10-1-83  
SRB 56/7



To fully complete the change, it will be necessary to accomplish the following:

1/8 mile of ditch plus a  
Culvert across a County road

I am unable to complete the change under the terms of the order, within the time allowed, because There was a very  
Wet spring & summer, the ground was  
too boggy - however, all this land  
was irrigated the past season  
and request that the time for completion be extended to Oct-1-83.

#### AFFIDAVIT OF APPLICANT

I, Lamond Caff, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of Jan

....., 1983

Subscribed and sworn to before me this 8<sup>th</sup> day of January, 1983



[Notarial Seal]

S. W. McCann  
Notary Public for Oregon

My commission expires Aug. 5, 1986

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$20.00

TO:

Water Resources Department  
MILL CREEK OFFICE PARK  
555 13th STREET N.E.  
SALEM, OREGON 97310



Application No. 3187

Application for Extension of Time  
for Transfer of Water Right

RECEIVED

DEC 11 1981

WATER RESOURCES DEPT  
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Bell & Land O'Gore Co  
of La Pine Oreg  
State of Oreg, 97739 433-2556  
(Mailing address) (City)  
(Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete  
a change in: ( ) point of diversion  
( ) place of use  
( ) use heretofore made of water

under the terms of an order of the Water Resources Director entered on  
\_\_\_\_\_, 19\_\_\_\_, approving transfer application No. 3187,  
in the name of \_\_\_\_\_\*.

The following has been accomplished toward completion of the  
change within the time allowed, which expired on Oct 1, 1981:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If for irrigation, how many acres, total, are now irrigated)

\*If you are not the applicant named above, please explain your interest in  
this matter. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

12-1-81  
\$20.00  
#28657



To fully complete the change, it will be necessary to accomplish the following: install culvert

I am unable to complete the change under the terms of the order, within the time allowed, because Lake County road

Department was unable to get the work done

and request that the time for completion be extended to May 1 - 82

#### AFFIDAVIT OF APPLICANT

Edward Jeff, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of November

....., 1981

Subscribed and sworn to before me this 25 day of November, 1981

[Notarial Seal]



Carol Brewer

Notary Public for Oregon

My commission expires July 23 1983

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$20.00

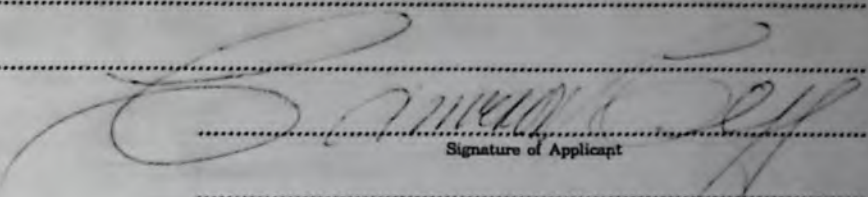
TO:

Water Resources Department

MILL CREEK OFFICE PARK  
555 13th STREET N.E.  
SALEM, OREGON 97310



Remarks:..... By filing this application I relinquish any and all interest  
..... to Application # G-5836, Permit # G-5580 because of Transfer #3187  
.....  
.....  
.....  
.....  
.....  
.....  
.....

  
.....  
Signature of Applicant  
.....

This is to certify that I have examined the foregoing application, together with the accompanying maps  
and data, and return the same for.....  
.....

In order to retain its priority, this application must be returned to the Water Resources Director with  
corrections on or before....., 19.....

WITNESS my hand this ..... day of....., 19.....

..... Water Resources Director

By .....

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the  
..... 21st ..... day of ..... February ..... 19..... 80....., at ..... 8:00 ..... o'clock  
..... A.M.

Application No. .... G-9536 .....

Permit No. .... G-8915 .....



RECEIVED  
FEB 12 1980  
WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED  
MAR 26 1975  
STATE ENGINEER  
SALEM, OREGON

# Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, BELL A LAND AND CATTLE CO., President: CAMERON CLIFF  
(Name of applicant)

of LA PINE PO Box 97 County of DESCHUTES  
(Postoffice)

State of OREGON 97739 do hereby make application for change IN PLACE OF USE  
2-11-80 E.G.

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

1. The source of present water right is SILVER CREEK 200 inches (5 c.f.s.)  
(Name of stream)

2. The use to which the water is applied is IRRIGATION priority Sept. 1, 1885  
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is SILVER CREEK West Porter & Martin

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

corner of ..... being within the NW 1/4 SE 1/4  
(Section or subdivision)

of Section 21 Tp. 28 S R. 14 E W. M., in the County of Lake  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
28 S	14 E	23	40	40	40	40												

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

9-1-1885

(Attach separate sheet if necessary)

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

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? YES

8. What is the date of priority of your water right? Under SILVER LAKE Project

9. Was your water right acquired by State Engineer's Permit? Silver Lake Project If so, give number  
(Yes or No)

of permit ?



10. Do you hold a water right certificate? No If so, give number of certificate ?  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings Haugh vs Porter # 11  
(Yes or No)

12. Is the water right recorded in your name? NO  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

2-11-80 6E

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
28 S	14 E	11	<u>→</u>		<u>→</u>				40	40	40	40						

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 800 ft. South and 1250 ft. West from the NE corner of Section 15 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15 Tp. 28 S R. 14 E W. M., in the county of KLAMATH The name of the ditch to be used is Cliff ditch  
(N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
(Smallest legal subdivision)

15. Are you the owner of the land on which the proposed point of diversion is to be located? YES

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? YES

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are I DRILLED A WELL AND AM PRESENTLY SPRINKLING THE LAND. THE TRANSFER IS TO MORE PRODUCTIVE LAND FOR PASTURE PURPOSE.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of DESCHUTES

} ss.

I, CAMERON CLIFF, 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 6 day of March, 1975

Cameron Cliff  
(Name of applicant)

Subscribed and sworn to before me this 6 day of March, 1975



Ruth C. Cliff  
NOTARY PUBLIC FOR OREGON

My commission expires Feb 8, 1977

Remarks \_\_\_\_\_

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



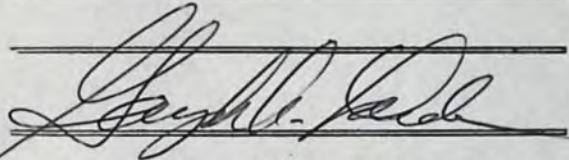
# Affidavit of Publication

STATE OF OREGON, }  
County of Lake, } ss.

I, Garph A. Lords, being  
first duly sworn, depose and say that I am the  
Publisher  
Publisher, Editor or Business Manager

of the Lake County Examiner, a newspaper of  
general circulation printed and published at  
Lakeview in the aforesaid county and state, as  
defined in Sections 1-509, 1-510, Oregon Code,  
that Water right transfer application,  
No. 3187 a printed  
copy of which is hereto annexed, was pub-  
lished in the entire issue of said newspaper  
for two successive and  
consecutive weeks in the following issues:

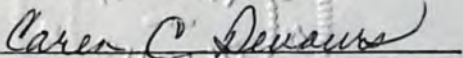
June 5, 12, 1980



Subscribed and sworn to before me this

13 day of June,

1980



Notary Public for Oregon

(My commission expires 5/1/84)

## NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3187

The Water Resources Director of Oregon has received and filed an application by Bell A Land & Cattle Co. for approval, without loss of priority, of changes in place of use & point of diversion under a certain water right.

The affected water right is a portion of the right described by Finding No. 11, recorded at page 534, Volume 7, Findings and Decree of the Lake County Court in the Matter of Hough v Porter, in the name of John C. Porter, and is for the use of not to exceed 2.67 cubic feet per second from Silver Creek, under a priority date of Sept. 1, 1885, for irrigation of 40.0 ac in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 40.0 ac in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 40.0 ac in SW $\frac{1}{4}$  NE $\frac{1}{4}$  & 40.0 ac in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 23, T 28S, R 14E, WM.

The authorized point of diversion is located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 21, T 28S, R 14E, WM (West, Porter & Martin Ditch).

The applicant proposes to sever the right therefrom and to irrigate in lieu thereof a certain 40.0 ac in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 40.0 ac in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 40.0 ac in NE $\frac{1}{4}$  SW $\frac{1}{4}$  & 40.0 ac in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec 11, from a point located 600 ft S & 1250 ft W from the NE Corner of Sec 15, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 15, T 28S, R 14E, WM (Cliff Ditch).

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, July 23, 1980, at the Lake County Courthouse, Lakeview, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at PO Box 97, La Pine, OR 97739; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 22nd day of May, 1980.

James E. Sexson, Director



# Affidavit of Publication

STATE OF OREGON, }  
County of Lake, } ss.

I, Gary L. Whitehouse, being  
first duly sworn, depose and say that I am the  
Editor  
\_\_\_\_\_  
Publisher, Editor or Business Manager

of the **Lake County Examiner**, a newspaper of  
general circulation printed and published at  
Lakeview in the aforesaid county and state, as  
defined in Sections 1-509, 1-510, Oregon Code,  
that Water right transfer application No. 3187

\_\_\_\_\_ a printed  
copy of which is hereto annexed, was pub-  
lished in the entire issue of said newspaper  
for three successive and  
consecutive weeks in the following issues:  
May 29, June 5, 12, 1980 *ok*

Gary L. Whitehouse  
Subscribed and sworn to before me this  
17 day of June,  
1980  
Caren C. Dumas  
Notary Public for Oregon  
(My commission expires 5/1/84)

RECEIVED

JUN 19 1980

WATER RESOURCES DEPT  
SALEM, OREGON

## NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3187

The Water Resources Director of Oregon has received and filed an application by Bell A Land & Cattle Co. for approval, without loss of priority, of changes in place of use & point of diversion under a certain water right.

The affected water right is a portion of the right described by Finding No. 11, recorded at page 534, Volume 7, Findings and Decree of the Lake County Court in the Matter of Hough v Porter, in the name of John C. Porter, and is for the use of not to exceed 2.67 cubic feet per second from Silver Creek, under a priority date of Sept. 1, 1885, for irrigation of 40.0 ac in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 40.0 ac in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 40.0 ac in SW $\frac{1}{4}$  NE $\frac{1}{4}$  & 40.0 ac in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 23, T 28S, R 14E, WM.

The authorized point of diversion is located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 21, T 28S, R 14E, WM (West, Porter & Martin Ditch).

The applicant proposes to sever the right therefrom and to irrigate in lieu thereof a certain 40.0 ac in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 40.0 ac in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 40.0 ac in NE $\frac{1}{4}$  SW $\frac{1}{4}$  & 40.0 ac in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec 11, from a point located 600 ft S & 1250 ft W from the NE Corner of Sec 15, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 15, T 28S, R 14E, WM (Chff Ditch).

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, July 23, 1980, at the Lake County Courthouse, Lakeview, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at PO Box 97, La Pine, OR 97739; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 22nd day of May, 1980.

James E. Sexson, Director

*ok  
Dig*





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 6-10, 1980FROM: \*\* Dennis R. Glender, Watermaster

RECEIVED

JUN 28 1980

WATER RESOURCES DEPT.  
SALEM, OREGONSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 3187IN THE NAME OF Bell A Land & Cattle Co.

In my opinion the proposed change in POU & POD of water from Silver Creek  
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? No  
(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 \_\_\_\_\_

\*\*

Dennis R. Glender  
Watermaster's signature or initials





## *Water Resources Department*

### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

September 14, 1979

Bell A Land & Cattle Co.  
Cameron Cliff  
Box 97  
LaPine, Oregon 97739

RE: File No. T-3187

Gentlemen:

On March 26, 1975, water right transfer application No. 3187, in the name of Bell A Land and Cattle Co., was filed in the office of the Water Resources Director for approval of a change in place of use of water from Silver Creek. At that time, the application was examined, some question noted, then nothing else was done with the application until it recently turned up in a folder by folder search of the file cabinets.

Upon reexamination of the application, the following comments were noted:

1) In accord with Finding No. 11 of the Findings and Decree of the Court in the matter of Hough v. Porter, the Court allowed a right in the names of P. G. Chrisman and John C. Porter to appropriate not to exceed 200 inches or five second feet of water from the main channel of Silver Creek at a point near the center of Section 21, Township 28 South, Range 14 East, W.M., for irrigation of a total of 300 acres of land with a priority date of September 1, 1885. A part of the 300 acres of irrigated lands was listed as being an unspecified portion of 140 acres of Chrisman lands within the E $\frac{1}{2}$  SW $\frac{1}{4}$  and W $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 22 of said township and range. The balance of the 300 acres was listed as being an unspecified portion of 240 acres of Porter lands within the NE $\frac{1}{4}$  of Section 23 and the S $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 24, of said township and range.

Is the 160 acres involved in the pending transfer application No. 3187 the extent of the portion of the 300 acres of right claimed for the former Porter lands?

2) With reference to the NW $\frac{1}{4}$  of Section 11, which is intended to receive the 160 acres of water right involved in the transfer application: The records indicate that the N $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 11 is already covered by 80 acres of irrigation rights from Buck Creek, as shown on the enclosed copy of the certificate recorded at page 2060, Volume 3, State Record of Water Right Certificates, in the



Bell A Land & Cattle Co  
File No. T-3187  
page 2

name of Maud E. Cliff. What is the status as to use of water on the subject 80 acres under this right?

3) Prior to filing the subject water right transfer application, you filed for and received a permit to use water from a well for supplemental irrigation of the same lands you now wish to remove the Porter right from. When a primary water right is changed in place of use, the supplemental right must be either changed along with the primary right or be canceled. Therefore, if you do not want to change the place of use of water from the well to the lands in the NW $\frac{1}{4}$  of Section 11, along with the Porter right, it will be necessary to authorize cancellation of your ground water permit No. G-5580 as it applies to the NE $\frac{1}{4}$  of Section 23, and file a new application for permit to establish a primary right from the well for irrigation of that land.

4) The map submitted to support your transfer application No. 3187 indicates that you will be diverting water from Silver Creek at a different point than what the decree calls for; therefore, the application should be amended to include the proposed change in point of diversion, as well as the described change in place of use.

Your application No. 3187 and it's supporting map are enclosed.

If you would like to discuss this matter by telephone, please dial the toll free number, 1-800-452-7813 and ask for extension 3739, and then ask for me. The girl will take your name and telephone number so that I can return your call within a few minutes on the State leased line system. Please refer to transfer file No. 3187 when you give the girl your name.

Sincerely,

James W. Carver, Jr.  
Engineer

JWC:lcj  
cc: Howard L. Daggett, Watermaster



RECEIVED  
JUL 7 1972  
STATE ENGINEER  
SALEM OREGON

Permit No. G-5580

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, CAMERON CLIFF

(Name of applicant)

of Lapine, county of Deschutes

(Postoffice Address)

state of Oregon, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated Silver Creek

(Name of stream)

tributary of

2. The amount of water which the applicant intends to apply to beneficial use is cubic feet per second or 2000 gallons per minute.

3. The use to which the water is to be applied is irrigation of farm land

4. The well or other source is located 1320 ft. S and 1320 ft. W from the NE corner of Section 23

(N. or S.)

(E. or W.)

(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one well, each must be described. Use separate sheet if necessary)

being within the NE1/4 NE1/4 of Sec. 23, Twp. 28 S., R. 14E

W. M., in the county of Lake

5. The sprinkler system to be miles

(Canal or pipe line)

in length, terminating in the of Sec. Twp.

(Smallest legal subdivision)

R. W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is Cliff well

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

8. The development will consist of one (1) well having a

(Give number of wells, tunnels, etc.)

diameter of 14 inches and an estimated depth of 335 feet. It is estimated that

feet of the well will require iron casing. Depth to water table is estimated 35

(Kind)

(Feet)







## MUNICIPAL SUPPLY—

13. To supply the city of .....  
in ..... county, having a present population of .....  
and an estimated population of ..... in 19.....

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ 5,747.61
15. Construction work will begin on or before
16. Construction work will be completed on or before Construction is completed
17. The water will be completely applied to the proposed use on or before end of summer, 1972.
18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant.

Remarks:

STATE OF OREGON, } ss.  
County of Marion, }

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for ..... correction and completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before October 2, 1972.

WITNESS my hand this 1st day of August, 1972.

LEO E. ELLIOTT  
Nov 22 1972  
PLIATE ENGINEER  
SALEM, OREGON

~~CHRIS - L. WHEELER~~

STATE ENGINEER

By L. Shook  
L. Shook

## ASSISTANT



STATE OF OREGON, }  
County of Marion, } ss.

PERMIT

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 3.0 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from Cliff Well

The use to which this water is to be applied is supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is November 22, 1972

Actual construction work shall begin on or before March 21, 1976 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1976

Complete application of the water to the proposed use shall be made on or before October 1, 1977

WITNESS my hand this 21st day of March, 1975

STATE ENGINEER

Application No. G-5836

Permit No. G-5580

PERMIT

TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the 21st day of July,  
1972, at 8:00 o'clock A. M.

Returned to applicant:

Approved:

March 21, 1975

Recorded in book No.      of     

Ground Water Permits on page G-5580

CHRIS J. WHEELER  
STATE ENGINEER

Drainage Basin No. 13 page 60

State Printing

23750  
- 8000 R. 1001



RECEIVED  
MAR 26 1975  
STATE ENGINEER  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, BELL A LAND AND CATTLE CO., President: CAMERON CLIFF  
(Name of applicant)

of LA PINE, County of DESCHUTES  
(Postoffice)

State of OREGON 97739, do hereby make application for change IN PLACE OF USE

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

1. The source of present water right is SILVER CREEK 200 inches (5 c.f.s.)  
(Name of stream)

2. The use to which the water is applied is IRRIGATION Priority Sept. 1, 1885  
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is SILVER CREEK West, Porter and Martin

4. The point of diversion is located \_\_\_\_\_ ft. \_\_\_\_\_ and \_\_\_\_\_ ft. \_\_\_\_\_ from the \_\_\_\_\_  
(N. or S.) (E. or W.)

corner of \_\_\_\_\_ being within the NW 4 SE 4  
(Section or subdivision)

of Section 21 Tp. 28 S R. 14 E W. M., in the County of LAKE  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
28 S	14 E	23	40	40	40	40												

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

7-1-1885

(Attach separate sheet if necessary)

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

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? YES

8. What is the date of priority of your water right? Under SILVER LAKE Project

9. Was your water right acquired by State Engineer's Permit? SILVER LAKE Project If so, give number  
(Yes or No)

of permit ?



10. Do you hold a water right certificate? No If so, give number of certificate ?  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings Hough vs. Pater # 11  
(Yes or No)

12. Is the water right recorded in your name? NO  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
28 S	14 E	11	→		→		40	40	40	40								

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 800 ft. South and 1250 ft. West from the NE  
(N. or S.) (E. or W.)  
corner of Section 15 being within the NE $\frac{1}{4}$  NE $\frac{1}{2}$  of Section 15 Tp. 28 S R. 14 E W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of KLAMATH The name of the ditch to be used is cliff ditch

15. Are you the owner of the land on which the proposed point of diversion is to be located? YES

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? YES

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are I DRILLED A WELL AND AM PRESENTLY  
SPRINKLING THE LAND. THE TRANSFER IS TO MORE PRODUCTIVE LAND FOR  
PASTURE PURPOSE.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of DESCHUTES

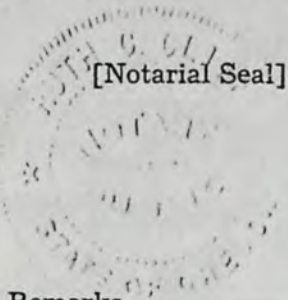
} ss.

I, CAMERON CLIFF, 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 6 day of March, 1975

Cameron Cliff  
(Name of applicant)

Subscribed and sworn to before me this 6 day of March, 1975



[Notarial Seal]

Paul C. Cliff  
NOTARY PUBLIC FOR OREGON

My commission expires Feb 8, 1977

Remarks \_\_\_\_\_

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.