

Name Becker Ranch, Inc

4060

DESCRIPTION OF WATER RIGHT

By _____

Address Box 776Vale, OR 97918Change in PODDate filed Oct. 3, 1978Date of hearing April 19, 1979Place of hearing ValeDate of order 5-9-79 Vol. 32, page 86Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued June 30, 1982 Vol. 45, page 1110Name of stream Malheur RiverTrib. of _____ County of Malheur

Use _____

Quantity of water _____ No. of acres _____

Name of ditch Carter DitchDate of priority 1906In name of Joe CarterMalheur Riv. Adjudication, Vol. 8, page 263App. No. _____ Per. No. _____ Cert. No. 6872

Certificate cancelled _____

Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|----------------|---------------|-------------|
| <u>10-3-78</u> | <u>996.60</u> | <u>6506</u> |
| TOTAL . . . | 0 Cert. Fee | |

The Malheur Enterprise #60. 76p 4/13/79
CR#3224

FEES REFUNDED

| Date | Amount | Check No. |
|----------------|-------------|-------------|
| <u>4-13-79</u> | <u>3.84</u> | <u>3222</u> |

EX 20-
POD 13-
POD 60 76
95 76
3 84
95 76
130 16

Lloyd M. Hill Inc.
4355 Turner Road SE
Salem, Or. 97301

Vol 6 Page 989

REMARKS

See T-4096 (involves part of balance of right)

| | |
|--------------------------------------|--|
| W.R. I S. | |
| Assembled <u>4-9-85</u> by <u>SK</u> | |
| Entered _____ by _____ | |
| Verified _____ by _____ | |

| INDEX CARDS: | Entered | Checked |
|--|-----------|---------|
| <input checked="" type="checkbox"/> Name | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Stream | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Pt. of Div. | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Calendar | <u>lg</u> | _____ |
| CHECKED TO RECORDS | | |
| <input checked="" type="checkbox"/> Twp. & Rge. | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Decree-vault | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Decree-safe | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Cert. of W/R | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Per. Holder | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Chainindex | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Cross Ref. | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Power Claim | <u>lg</u> | _____ |
| <input checked="" type="checkbox"/> Abstracts | <u>lg</u> | _____ |

Application For Transfer of Water Right
Becker Ranch, Inc.

Old Diversion 400' N.-NW Cor. NENW Sec. 31.

30 29
31 32
T.20 S. R.39 E.W.M.

Existing Ditch
45
7
RIVER

U. R. R. R.

1149'

Stone

151'

75'

20

75

MALHEUR

PUMP

RECEIVED

OCT 19 1978

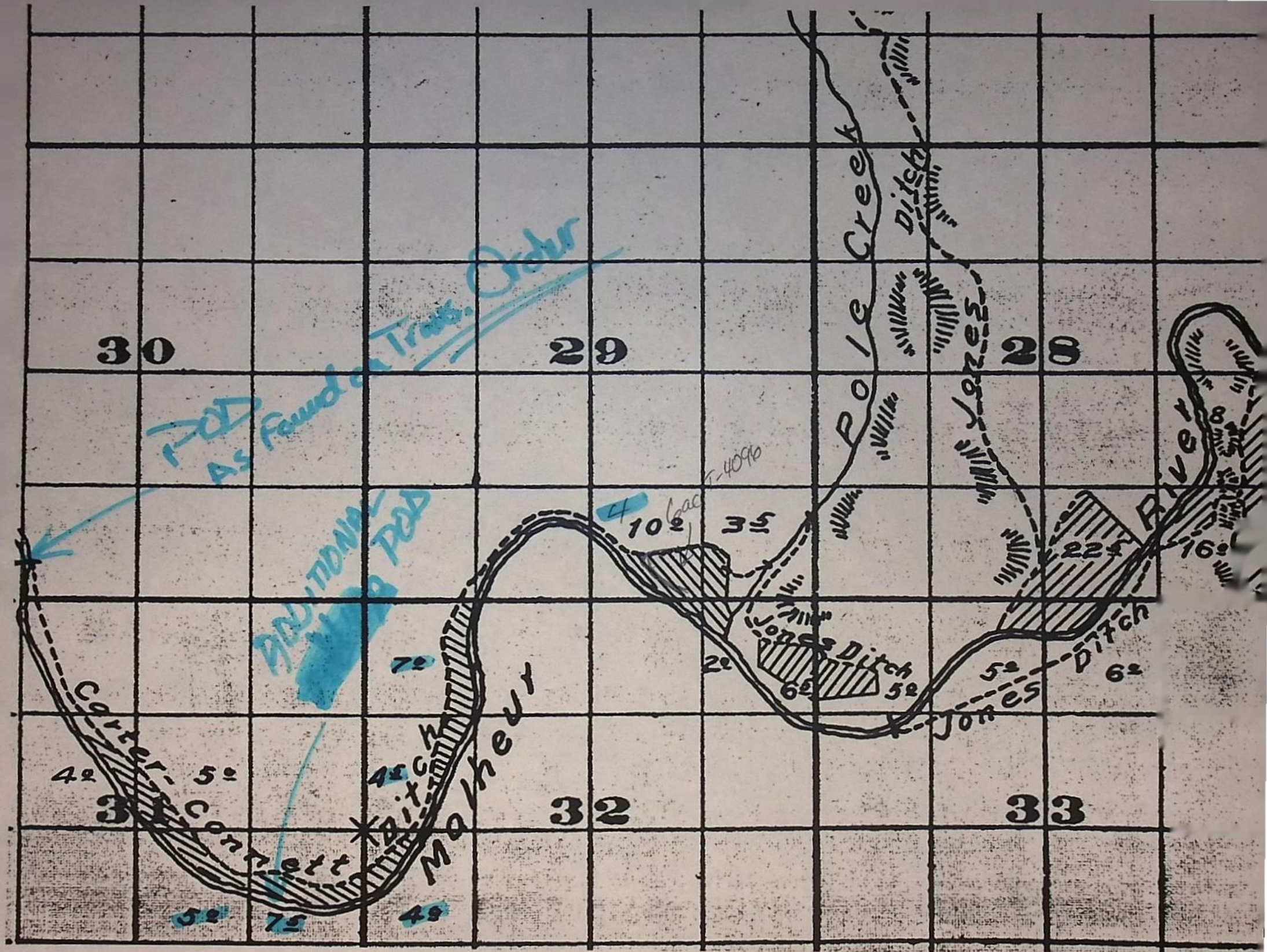
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 3 1978

WATER RESOURCES DEPT.
SALEM, OREGON

T-4060



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF BECKER RANCH, INC., FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4060

On October 3, 1978, an application was filed in the office of the Water Resources Director by Becker Ranch, Inc., for approval of a change in point of diversion of water from Malheur River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 6872, Volume 7, State Record of Water Right Certificates, in the name of Joe Carter, describes a right which includes the use of water from Malheur River for irrigation of a certain 7.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31; 7.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 20 South, Range 39 East, W.M., with a date of priority of 1906. Water for said right is diverted, through the Carter Ditch, from a point located 400 feet North of the Northwest Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 20 South, Range 39 East, W.M.

The applicant herein proposes to change the point of diversion of water on Malheur River and, without loss of priority, to hereafter irrigate the lands above described from a point located 761 feet South and 1149 feet West from the East Quarter Corner of Section 31, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 20 South, Range 39 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of February 28, March 7 and 14, 1979.

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

132,986

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is 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;

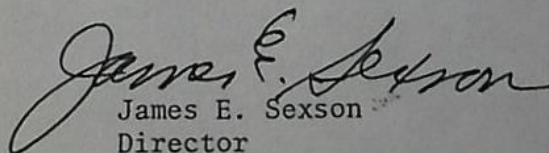
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1980.

The order of the Water Resources Director entered January 29, 1979, approving transfer No. 4096, provided for cancellation of the certificate of water right recorded at page 6872, Volume 7, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; and the order of the Water Resources Director entered May 9, 1979, provided for cancellation of a portion of the right described by certificate of water right recorded at page 6872, Volume 7, State Record of Water Right Certificates; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered January 29, 1979, approving transfer application No. 4096; and 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 9th day of May, 1979.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

MALHEUR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

LLOYD M. HILL, INC.

of 4355 Turner Road, SE, Salem
a right to the use of the waters of Malheur River

, State of Oregon 97301 , has

a tributary of
irrigation of 32.0 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Malheur County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 8 , at page 228; that the priority of the right thereby confirmed dates from 1906

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 acre-feet per acre in any 30-day period prior to June 1, 1 acre-foot per acre in any 30-day period after June 1, of each year, or 3 acre-feet per acre during any season, diverted at a rate not to exceed one-twentieth of a cubic foot per second per acre; if available at the original point of diversion, SE 1/4 SW 1/4, * The point of diversion is located in the NE 1/4 SE 1/4, Section 31, T20S, R39E, WM; 761 feet South and 1,149 feet West from E 1/4 Corner, Section 31

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

4.0 acres SW 1/4 SE 1/4
Section 29
7.5 acres NE 1/4 SE 1/4
5.0 acres NW 1/4 SE 1/4
Section 31
7.0 acres NW 1/4 NW 1/4
4.5 acres SW 1/4 NW 1/4
4.0 acres NW 1/4 SW 1/4
Section 32
Township 20 South, Range 39 East, WM

* Section 30, T20S, R39E, WM; Carter Ditch - 400 feet North from NW Corner, NE 1/4 NW 1/4, Section 31

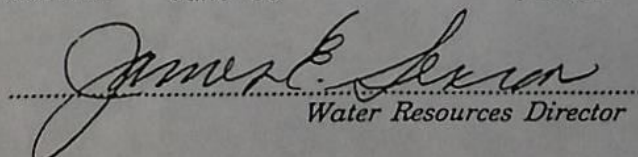
This certificate describes that portion of the water right confirmed by the prior certificate of water right recorded at page 6872, Volume 7, State Record of Water Right Certificates, NOT modified, nor canceled by the provisions of orders of the Water Resources Director entered on January 25, 1979 and May 9, 1979 and is issued to confirm a change in point of diversion approved by the Director's order entered May 9, 1979.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date June 30 , 19 82 .


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45 , page 51110

RECEIVED
JAN 5 1979
WATER RESOURCES DEPT.
SALEM, OREGON

A F F I D A V I T

I, B. N. Glanville, having authority to act for Becker Ranch, Inc, being first duly sworn, depose and say that Becker Ranch, Inc., is the owner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 20 South, Range 39 East, W.M., and the water right appurtenant thereto, which is for the use of water from Malheur River for the irrigation of 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31, with a priority date of 1906, as described by the certificate recorded at page 6872, Volume 7, State Record of Water Right Certificates; that Becker Ranch, Inc., has abandoned any and all interest in and to said water right and requests the same be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of Dec., 1978.

B. N. Glanville
B.N. Glanville, President Becker Ranch, Inc.

Subscribed and sworn to before me this 2nd day of Jan., 1978.

Sandi Glona
Notary Public for Oregon

My Commission expires: 5/18/82



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF JOE CARTER)

O R D E R

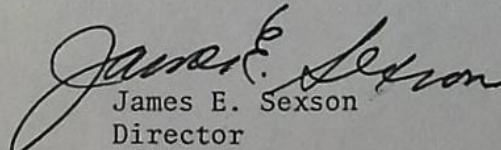
On January 5, 1979, B. N. Glanville, having authority to act for Becker Ranch, Inc., submitted an affidavit that Becker Ranch, Inc., is the owner of a certain water right and the lands to which the water right is appurtenant; that Becker Ranch, Inc., has abandoned any and all interest in and to the said water right and requests the same be canceled.

The water right in question was allowed by Decree of Circuit Court for Malheur County, entered May 13, 1925, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Malheur River, tabulated at page 263, Volume 8, Order Record of the Water Resources Director, in the name of Joe Carter, and is a portion of the right described by certificate recorded at page 6872, Volume 7, State Record of Water Right Certificates, and is for the use of water from Malheur River, with a date of priority of 1906, for irrigation of a certain 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 20 South, Range 39 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 6872, Volume 7, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon this 9th day of May, 1979.


James E. Sexson
Director

132, P 85



STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: Representative Denny Jones

DATE: July 16, 1980

FROM: Chris L. Wheeler

SUBJECT: Malheur Decree

In response to your request, I checked the rights of record listed on the Carter Ditch shown on page 36 of the Malheur River decree.

4.0 of the 10 acres listed in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29
5.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
4.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31
Township 20 South, Range 39 East, W.M.

have been abandoned.

The remainder of the lands appear of record as valid, but they have had two separate filings for changes in point of diversion requested and approved. Under the terms of both of these orders that development is to be completed on or before October 1, 1980.

If these lands are going to be valid for transfer to other land, some type of tractor mounted or portable pumping ought to be installed this summer to pump into the old ditches so that there would be no questions raised.

The transfers are identified as follows:

No. 4060 was filed on October 3, 1978 in the name of Becker Ranch, Inc., for change in point of diversion from a point located 400 feet north of the NW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 20 South, Range 39 East, W.M. to a point of diversion on the Malheur River located 761 feet south and 1149 feet west from the East quarter corner of Section 31, being in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 20 South, Range 39 East, W.M., for irrigation of

7.5 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
5.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31
7.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
4.5 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
4.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32,

Township 20 South, Range 39 East, W.M.,
with a date of priority of 1906.



Contains
Recycled
Materials

SP*75683.125

91-125-1387

No. 4096 was filed on November 27, 1978 in the name of Darryl Williams for change in point of diversion from a point located 400 feet north from the northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 20 South, Range 39 East, W.M. to a point of diversion located north 61 degrees, 03 minutes east, 815 feet from the south quarter corner of Section 29, Township 20 South, Range 39 East, W.M., for irrigation of

6.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
3.5 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29,
Township 20 South, Range 39 East, W.M.,

with a date of priority of 1906.

I am enclosing copies of the adjudication map and maps accompanying the transfers, also your copy of the decree.

MALHEUR RIVER

WR T-0982-C1

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

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. T0000 40601 PERMIT NO. 008263 CERTIF. NO. 0051110
 ORIG. NO. C0000 68721 PREV. NO. C0000 68721 SUPER. NO.
NAME: LLOYD M. HILL, INC.ADDRESS: 4355 TURNER RD SECITY/STATE/ZIP/COUNTY: SALEM, OR 97301STREAM-ID 10 5940

RIV. MI.

WM. DIST. 09 W.R. TYPE SC STATUS V

CANCEL YEAR---->

CONSTR. COMPLT--> 05 29 1979

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY----->

PUT TO USE-----> 05 29 1979

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 10 03 1978SURVEYED-----> 08 01 1979EXAM. FEE-----> 20.00RECORDING FEE-----> 15.00PERMIT ISSUE--> 05 09 1979CONCURRENCE-----> 08 01 1979

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 05 09 1979CERTIFIED-----> 06 30 1982

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA;
 TWNSP RNGE SECT QTR/QTR STREAM-ID
2005 390 E 31 D A 10 5940

RIV. MI.

RATE

STATUS S OR P

0.800V P
 ** REMARKS; ----->
 ** DATED-->

 ** POD: 761'S & 1149' W FM E 1/4

 ** COR S 31. CHANGES POD PART

 ** OF C-6872. T-4096 CHANGES

 ** PART. SP OR V 32, P 85 CANCELS

 ** PART.

 PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

2005 390 E 29 D C 23 1R 100 4.00 V Y
31 D A 7.50
31 D B 5.00
32 B B 7.00
32 B C 4.50
32 C B 4.00

W.R.I.S.

Assembled 7-7-85 by SK

Entered _____ by _____

Verified _____ by _____

20

POD

POU

USE

Add'l POD

County Natchez

1. Name Becker Ranch, Inc.

Address Box 776 Tah, OR 97918

2. Source of Supply Makmur River, Trib of _____

3. Use irrigation

4. Amount of Water _____ Priority Date 1906

5. Proposed Point of Diversion 761 feet South and 1149 feet West from the
E 1/4 Corner of Section 31, being within the NE 1/4 SE 1/4 of Section 31,
Township 20 South, Range 39 East, W. M.

6. Completion Date October 1, 1980

7. Place of Use:

M. R. cert 6872

[illegible]

Info: Mr. Glanville. Land was irr. as applied last year.

Pump and pipe were still there.

Source: Malheur R. Div. dir. from river through 8" suction.

pump - Century SHP @ 1800 RPM

Jacuzzi add 7"x5"

Use: Irr. of hay crop.

Equip: pipe - 6" Alum. mainline goes to ditch next to hwy. Flood irrigation from there. Ditch is 4' x 2' x 2½' high. Not irr this year. Plans to next year.

Lift: +5 to pump +3 to ditch

Tie: Inexp. Found I.P. (½") where stone should be.

Chris Hughes

FE

8/1/79

Note: Land West of pump NOT IRA. No ditch for that side. Ditch goes under rd and along other side instead. Not irr from this div. pt. Hwy dept. has gravel storage dumps on this acreage west of div. pt.

RECEIVED

OCT 19 1978

WATER RESOURCES DEPT.
SALEM, OREGON

T-4060

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

RECEIVED

OCT 3 1978

WATER RESOURCES DEPT.
SALEM, OREGONI, Becker Ranch, Inc.
(Name of applicant)of Box 776, Vale
(Mailing address) (City)State of Oregon, 97918, 473-3141, do hereby make application for change
(Zip Code) (Phone number)In Point of Diversion
(In point of diversion; place of use; use heretofore made of the water)1. Is the water right recorded in your name? Joe Carter
(If not, give name)2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No)Malheur River Adj. number of certificate 68723. 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 Malheur River5. What is the date of priority of your water right? 19066. The authorized point of diversion is located 400 ft. N and ft. from the NW
(N. or S.) (E. or W.)
corner of NE 1/4 NW 1/4 Sec 30 being within the SE 1/4 SW 1/4 of Section 30 Tp. 20 S R. 39 E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Malheur. The name of the ditch used is Carter Ditch

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 761 ft. S and 1149 ft. W from the E 1/4
(N. or S.) (E. or W.)
corner of Sec 31 being within the NE 1/4 SE 1/4 of Section 31 Tp. 20 S R. 39 E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Malheur. The name of the ditch to be used is Carter Ditch

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section | Number Acres To Be Irrigated |
|----------------------------|---|---------|---|------------------------------|
| 20S | 39E | 32 | NW NW | 7 |
| | | 32 | SW NW | 4 ⁵ |
| | | 32 | NW SW | 4 |
| | | 31 | NE SE | 7 ⁵ |
| | | 31 | NW SE | 5 |

(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 |
|-----------------------|---------|--------|
| | | |
| | | |

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section | Number Acres To Be Irrigated |
|----------------------------|---|---------|---|------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are Applicant intends to
install power take off pump and replace
ditch with gated pipe. Existing ditch
and diversion too difficult to maintain.

15. Construction work will be completed on or before July 1980

16. The water will be completely applied to the proposed use on or before July 1980

Remarks 5 ac in SW NE } sec 31 abandoned
4 ac in SE NW }
after last flood.
Acres in sec 29 different
ownership.

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, B.N. Glanville, President Becker Ranch, Inc., 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 28th day of Sept., 1978.

B.N. Glanville
(Name of applicant)

Subscribed and sworn to before me this 28 day of Sept., 1978.

[Notarial Seal]

Bilki L. Hillis
NOTARY PUBLIC FOR OREGON

My commission expires 11/6/79

SCHROEDER & HUTCHENS
LAWYERS

W. F. SCHROEDER
JOHN N. HUTCHENS

P. O. BOX 220
VALE, OREGON 97918
(503) 473-3141

July 9, 1980

Water Resources Department
Mill Creek Office Park
555 13th St. N.E.
Salem, OR 97310

RECEIVED

JUL 14 1980

**WATER RESOURCES DEPT
SALEM, OREGON**

Re: Transfer number T-4060
Becker Ranch, Inc.

Attn: Thomas E. Shook

Dear Mr. Shook:

We have received your letter of June 19.

The five acre tract to which it refers will not be irrigated from this well.

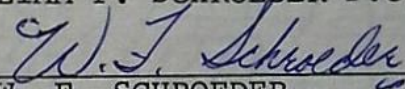
Will you please prepare such document as you find necessary to accomodate this fact for our client's signature and proceed to the certificate issuance as quickly as possible.

Thank you very much.

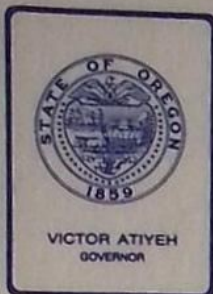
Very truly yours,

SCHROEDER & HUTCHENS
WILLIAM F. SCHROEDER P.C.

By:


W. F. SCHROEDER

WFS/cs



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE (503) 378-8508

June 19, 1980

Becker Ranch, Inc.
Box 776
Vale, OR 97918

REFERENCE: Transfer number T-4060

We were preparing to issue the certificate of water right confirming the change in point of diversion as provided in your transfer number 4060 when I realized the field engineer has reported that land west of your pump in Section 31 is no longer being irrigated.

I have enclosed a map showing the area in question. If you are the owner of these lands and have abandoned the right to use water from the Malheur River for irrigation purposes on these lands, a brief statement from you to that effect should be submitted to us at your earliest convenience. We will then prepare an affidavit of abandonment for your action.

In the event you are not the owner of the land, we would appreciate receiving from you the name and address of the current owner.

Further action will be withheld on your transfer for a reasonable length of time pending your reply.

Sincerely,

THOMAS E. SHOOK
Water Rights Engineer

TES:avs

Enclosure: Receipt No. 17979

COPY

RECEIVED

MAY 29 1979

WATER RESOURCES DEPT!
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
point of diversion of water from Malhuer River

PURSUANT TO TRANSFER APPLICATION NO. 4060

I, BECKER RANCH, INC, 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 sfs, 19 79

5/25/79
Date

B. N. Shumaker
Signature
President

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

OK
Jug



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: April 27, 1979.

FROM: ** Frank Elfering, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4060IN THE NAME OF Becker Ranch, Inc.**RECEIVED**

APR 30 1979

WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in point of diversion from Malheur 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.

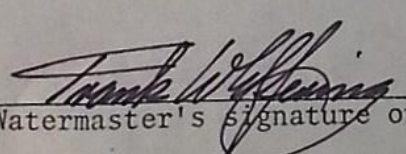
If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? No
(yes or no)

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 . . .
X (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 _____

**


Watermaster's signature or initials

AFFIDAVIT OF PUBLICATION

Vale, Oregon March 14 19 79

RECEIVED

MAR 16 1979

WATER RESOURCES DEPT
SALEM, OREGON

TO MALHEUR ENTERPRISE, Dr.

To publishing attached Legal Notice In 3 issues \$60.76

STATE OF OREGON }
County of Malheur }ss.

I, Warren C. Auyer being first duly sworn, depose and say that I am the Foreman Publisher of the printers of The Malheur Enterprise, which is a weekly newspaper of general circulation, printed and published in Vale in said county and state that such newspaper is made up of at least four pages of eight columns each and at least 21 inches in depth of matter; that such newspaper was regularly and uninterruptedly published each week for at least twelve consecutive months immediately

preceding the first publication of attached Legal Notice and has more than 200

bona fide subscribers within said county; that the Legal Notice of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once

each week for 3 successive and consecutive weeks, being published 3

times commencing with the issue dated the 28th day of February, 19 79

and ending with the issue dated the 11th day of March, 19 79

That the amount of charge actually made and to be collected for such newspaper for such publication is \$ 60.76

Warren C. Auyer
Foreman Publisher of the Printers

Subscribed and sworn to before me this 11th day of March, 19 79

Garland Auyer
Notary Public for Oregon

My commission expires August 11, 19 82

Legal notices

NOTICE OF WATER RIGHT TRANSFER APPLICATIONS NOS. 4060 & 4061

Notice is given hereby that applications have been filed in the office of the Water Resources Director by Becker Ranch, Inc., for approval of a change in point of diversion from Malheur River and for approval of an additional point of diversion from South Fork Indian Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 6872, Volume 7, State Record of Water Right Certificates, in the name of Joe Carter, describes a right which includes the use of water from Malheur R. for irrigation of 7.5 ac in NE 1/4 SE 1/4, 5.0 ac in NW 1/4 SE 1/4 of Sec 31; 7.0 ac in NW 1/4 NW 1/4, 4.5 ac in SW 1/4 NW 1/4 & 4.0 ac in NW 1/4 SW 1/4 of Sec 32, T 20S, R 39E, WM, with a date of priority of 1906. Water for said right is diverted, through the Carter Ditch, from a point located 400 ft N from the NW Corner of the NE 1/4 NW 1/4 of Sec 31, being within the SE 1/4 SW 1/4 of Sec 30, T 20S, R 39E, WM.

By transfer application No. 4060, the applicant herein proposes to change the point of diversion of water on Malheur R. and, without loss of priority, to hereafter irrigate the lands above described from a point located 761 ft S & 1149 ft W from the E 1/4 Corner of Sec 31, being within the NE 1/4 SE 1/4 of Sec 31, T 20S, R 39E, WM.

The certificate recorded at page 6989, Volume 7 of said record, in the name of Pacific Livestock Company, describes a right which includes the use of water from Indian Cr (So. Fk.) for irrigation of 12.8 ac in SW 1/4 SW 1/4, 27.2 ac in SE 1/4 SW 1/4 of Sec 8; 17.5 ac in NE 1/4 NW 1/4, 39.0 ac in NW 1/4 NW 1/4, 4.0 ac in SW 1/4 NW 1/4 of Sec 17; 33.0 ac in NE 1/4 NE 1/4, 10.0 ac in NW 1/4 NE 1/4, 0.4 ac in NE 1/4 NW 1/4, and 1.5 ac in SE 1/4 NE 1/4 of Sec 18, T 18S, R 40E, WM, with a date of priority of 1884. The certificate recorded at page 33456, Volume 25 of said record, in the name of Griffith Ford, Inc., describes a right which includes the use of not to exceed 0.66 cubic foot per second from S. Fk. Indian Cr. for irrigation of 0.4 ac in SE 1/4 SE 1/4 of Sec 7; 1.3 ac in SW 1/4 SW 1/4 of Sec 9; 1.3 ac in NE 1/4 NE 1/4, 1.7 ac in NW 1/4 NE 1/4, 7.6 ac in NE 1/4 NW 1/4, 3.8 ac in SW 1/4 NW 1/4, 0.1 ac in SE 1/4 NW 1/4 of Sec 17; 0.4 ac in NE 1/4 NE 1/4, 3.2 ac in SW 1/4 NE 1/4, 6.5 ac in SE 1/4 NE 1/4 and 0.2 ac in SE 1/4 NW 1/4 of Sec 18, T 18S, R 40E, WM, with a date of priority of Sept. 24, 1957. Water for said rights is diverted, through the Indian Creek Ranch Ditches, from a point located 1440 ft S & 1550 ft E from the NW Corner of Sec 18, being within the SE 1/4 NW 1/4 of Sec 18, T 18S, R 40E, WM.

By transfer application No. 4061, the applicant herein proposes to establish, without loss of priority, an additional point of diversion of water on S. Fk. Indian Cr. for the lands above described at a point located 2480 ft N & 334 ft E from the SW Corner of Sec 13, being within the NW 1/4 SW 1/4 of Sec 13, T 18S, R 39E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Vale, Oregon on April 19, 1979, at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time and place. Any and all objections against either application shall be prepared in writing: One copy to be

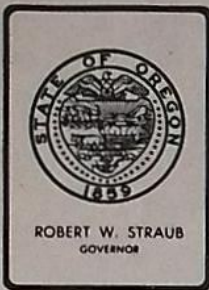
served on Becker Ranch, Inc., Box 776, Vale, OR 97918; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Dept. upon request.

Dated at Salem, Oregon this 16th day of February, 1979.

James E. Sexson
Director

Publish: Feb. 28, March 7, 14, 1979

ok
lg



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 8, 1979

H. B. Glanville, President
Becker Ranch, Inc.
Box 776
Vale, Oregon 97918

RE: Files Nos. T-4060, T-4061

Dear Mr. Glanville:

Your corrected water right transfer application No. 4061 and supporting map were received December 11, 1978. We also received your affidavit providing for cancellation of part of your water right for use of water from Malheur River.

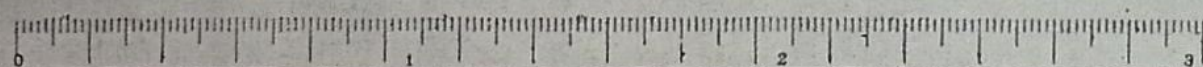
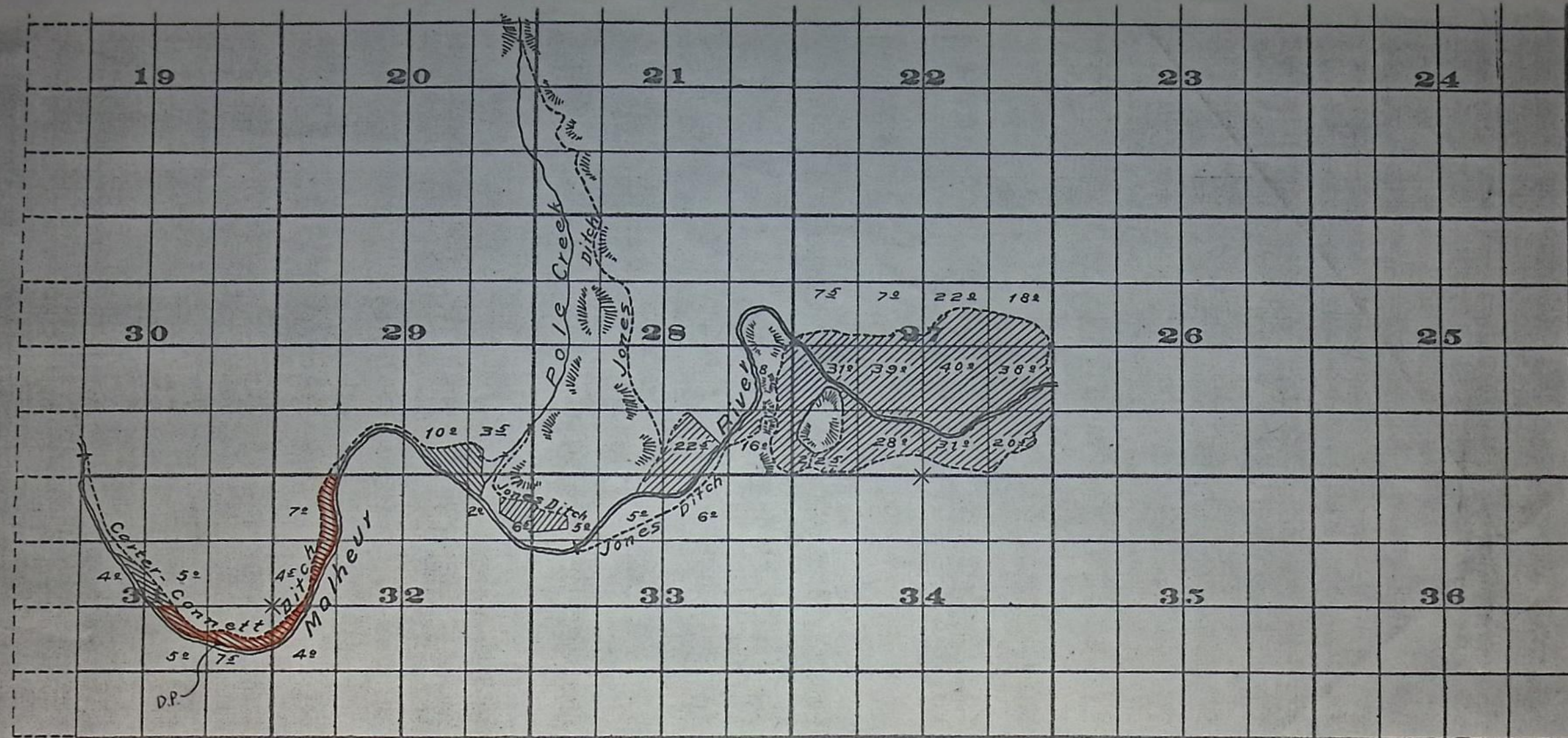
I am enclosing another affidavit of abandonment for you to complete and submit. This affidavit will provide for clearing our records of that portion of the right to use water from Indian Creek described by certificate 6989 but not covered by your transfer application No. 4061.

Upon receipt of the properly completed affidavit, we will prepare the notice of the proposed changes for publication. Please advise us which newspaper that is printed and has general circulation in Malheur County you prefer that we use.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj



Scale of Feet.

Surveyed July, 1913.

FROM OFFICE OF THE STATE ENGINEER, MALEM, OREGON

Adjudication Survey

Molheur River
and
Tributaries

— Legend —

Streams

Ditches

Corners Located

Irrigated Area