

Name Arthur E. Powell

4161

36

By _____

Address Thief Valley RoadNorth Powder, OR 97868Change in POU, PODDate filed Feb 16, 1979Date of hearing August 8, 1979Place of hearing BakerDate of order 8-31-79 Vol. 32, page 361Date for application of water 10-1-89

Proof mailed _____

Proof received _____

Certificate issued FEB 25 1980 Vol. 42, page 48994

DESCRIPTION OF WATER RIGHT

Name of stream Powder RiverTrib. of _____ County of Baker

Use _____

Quantity of water _____ No. of acres 256²Name of ditch Travillion & Travillion-KoesterDate of priority 1883 & 1918

In name of _____

Powder Riv. Adjudication, Vol. 6, page 451⁵App. No. _____ Per. No. _____ Cert. No. 451³

Certificate cancelled _____

Notation made on record by _____

48995 6-24-90 Des of Cert61203

REMARKS

Surveyed 8/26/86to survey 7/80

W.R.I.S.

Assembled 7-22-88 by SD

Entered _____ by _____

Verified _____ by _____

FEES PAID

| Date | Amount | Receipt No. |
|--|---------------------------------|--------------------|
| <u>2-16-79</u> | <u>151⁵⁰</u> | <u>9172</u> |
| <u>3-26-79</u> | <u>26⁵⁰</u> | <u>9874</u> |
| | <u><2.00></u> | |
| TOTAL . . . | | |
| <u>8-9-79</u> | <u>4⁰⁰ Cert. Fee</u> | <u>Int fr 9172</u> |
| <u>Democrat Herald \$67.50 pd 8/10/79 ck #3591</u> | | |

FEES REFUNDED

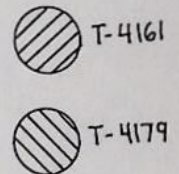
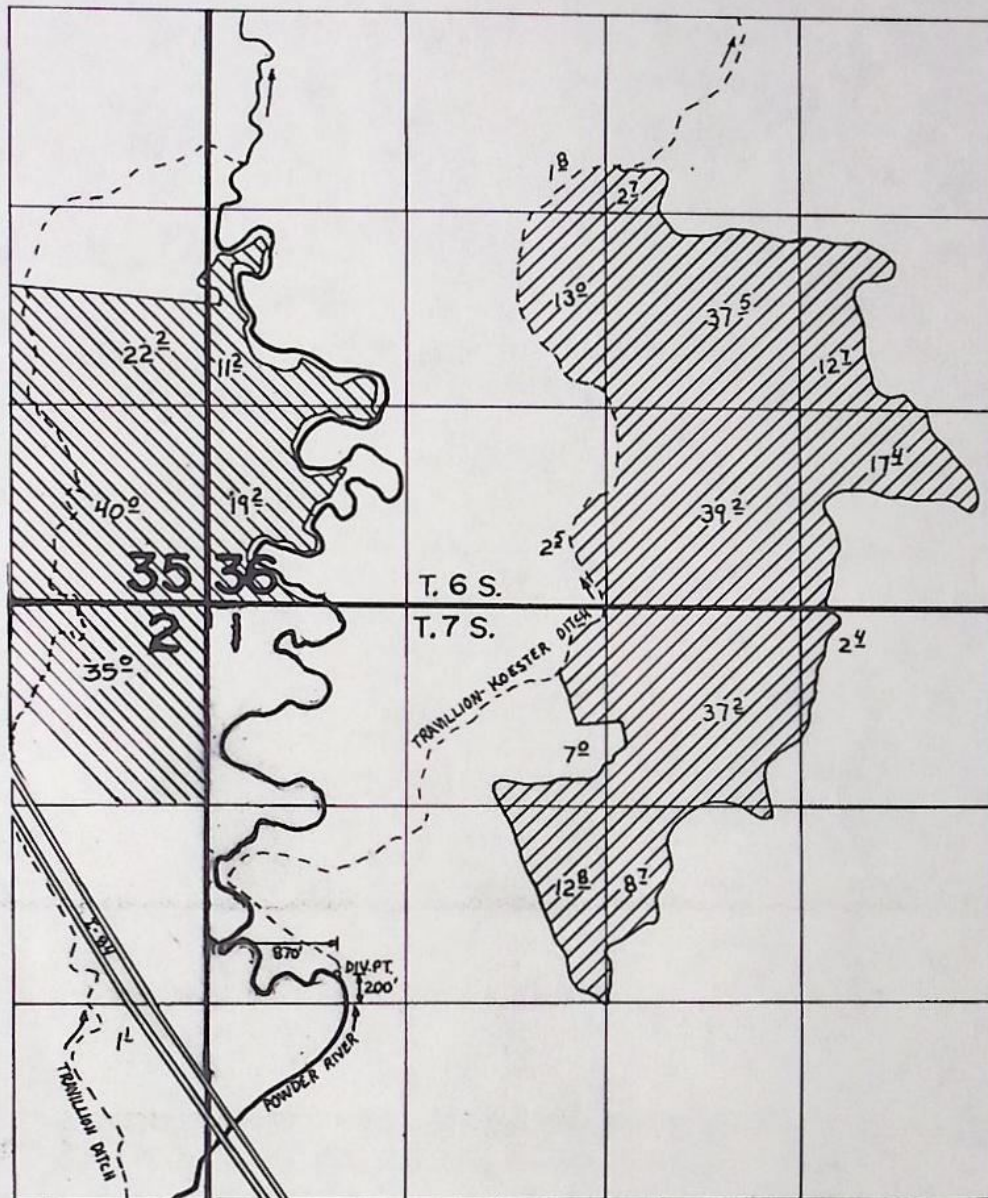
| Date | Amount | Check No. |
|-----------------------------------|---------------------------------|-------------------------|
| <u>1-18-80</u> | <u>4.00</u> | <u>4044 cert refund</u> |
| <u>8-10-79</u> | <u>3⁵⁰</u> | <u>3592</u> |
| <u>Exam 20⁰⁰</u> | | |
| <u>POD 15⁰⁰</u> | | |
| <u>(2020) POU 68⁰⁰</u> | | |
| | <u>103⁰⁰</u> | |
| <u>POD 67⁵⁰</u> | | |
| | <u>170⁵⁰</u> | |
| <u>Cert Fee 4⁰⁰</u> | | |
| | <u>174.50</u> | |
| | <u>Deposit 178⁰⁰</u> | |

INDEX CARDS:

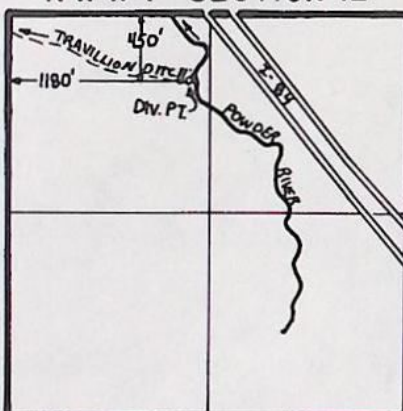
| TO BE ENTERED WHERE CHECKED | Entered | Checked |
|--|------------|------------|
| <input checked="" type="checkbox"/> Name | <u>DCJ</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Stream | <u>DCJ</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Pt. of Div. | <u>DCJ</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Calendar | <u>DCJ</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Twp. & Rge. | <u>526</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Decree-vault | <u>WLD</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Decree-safe | <u>WLD</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Cert. of W/R | <u>WLD</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Per. I older | <u>DCJ</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Chainindex | <u>DCJ</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Cross Ref. | <u>DCJ</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Power Claim | <u>DCJ</u> | <u>DCJ</u> |
| <input checked="" type="checkbox"/> Abstracts | <u>DCJ</u> | <u>DCJ</u> |

87

T. 6 & 7 S. R. 39 E. W.M.



NW 1/4 SECTION 12



FINAL PROOF SURVEY

UNDER

TRANSFER 4161 & 4179

IN NAME OF

ARTHUR E. POWELL

Surveyed August 26 1986., by V. Church.....

Scale 1"=1320'

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That J. C. TRAVILLION

of North Powder, State of Oregon has a right to the use of the waters of Powder River, tributary of Snake River.

for the purpose of the irrigation of ³⁴⁶~~488~~ acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1883 for ^{181.5}~~323.5~~ acres and 1886 for 164.5 acres

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 1/40 of one cubic foot per second per acre; and shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

39.5 acres in the Northeast quarter of Northwest quarter; ³⁸~~36~~ acres in the Northwest quarter of Northwest quarter; ³⁸~~36~~ acres in the Southwest quarter of Northwest quarter; ³⁸~~36~~ acres in the Southeast quarter of Northwest quarter; ³⁸~~36~~ acres in the Northwest quarter of Southwest quarter and ³⁸~~36~~ acres in the Southwest quarter of Southwest quarter of Section Thirty-six, Township Six South, Range Thirty-nine: ⁴⁰~~38~~ acres in the Northeast quarter of Northeast quarter; 40 acres in the Northwest quarter of Northeast quarter; 40 acres in the Southeast quarter of Northeast quarter; 30.5 acres in the Southwest quarter of Northeast quarter; 25 acres in the Northeast quarter of Southeast quarter and 7 acres in the Northwest quarter of Southeast quarter of Section Two: 38 acres in the Northwest quarter of Northwest quarter; 17 acres in the Southwest quarter of Northwest quarter; 6 acres in the Northwest quarter of Southwest quarter; 14 acres in the Northeast quarter of Northwest quarter of Section One, Township Seven South, Range Thirty-nine: East of Willamette Meridian, in Baker County, Oregon.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4515, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Aug 31, 1979, approving transfer application No. 4161.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. GUERER
State Engineer, President

Attest:

R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4515.

48995

7-4161

POD: 660 ft S & 1360 ft E from the NW cor of Sec 12, being within the NE 1/4 of Sec 12, T7S, R39E, WM (Travillion Dutch)

STATE OF OREGON

COUNTY OF

Baker

CERTIFICATE OF WATER RIGHT

This is to Certify, That H. C. TRAVILLION

of North Powder, State of Oregon has a right to the use of
the waters of Powder River, tributary of Snake River,
for the purpose of the irrigation of ~~240~~¹²⁰ acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker County, and the said decree entered of record at Salem, in the Order
Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291;
that the priority of the right thereby confirmed dates from 1883

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 $1/40$ of one cubic foot
per second per acre; and shall be subject to all other conditions and limitations
contained in said decree.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

40 acres in the Southwest quarter of Northeast quarter; 40 acres in the
~~Southeast quarter of Northeast quarter; 40 acres in the Northeast quarter of~~
~~Southeast quarter; 40 acres in the Northwest quarter of Southeast quarter; 40 acres~~
~~in the Southwest quarter of Southeast quarter and 40 acres in the Southeast quarter~~
~~of Southeast quarter of Section Thirty-five, Township Six South, Range Thirty-nine~~
East of Willamette Meridian, in Baker County, Oregon.

40.0 SW NE

40.0 NW SE

40.0 SW SE

Sect 35

T. 6 S R. 39 E

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 4513, Volume 5, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Aug 31, 1979, approving transfer application No. 4161.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER
State Engineer, President

Attest:

R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4513

48994

T-4161

POD: 660 ft S.E. 1360 ft E from NW cor of Sec 12,
being within the NE 1/4 NW 1/4 of Sec 12, T 7 S, R 39 E, W 1 M. (Travillion Ditch)



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

378-3739

April 13, 1990

INVESTCO FINANCIAL CORPORATION
P.O. Box 1117
Tacoma, Washington, 98401-1117
Attention Stephen A. Burnham

REFERENCE FILES: 59892, T-4161 and T-4179

Dear Mr. Burnham;

As I explained to you by phone, certificates have been issued as proposed under permit 45052 and transfers 4161 and 4179. This occurred March 29, 1990, 69 days after the proposed certificates were mailed to Investco for review. I had expected to be contacted within the 60 days allowed for reconsideration of the content of the proposed certificates. I was surprised when I wasn't contacted.

If any changes are to be made to the water rights in the form of a correction to the certificates they must be brought to our attention within 90 days from the date of issuance, June 29, 1990. Is it possible the survey being conducted by Greg Blackman will be completed by then?

After 90 days, changes can still be made but an administrative order must be entered to correct the certificate. The longer it takes the more work it becomes.

Any lands requested to be added to new certificates will need to be verified as irrigated within the terms of the permit and transfer orders by our field staff from Baker City. The time limit of permit 45052 expired October 1, 1982. The transfers expired October 1, 1980.

Please advise me of the date we can expect to receive the survey and report.

Sincerely,

Vestal R. Garner, Manager
Certificate Section

CC: Kent Searles, Region Manager, Baker City

January 12, 1990

378-3739

Investco Financial Corp.
P.O. Box 1117
Tacoma, Wash. 98401

Reference files: T-4161 & T-4179, 59892

Marlin Bateman:

Dear Mr. Bateman,

Enclosed are three proposed certificates of water right. They describe the extent we found water beneficially used under transfers 4161 and 4179 and also permit 45052. These were in the name of Arthur Powell. I believe that you now own the land.

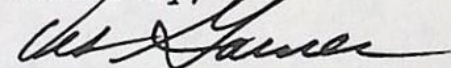
If you wish the certificate for permit 45052 issued to you, it must be assigned first. Here is the form for that. I believe that Mr. Powell is deceased. If so, the assignment must be made by the administrator of the estate. If the certificate is OK in Powell's name, I'll issue it as is. The owner of the land is the owner of the right anyway.

I'm also enclosing our usual notices regarding proposed certificates. If you agree, do nothing. If you disagree, please petition in the form of a letter and a map setting forth the changes you request. Any changes may need field verification. This may take several weeks to schedule.

Weisha has not received the affidavits of abandonment regarding Van Patton Reservoir. Are they on the way?

If you have questions, please call on me.

Sincerely,



Vestal R. Garner, Manger
Certificate Section

CC: Arthur Powell
Kent Searles, Region Manager

STATE OF OREGON

COUNTY OF BAKER

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

INVESTCO FINANCIAL CORP.
P. O. BOX 1117
TACOMA, WASHINGTON 98401

confirms the right to use the waters of POWDER RIVER, a tributary of SNAKE RIVER, for the purpose of IRRIGATING 194.9 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at page 291. The date of priority is 1883.

The right is limited to not more than 4.87 CUBIC FEET PER SECOND.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 1, T 7 S, R 39 E, W.M.; 200 FEET NORTH AND 870 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 1.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.

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

| | |
|---------------|------------|
| SW 1/4 NE 1/4 | 2.7 ACRES |
| SE 1/4 NW 1/4 | 1.8 ACRES |
| NE 1/4 SW 1/4 | 13.0 ACRES |
| SE 1/4 SW 1/4 | 2.5 ACRES |
| NE 1/4 SE 1/4 | 12.7 ACRES |
| NW 1/4 SE 1/4 | 37.5 ACRES |
| SW 1/4 SE 1/4 | 39.2 ACRES |
| SE 1/4 SE 1/4 | 17.4 ACRES |

SECTION 36

TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.

| | |
|---------------|------------|
| NE 1/4 NE 1/4 | 2.4 ACRES |
| NW 1/4 NE 1/4 | 37.2 ACRES |
| SW 1/4 NE 1/4 | 8.7 ACRES |
| NE 1/4 NW 1/4 | 7.0 ACRES |
| SE 1/4 NW 1/4 | 12.8 ACRES |

SECTION 1

TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered AUGUST 31, 1979, and together with certificates 48994 and 48995, supersedes certificates 4513 and 4515, State Record of Water Right Certificates.

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

T-4161

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, ARTHUR E. POWELL

(Name of applicant)

of Thief Valley Road

(Mailing address)

North Powder

(City)

State of Oregon

97868

(Zip Code)

898-2395

(Phone number)

, do hereby make application for change

point of diversion and place of use

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

1. Is the water right recorded in your name? H.C. Travillion and J.C. Travillion

(If not, give name)

2. Was your water right determined by Decree of Court? (Certificate # 4513) Yes (Certificate # 4515)

(Yes or No)

Powder River Decree

number of certificate 4513, 4515

3. Was your water right acquired by Water Right Permit? No 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 Powder River

5. What is the date of priority of your water right? 1883

6. The authorized point of diversion is located 660 ft. S and 1360 ft. E from the NW corner of Sec. 12 being within the NE 1/4 NW 1/4 of Section 12 Tp. 7 S R. 39 E W. M.,

(N. or S.)

(E. or W.)

(No. N. or S.) (No. E. or W.)

in the county of Baker The name of the ditch used is Travillion

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

7. The proposed point of diversion is located 340 ft. N and 890 ft. E from the W 1/4 corner of Sec. 1 being within the SW 1/4 NW 1/4 of Section 1 Tp. 7 S R. 39 E W. M.,

(N. or S.)

(E. or W.)

(No. N. or S.) (No. E. or W.)

in the county of Baker The name of the ditch to be used is Travillion-Koester

*Exam 2022
POD 15th
POU 60th
103rd*

8. The use to which the water is applied is irrigation and stock water
(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 ¼-¼ of Section | Number Acres To Be Irrigated |
|----------------------------|---|---------|---------------------|------------------------------|
| SEE ATTACHED SCHEDULE "A" | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(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 and stock water
(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 ¼-¼ of Section | Number Acres To Be Irrigated |
|----------------------------|---|---------|---------------------|------------------------------|
| SEE ATTACHED SCHEDULE "B" | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(If more space required, attach separate sheet)

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ARTHUR E. POWELL FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4161

On February 16, 1979, an application was filed in the office of the Water Resources Director by Arthur E. Powell for approval of changes in place of use and point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4515, Volume 5, State Record of Water Right Certificates, in the name of J. C. Travillion, describes a right which includes the use of water from Powder River for irrigation of a certain 28.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 19.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 30.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 6 South, Range 39 East, W.M.; and 35.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 7 South, Range 39 East, W.M., with a date of priority of 1883.

The certificate recorded at page 4513, Volume 5 of said record, in the name of H. C. Travillion, describes a right which includes the use of water from Powder River for irrigation of 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 6 South, Range 39 East, W.M., with a date of priority of 1883.

Water for the said rights is diverted, through the Travillion Ditch, from a point located 660 feet South and 1360 feet East from the Northwest Corner of Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 7 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 38.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 15.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 6 South, Range 39 East, W.M.; and 2.25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 38.75 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 24.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 7 South, Range 39 East, W.M., by means of Travillion-Koester Ditch from a point of diversion located 340 feet North and 890 feet East from the West Quarter Corner of Section 1, being

within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 7 South, Range 39 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of June 14, 21 and 28, 1979.

Mr. V. Kent Searles, 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:

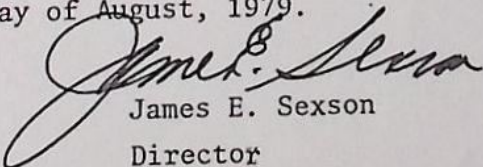
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificates recorded at pages 4513 and 4515, Volume 5, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights NOT involved in this proceeding; 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 31st day of August, 1979.


James E. Sexson
Director

T-4161

QUESTION 8

SCHEDULE A

RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

LAND NOW BEING IRRIGATED UNDER TRAVILLION
DITCH WITH 1883 PRIORITY RIGHTS

T 6S R 39 E

| Section 36 | <u>ACRES</u> | |
|-----------------------------------|--------------|---------------------|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 28.0 | |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 30.0 | |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 19.0 | |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | <u>30.0</u> | 107.0 - Cert. #4515 |
| Section 35 | | |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 40.0 | |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 40.0 | |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>40.0</u> | 120.0 - Cert. #4513 |

T 7S R 39 E

| | | |
|-----------------------------------|-------------|--------------------|
| Section 2 | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | <u>35.0</u> | 35.0 - Cert. #4515 |

TOTAL: 262 Acres

T-4161

14. Request for the exchange of priority rights on land under the Travillion ditch with an equal number of acres now being served by 1918 priority rights under the Travillion ditch to enable the water to be used on the most productive ground during periods of low flow.

QUESTION 13

SCHEDULE B

LOCATION OF LAND TO BE IRRIGATED

T 7S R 39 E

| Section 1 | ACRES | |
|-----------------------------------|-------|------|
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 2.25 | |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 38.75 | |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 2.0 | |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 15.0 | |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 24.0 | 82.0 |

T 6S R 39 E

Section 36

| | | |
|--|------|-------|
| 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, AND THE MAY BE | | |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 9.0 | |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 5.0 | |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 40.0 | |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 8.0 | |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 1.0 | |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | .5 | |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 4.0 | |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 20.0 | |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 39.5 | |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 38.0 | |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 15.0 | 180.0 |

TOTAL: 262 Acres

In Witness Whereof, I have hereunto set my hand this 23 day of March, 1979

Arthur Powell
(Name of applicant)

Subscribed and sworn to before me this 23 day of March, 1979

[Notarial Seal]

Harold C. Vaughan
NOTARY PUBLIC FOR IOWA

My commission expires 2-1-83

14. Reasons for the proposed changes are To exchange 1918 priority rights on
land under the Travillion-Koester ditch with an equal number of acres
now being served by 1883 priority rights under the Travillion ditch to
enable the water to be used on the most productive ground during per-
iods of low flow.

15. Construction work will be completed on or before Completed

16. The water will be completely applied to the proposed use on or before October 1, 1979

Remarks This application, along with the accompanying application which
completes the exchange of these rights, is to completely supercede the
original application in file No. T-4161.

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, ARTHUR E. POWELL, 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 23 day of March, 1979.

Arthur Powell
(Name of applicant)

Subscribed and sworn to before me this 23 day of March, 1979.

[Notarial Seal]

Alfred C. Vaughan
NOTARY PUBLIC FOR OREGON

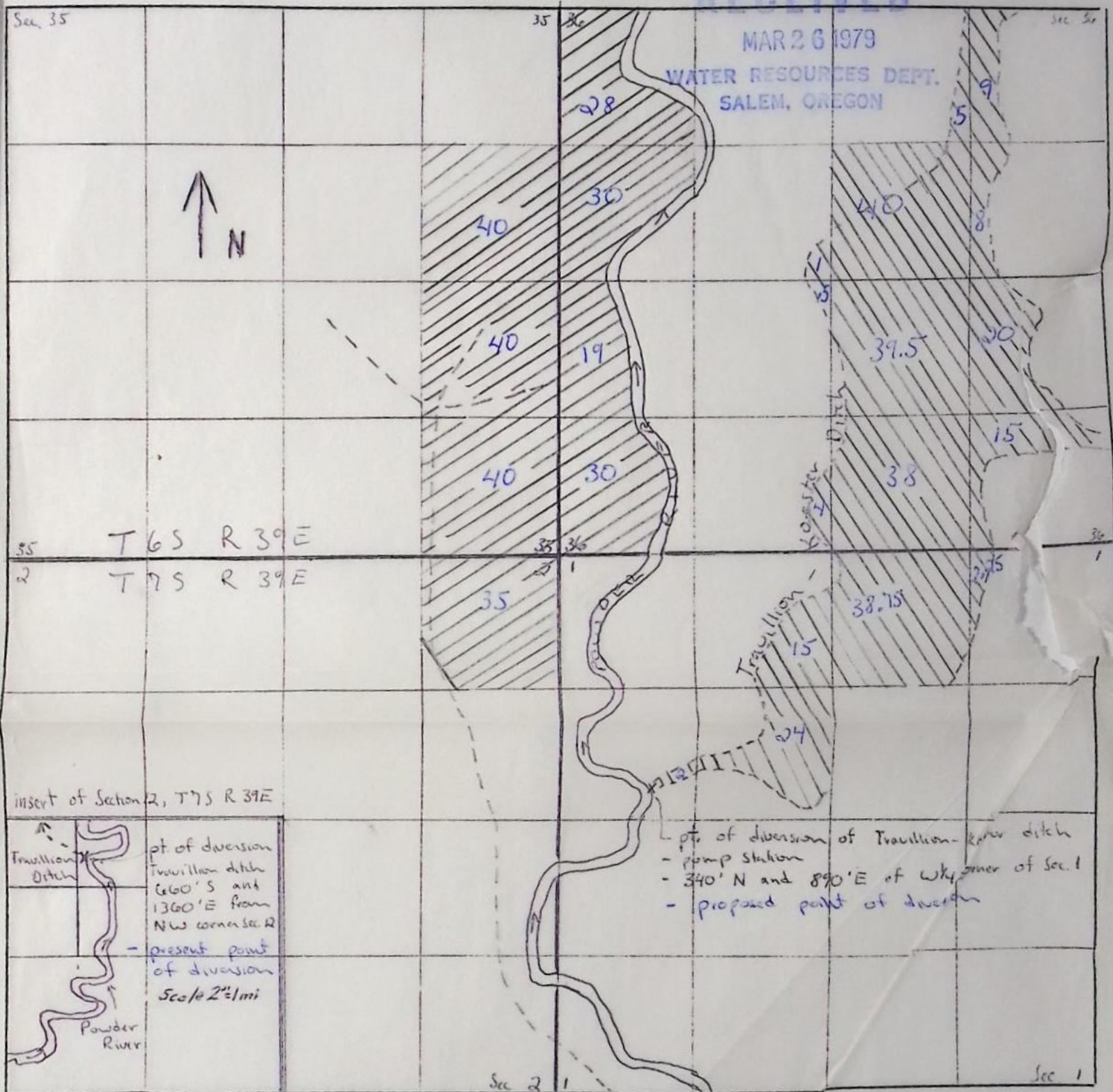
My commission expires 2-1-83



TOWNSHIP 6 and 7 S.

RANGE 39 E.W.M.

RECEIVED T-4161



MAP TO ACCOMPANY APPLICATION OF:

Name Arthur Powell

County Baker

Date March

Scale 4 inches to 1 Mile

Note:

MAP PREPARED FROM: Powder River Decree Map and 1918 Application M.

SIGNED BY APPLICANT: Arthur Powell

MAP DRAWN BY:

Phyllis C. Vaughan

Current location
of use of 1883

location of proposed
place of use of 1883

279-75L
4KK-176(0.0)

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

POD
POU
USE
Add'l POD

Transfer NO. 4161

County Baker

Old Certificate NO. 4513, 4515

1. Name Arthur E. Powell
Address Chief Valley Rd, North Powder, OR 97868
2. Source of Supply Powder River, Trib of _____
3. Use irrigation / 256² ac
4. Amount of Water _____ Priority Date 1883, 1918
5. Proposed Point of Diversion Trevillion-Koester Ditch, ²⁰⁰340' N & ⁸⁷⁰870' E from
W/4 Cor, Sec 1, w/in SW NW, S. 1, T7S, R 39E, W1M

6. Completion Date 10-1-80

7. Place of Use:

| Township | Range | Section | Forty Acre Tract | Use for Which Transfer Made |
|----------|-------|---------|------------------|-----------------------------|
| 6S | 39E | 36 | NE NE | 9 ⁰ ac |
| | | | NW NE | 5 ⁰ |
| | | | SW NE | 2.7 40 ⁰ |
| | | | SE NE | 8 ⁰ |
| | | | SE NW | 1.8 4 ⁰ |
| | | | NE SW | 13.0 0.5 |
| | | | SE SW | 2.5 4 ⁰ |
| | | | NE SE | 12.7 20 ⁰ |
| | | | NW SE | 37.5 39 ⁰ |
| | | 36 | SW SE | 39.2 38 ⁰ |
| | | | SE SE | 17.4 15 ⁰ |
| 7S | 39E | 1 | NE NE | 2.4 2.25 |
| | | | NW NE | 37.23 8.75 |
| | | | SW NE | 8.7 2 ⁰ |
| | | | NE NW | 7.0 15 ⁰ |
| | | | SE NW | 12.8 24 ⁰ |
| | | | TOTAL | 194.9 |

262

Flood

Ted Wagner

INFO: TED WAGONER - FOREMAN.

T-4161

MR. WAGONER IS NEW TO THE JOB (SEE REPORT T-4179) BUT HAS KNOWLEDGE OF HOW THINGS WERE DONE. HE SHOWED US THE LAND, AND DIV. POINT. THIS TRANSFER IS A FLIP FLOP TRADE OF RIGHTS WITH T-4179. THIS LAND IS FLOOD IRRIGATED FROM DITCHES. THE WATER IS PUMPED UP THE HILL FROM RIVER AND OPEN DISCHARGE INTO DITCHES. THE DIV. PT. CONSISTS OF 2 ELEC. TURBINE PUMPS. 1 IS A U.S. 40 HP @ 1200 RPM INTO A 12" STEEL PIPE. 2 IS FAIRBANKS MOORE 15 HP @ 1765 RPM INTO 10" PIPE. BOTH PUMPS ABOUT 2210 GPM FROM RIVER. WE ALLOWED ALL OF THIS LAND. MR. WAGONER STATED THAT THEY ARE THINKING OF PUTTING IN PIVOTS AND CHANGING THINGS AROUND. WE EXPLAINED THAT THESE NEEDED TO BE FINISHED FIRST AND THEN TRANSFER AND OR NEW FILING TO FILL PIVOT AREAS IS NEEDED.

TIE: 75L

CROP: ALFALFA, HAY

V.L. CHURCH
W.R.E. 8-26-86

by J. H. Souter
ENG. TECH.

$$Q_{allow} = 194.9 / 40 = 4.87 \text{ CFS}$$

$$\frac{Q_{pumps}}{(55)(6.6)} = 36.3 \text{ CFS.}$$

10 + open discharge

INFO: TED WAGONER - FOREMAN.

T-4161

MR. WAGONER IS NEW TO THE JOB (SEE REPORT T-4179) BUT HAS KNOWLEDGE OF HOW THINGS WERE DONE. HE SHOWED US THE LAND, AND DIV. POINT. THIS TRANSFER IS A FLIP FLOP TRADE OF RIGHTS WITH T-4179. THIS LAND IS FLOOD IRRIGATED FROM DITCHES. THE WATER IS PUMPED UP THE HILL FROM RIVER AND OPEN DISCHARGE INTO DITCHES. THE DIV. AT. CONSISTS OF 2 ELEC. TURBINE PUMPS. 1 IS A U.S. 40 HP @ 1200 RPM INTO A 12" STEEL PIPE. 2 IS FAIRBANKS MORSE 15 HP @ 1765 RPM INTO 10" PIPE. BOTH PUMPS ABOUT 2210 GPM FROM RIVER. WE ALLOWED ALL OF THIS LAND. MR. WAGONER STATED THAT THEY ARE THINKING OF PUTTING IN PIVOTS AND CHANGING THINGS AROUND. WE EXPLAINED THAT THESE NEEDED TO BE FINISHED FIRST AND THEN TRANSFER AND OR NEW FILING TO FILL PIVOT AREAS IF NEEDED.

TIF: 75L

CROP: ALFALFA, HAY

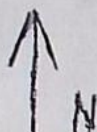
V. L. CHURCH
W.R.E. 8-26-86

by J. H. Souter
ENG. TECH.

RECEIVED T-4161

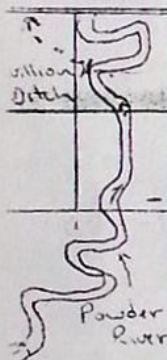
MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON



T 6 S R 39 E
T 7 S R 39 E

part of Section 2, T 7 S R 39 E



pt. of diversion
Travillion ditch
660' S and
1360' E from
NW corner Sec 2
- present point
of diversion
Scale 2"=1 mi

pt. of diversion of Travillion-Koester ditch
- pump station
- 340' N and 890' E of NW corner of Sec 1
- proposed point of diversion

MAP TO ACCOMPANY APPLICATION OF:

Name Arthur Powell

County Baker

Date March

Scale 4 inches to 1 Mile

Note:


MAP PREPARED FROM: Powder River Decree Map and 1918 Application Map


DRAWN BY:

Floyd C. Vaughan

SIGNED BY APPLICANT:

Arthur Powell

 Current location
of use of 1883 right

 location of proposed
place of use of 1883 right

VICTORIAN COOK
(GIVEN)

T-6123

(57541)

T-6875R39EWM NORTH POWDER

4161

4179

CHARLES PRESCOTT

T-65 898-2335

R-39. EWM

T-75

Charles Prescott

PO Box 93

N Powder, OR 97867

Ranch operator →
Send cc to him

Owner

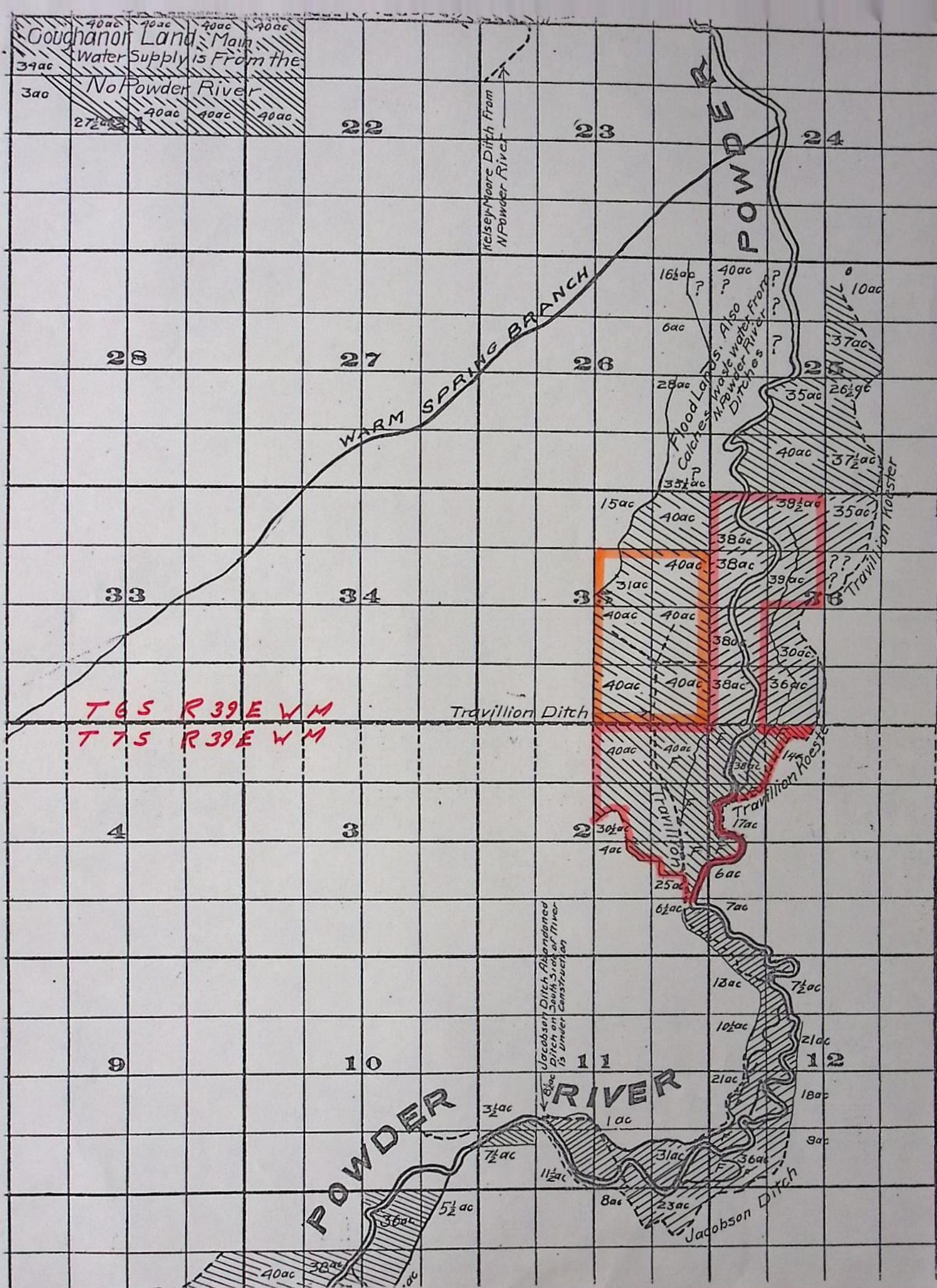
Investco Financial Corporation

PO Box 1117

936 Pac Ave

Tacoma, WA

98404



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

WATER RIGHT NO. 100241612 PERMIT NO. 006152 CERTIF. NO.
 ORIG. NO. C000045151 PREV. NO. C000045151 SUPER. NO.

NAME: ARTHUR E. POWELL

ADDRESS: THIEF VALLEY RD.

CITY/STATE/ZIP/COUNTY: NORTH POWDER, OR 97867 01

STREAM-ID 09 4060

RIV. MI.

WM. DIST. 08 W.R. TYPE SC STATUS V

CANCEL YEAR---

CONSTR. COMPLT--> 07 07 1980

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1883

PUT TO USE-----> 07 07 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 02 16 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 25.00

PERMIT ISSUE--> 08 31 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 08 31 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA;
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

0705 390E 01 B C 09 4060

3.550

V P

** REMARKS;----->
 ** DATED-->

** 100' TRAVELLION - KOESTER DITCH
 ** 340' N & 890' E 1 PM W/1 COR S 1.
 ** CHANGES POV & POD PART OF C-7515.

** REC-48995. SEE ALSO 1000041611.

PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

SEE ATTACHED

| | |
|----------------------|-----|
| W.R.I.S. | |
| Assembled 4-22-85 by | SDA |
| Entered | by |
| Verified | by |

POWDER R

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. T000041611 PERMIT NO. 006451 CERTIF. NO.
 ORIG. NO. C000045131 PREV. NO. C000045131 SUPER. NO.

NAME: ARTHUR E. POWELLADDRESS: THIEF VALLEY RDCITY/STATE/ZIP/COUNTY: NORTH POWDER, OR 97867 01STREAM-ID 09 4060

RIV. MI.

WM. DIST. 08 W.R. TYPE SC STATUS V

| | | | | | | |
|------------------|-------------------|-------------------|---------------------|--------------|---------------------|--------------|
| CANCEL YEAR---- | CONSTR. COMPLT--> | <u>07 07 1980</u> | YR. LAST USED-----> | --- | NEXT ACTION DUE--> | --- |
| PRIORITY-----> | PUT TO USE-----> | <u>07 07 1980</u> | LAST TRANS. DATE--> | --- | LAST TRANS. TYPE--> | --- |
| APPLICATION----> | SURVEYED-----> | | EXAM. FEE-----> | <u>20.00</u> | RECORDING FEE-----> | <u>25.00</u> |
| PERMIT ISSUE--> | CONCURRENCE-----> | | CYCLE STATUS-----> | --- | REPORTED FLAG-----> | --- |
| CONSTR. STRT.--> | CERTIFIED-----> | | CORRES. INIT.-----> | --- | CORRES. DATE-----> | --- |

POINT-OF-DIVERSION DATA;
 TWP/SP RGE SECT QTR/QTR STREAM-ID

0705 390E 01 B C 09 4060

RIV. MI.

RATE

STATUS S OR P

3.000VP

** REMARKS; - - - - -
 ** DATED-->

POD: TRAVILLION - KOESTER DITCH,
390' N & 890' E FM W 1/4 COR S 1.
CHANGES POD & POD PART OF C-4513.

REC-48994. SEE ALSO T000041612.

PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

SEE ATTACHED

48994

W.R.I.S.

Assembled 4-22-85 by SAW

Entered _____ by _____

Verified _____ by _____

PLACE - OF - USE . DATA :

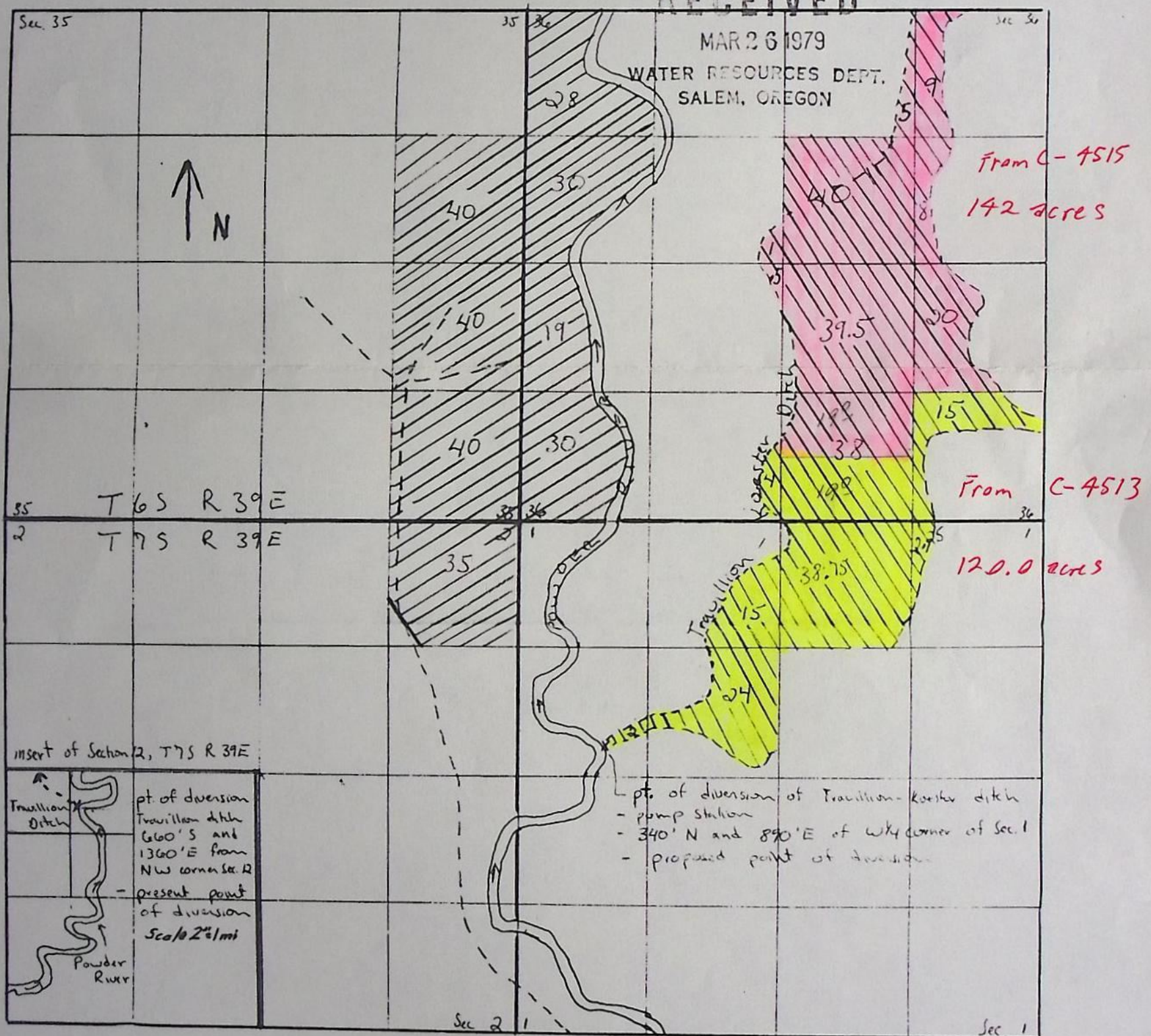
[illegible]

NOTE: This distribution is for WRIS purposes.
May have no resemblance to reality.

TOWNSHIP 6 and 7 S.

RANGE 39 E.W.M.

RECEIVED T-4161



MAP TO ACCOMPANY APPLICATION OF:

Name Arthur Powell

County Baker

Date March

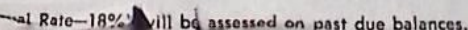
Scale 4 inches to 1 Mile

Note:

MAP PREPARED FROM: Powder River Decree Map and 1913 Application Map

SIGNED BY APPLICANT: Arthur Powell

MAP DRAWN BY: Phyllis C. Vaughan



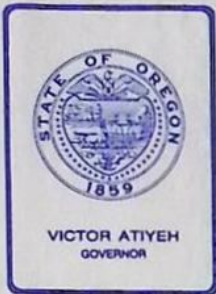
RR Cert

T-4161

T-4179

Monar

Prinell
Powder Riv
Baker Co



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE (503) 378-3066
1-800-452-7813

July 10, 1980

Arthur E. Powell
Thief Valley Road
North Powder, OR 97867

REFERENCE: Files No. T-4161 and T-4179

The notices of completion of works and use of water under the provisions of the orders of the Water Resources Director approving water right transfer applications No. 4161 and 4179, for changes in place of use and point of diversion of water from Powder River, were received and, in line with the general practice of this office, a survey will be made at a later date.

After the survey, proof may be made and certificate of water right issued covering the actual use of water as found by the engineer. (In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.)

In the meantime, the orders will be evidence of the water rights in question as long as the authorized beneficial use of water is continued.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:avs

cc: Robert B. Steimer, Watermaster

0647A

COPY

RECEIVED

JUL 7 1980

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGES IN

place of use & point of diversion of water from Powder River
PURSUANT TO TRANSFER APPLICATION NO. 4161

I, Arthur E. Powell, 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 June 15,, 1980.

June 30, 1980
Date

Arthur E. Powell
Signature

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

ok
in

| | | |
|------------|----|----|
| 39.5 acres | NE | NW |
| 10.0 " | NW | NW |
| 8.0 " | SW | NW |
| 38.0 " | SE | NW |
| 19.0 " | NW | SW |
| 8.0 " | SW | SW |

Section 36

T. 6 S, R 39 E

WM

| | | |
|-----------|----|----|
| 5.0 acres | NE | NE |
| 40.0 " | NW | NE |
| 40.0 " | SE | NE |
| 30.5 " | SW | NE |
| 25.0 " | NE | SE |
| 7.0 " | NW | SE |

Section 2

| | | |
|-----------------------|----|----|
| 38.0 acres | NW | NW |
| 17.0 " | SW | NW |
| 6.0 " | NW | SW |
| 14.0 " | NE | NW |

Section 1

T. 7 S. R 39 E. WM

07450

Number _____

10 ⁰⁰

Check _____ M.O. _____ Cash _____

- _____ Surface
- _____ Reservoir
- _____ Ground Water
- _____ Transfer
- _____ Copying
- _____ Assignment
- _____ Extension of Time
- _____ Certificate Recording fee
- _____ No Money
- _____ Other
- _____ Quadrangle
- _____ Protest
- _____ Spring Description
- _____ Contractors Exam
- _____ Contractors License
- _____ Drilling Operator Exam
- _____ Drilling Operator License



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

September 6, 1979

Arthur E. Powell
Thief Valley Road
North Powder, Oregon 97868

RE: Files Nos. T-4161, T-4179

Dear Mr. Powell:

Enclosed are certified copies of the orders of the Water Resources Director approving water right transfer applications Nos. 4161 and 4179 for changes in place of use and point of diversion of water from Powder River.

The time in which to accomplish completion of the works and beneficial use of the water to the extent intended, as authorized by the order, expires October 1, 1980. A form for reporting such completion of works and use of water is enclosed for your convenience.

You should give particular attention to the time limit for carrying out the change authorized by the enclosed order. The water right for any portion of an authorized change in use theretofore made or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: V. Kent Searles, Watermaster

C O P Y

LAW OFFICES
SILVEN, YOUNG & SCHMEITS
1950 THIRD STREET
P. O. BOX 965
BAKER, OREGON 97814
TELEPHONE (503) 523-4442

DAVID C. SILVEN
THOMAS F. YOUNG
ALAN J. SCHMEITS
FLOYD C. VAUGHAN

NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
1923-1929
HALLOCK, DONALD & BANTA
1930-1945
HALLOCK, DONALD, BANTA & SILVEN
1946-1950
HALLOCK, BANTA, SILVEN & HORTON
1951-1954
BANTA, SILVEN & HORTON
1955-1959
BANTA, SILVEN, HORTON & YOUNG
1960-1962
BANTA, SILVEN & YOUNG
1963-1978

RECEIVED

SEP-1979

WATER RESOURCES DEPT
SALEM, OREGON

September 4, 1979

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

RE: File No. T-4161, T-4179

I am writing to request a status report on the above transfer applications filed by this office in behalf of Mr. Arthur Powell of North Powder, Oregon. There was a problem with the local newspaper failing to publish the appropriate notice on three consecutive dates but we understand that was corrected with publications during June and to our knowledge no objections were filed to the application.

Are you awaiting any further information or documents from us or can we expect some notice certifying that the transfer has been approved by the Water Resources Director? I appreciate that this is your busiest season of the year but my client is anxious to know if this transfer has been approved.

Floyd C. Vaughan

Floyd C. Vaughan
FCV:tw

cc: Art Powell

Called Mr. Vaughan 9/6/79 : orders were sent to Mr Powell

5026

SILVEN, YOUNG & SCHMEITS

1950 THIRD STREET

P. O. BOX 965

BAKER, OREGON 97814



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



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: April 11, 1979.FROM: ** V. Kent Searles, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4161IN THE NAME OF Arthur E. Powell

RECEIVED

APR 13 1979

WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed changes in place of use & point of diversion from Powder 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 . . .
✓ (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 _____

** V. Kent Searles
Watermaster's signature or initials

NOTICE OF WATER RIGHT
TRANSFER APPLICATIONS
LOS. 4161 & 4179

Notice is given hereby that two applications have been filed in the office of the Water Resources Director by Arthur E. Powell for approval of changes in place of use & point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

(a) The certificate recorded at page 4515, Volume 5, State Record of Water Right Certificates, in the name of J.C. Travillion, describes a right which includes use of water from Powder R. for irrigation of a certain 28.0 ac in NW 1/4 NW 1/4, 30.0 ac in SW 1/4 NW 1/4, 19.0 ac in NW 1/4 SW 1/4, 30.0 ac in SW 1/4 SW 1/4 of Sec 36, T 6S, R 39E, WM; and 35.0 ac in NE 1/4 NE 1/4 of Sec 2, T 7S, R 39E, WM, with a date of priority of 1883.

(b) The certificate recorded at page 4513, Volume 5 of said records, in the name of H.C. Travillion, describes a right which includes use of water from Powder R. for irrigation of 40.0 ac in SE 1/4 NE 1/4, 40.0 ac in NE 1/4 SE 1/4 & 40.0 ac in SE 1/4 SE 1/4 of Sec 35, T 6S, R 39E, WM, with a date of priority of 1883.

(c) Water for the said rights is diverted, through Travillion Ditch, from a point located 660 ft S & 1360 ft E from the NW Corner of Sec 12, being within the NE 1/4 NW 1/4 of Sec 12, T 7S, R 39E, WM.

(d) By transfer application No. 4161, the applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 9.0 ac in NE 1/4 NE 1/4, 5.0 ac in NW 1/4 NE 1/4, 40.0 ac in SW 1/4 NE 1/4, 8.0 ac in SE 1/4 NE 1/4, 1.0 ac in SE 1/4 NW 1/4, 0.5 ac in NE 1/4 SW 1/4, 4.0 ac in SE 1/4 SW 1/4, 20.0 ac in NE 1/4 SE 1/4, 39.5 ac in NW 1/4 SE 1/4, 38.0 ac in SW 1/4 SE 1/4, & 15.0 ac in SE 1/4 SE 1/4 of Sec 36, T 6S, R 39E, WM; and 2.25 ac in NE 1/4 NE 1/4, 38.75 ac in NW 1/4 NE 1/4, 2.0 ac in SW 1/4 NW 1/4, 15.0 ac in NE 1/4 NW 1/4 & 24.0 ac in SE 1/4 NW 1/4 of Sec 1, T 7S, R 39E, WM, by means of Travillion-Koester Ditch from a p.o.d. located 340 ft N & 890 ft E from the W 1/4 Corner of Sec 1, being within the SW 1/4 NW 1/4 of Sec 1, T 7S, R 39E, WM.

(e) The certificate recorded at page 5020, Volume 5 of said records, in the name of John C. Travillion, describes a right for use of 3.28 cubic feet per second of water from Powder R., with a date of priority of Dec. 13, 1918, for irrigation of said 180 ac in Sec 36 and 82 ac in Sec 1, being acreage described in paragraph (d) above. Water for this right is diverted, through Travillion-Koester Ditch, from the point as located in paragraph (d) above.

(f) By transfer application No. 4179, the applicant herein, owner of the lands described by certificate 5020, proposes to change the place of use and p.o.d. therefrom and, without loss of priority, to irrigate in lieu thereof said 107 ac in Sec 36, 120 ac in Sec 35 and 35 ac in Sec 2, being the lands described in paragraphs (a) and (b) above, by diversion of water through Travillion Ditch, from the p.o.d. as located in paragraph (c) above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon on Aug. 8, 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 shall be prepared in writing: one copy to be served on Arthur E. Powell, Thief Valley Rd, North Powder, OR 97868; 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 10th day of April, 1979.

James E. Sexson
Director

Legal No. 103
Publish June 14, 21, and 28,
1979

RECEIVED

JUL - 5 1979

WATER RESOURCES DEPT

SALEM, OREGON
STATE OF OREGON,
County of Baker

AFFIDAVIT OF PUBLICATION

Baker, Oregon, June 31, 1979.

ss.

I, Cheryl Drier, being first duly sworn,

depose and say that I am the Principal Clerk of the Baker Democrat-Herald which is a Daily (except Sunday) newspaper of general circulation published in Baker, in said county and state; that such newspaper is made up of at least four pages of five columns each and of at least 17 3/4 inches in depth of type matter; that such newspaper was regularly and uninterruptedly published once each week for at least twelve consecutive months immediately preceding the first publication of the attached Legal Advertisement #103

Notice, and has more than 200 bona fide subscribers within said county; that the Legal Advertisement

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 three successive and consecutive times

being published three times commencing with the issue dated the 14th day of June, 1979, and ending with the issue dated the 28th day of June, 1979, and that the dates of publication were

June 14, 1979, June 21, 1979, June 28, 1979

Cheryl Drier

Subscribed and sworn to before me this 31st

day of June, 1979.

Phyllis Hagen
Notary Public for Oregon.

My commission expires September 8, 1982.





Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

June 8, 1979

Democrat-Herald
P.O. Box 807
Baker, Oregon 97814

Attention: Phyllis Fuge

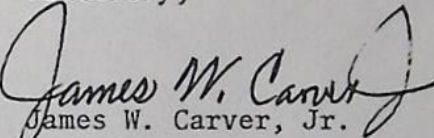
RE: Files Nos. T-4161, T-4179

Dear Ms. Fuge:

Since the publication of notice necessary to transfer applications No. 4161 and 4179 was not made as requested in our letter of April 10, 1979, we are enclosing a new notice and request that it be published in the issues of June 14, 21 and 28, 1979. If there is any problem with publishing the enclosed notice on the three dates requested, please contact us immediately.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,


James W. Carver, Jr.
Engineer

JWC:lcj

cc: Arthus E. Powell
cc: Floyd C. Vaughn, Associate
Silven, Young & Schmeits
cc: V. Kent Searles, Watermaster



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

April 10, 1979

Democrat-Herald
P.O. Box 807
Baker, Oregon 97814

RE: Files Nos. T-4161, T-4179

Gentlemen:

Enclosed is a notice for publication in the April 16, 23 and 30, 1979 issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: Arthur E. Powell
cc: Floyd C. Vaughn, Associate
Silven, Young & Schmeits
cc: V. Kent Searles, Watermaster



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

August 17, 1979

Democrat Herald
P.O. Box 807
Baker, Oregon 97814

RE: Files Nos. T-4161, T-4179

Gentlemen:

Enclosed is our check No. 3591 in the amount of
\$67.50 in payment of your statement.

Please receipt the enclosed statement and return
it to this office. Thank you.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

COPY



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

August 17, 1979

Arthur E. Powell
Thief Valley Road
North Powder, Oregon 97867

RE: Files Nos. T-4161, T-4179

Dear Mr. Powell:

The statutory fees and the cost of publication of notice, necessary to your water right transfer applications Nos. 4161 and 4179, amount to a total of \$277.50. The total of payments received in connections with the applications exceeded this amount by \$3.50.

Our refund check No. 3592 is enclosed.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

COPY

TOWNSHIP 65, RANGE 39E, W. M.

SECTION 36

[illegible]

1883
Dec 13, 1918

TOWNSHIP 65, RANGE 39E, W. M.

SECTION 35[illegible]

Dec 13, 1918

| TOWNSHIP 7 S RANGE 39 E W. M. | | | | | | | | | | | | SECTION 1 | | | | | | |
|-------------------------------|------------------|----|----|----------|----|----|----|----|----|----|----|-----------|----|----|----|--------------------|---------------|--------------------|
| Lot 1 NE | | | | Lot 2 NW | | | | SW | | | | SE | | | | APPLICATION NUMBER | PERMIT NUMBER | CERTIFICATE NUMBER |
| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| 225 | 38 ¹⁵ | | | 15 | | 2 | 24 | | | | | | | | | DIP | | 5020 |
| | | | | 14 | 38 | 17 | | 6 | | | | | | | | DIP | | 4515 |
| | | | | | | | | 7 | | | | | | | | owder | iver | 4262 |
| | | | | | | | | 1 | | | | | | | | Supplemental | | 2 |
| | | | | | | | | 5 | | | | | | | | 30209 | 24912 | |
| 225 | 38 ¹⁵ | | | 15 | | 2 | 24 | | | | | | | | | T-4179 (out) | | C-5020 |
| 225 | 38 ¹⁵ | | | 15 | | 2 | 24 | | | | | | | | | T-4161 (in) | | C-4515 |

TOWNSHIP 7 S RANGE 39 E W. M.

SECTION 2

| NE | | | | NW | | | | SW | | | | SE | | | | APPLICATION NUMBER | PERMIT NUMBER | CERTIFICATE NUMBER |
|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------------------|---------------|--------------------|
| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| 40 | 40 | 30 | 5 | 40 | | | | | | | | 25 | 7 | | | DIP | | 4515 |
| | 40 | 40 | | | | | | | | | | | | | | owder | River | Supplemental 14605 |
| | 40 | 40 | | | | | | | | | | | | | | 1567 | 789 | 8394 |
| | | | | 28 | | 13 | 5 | | | | | | | | | DIP | | 1451 |
| | | | | | | | | 16 | 15 | | | | | | | | | 1525 |
| | | | | | | | | | | | | 4 | 6 | 5 | | owder | iver | 4262 |
| | | | | | | | | | | | | | | | | U-212 | U-492 | CANCELLED |
| | | | | | | | | 2 | 3 | | | | | | | 40853 | 96456 | 36834 2 |
| | | | | | | | | | | | | | | | | G-5480 | G-5385 | |
| | | | | | | | | 11 | 2 | 23 | | | | | | 51757 | 39003 | 2 |
| | | | | | | | | 30 | | 38 | | | | | | Supplemental 51758 | 39004 | |
| | | | | | | | | 30 | | 38 | | | | | | G-6571 | G-6081 | |
| | | | | | | | | 32 | | 36 | | | | | | 54937 | 41203 | |
| | | | | | | | | 0 | | | | 21 | 2 | | | 54640 | 42471 | |

35°
35°

T-4161 (out) C-4515
T-4179 in C-5020 - Dec 13, 1918

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ARTHUR E. POWELL FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4161

On February 16, 1979, an application was filed in the office of the Water Resources Director by Arthur E. Powell for approval of changes in place of use and point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4515, Volume 5, State Record of Water Right Certificates, in the name of J. C. Travillion, describes a right which includes the use of water from Powder River for irrigation of a certain 28.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 19.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 30.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 6 South, Range 39 East, W.M.; and 35.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 7 South, Range 39 East, W.M., with a date of priority of 1883.

The certificate recorded at page 4513, Volume 5 of said record, in the name of H. C. Travillion, describes a right which includes the use of water from Powder River for irrigation of 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 6 South, Range 39 East, W.M., with a date of priority of 1883.

Water for the said rights is diverted, through the Travillion Ditch, from a point located 660 feet South and 1360 feet East from the Northwest Corner of Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 7 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 38.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 15.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 6 South, Range 39 East, W.M.; and 2.25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 38.75 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 24.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 7 South, Range 39 East, W.M., by means of Travillion-Koester Ditch from a point of diversion located 340 feet North and 890 feet East from the West Quarter Corner of Section 1, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 7 South, Range 39 East, W.M.

NOTICE OF WATER RIGHT TRANSFER APPLICATIONS NOS. 4161 & 4179

Notice is given hereby that two applications have been filed in the office of the Water Resources Director by Arthur E. Powell for approval of changes in place of use & point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

(a) The certificate recorded at page 4515, Volume 5, State Record of Water Right Certificates, in the name of J. C. Travillion, describes a right which includes use of water from Powder R. for irrigation of a certain 28.0 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30.0 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 19.0 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 30.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 6S, R 39E, WM; and 35.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 2, T 7S, R 39E, WM, with a date of priority of 1883.

(b) The certificate recorded at page 4513, Volume 5 of said records, in the name of H. C. Travillion, describes a right which includes use of water from Powder R. for irrigation of 40.0 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ & 40.0 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 35, T 6S, R 39E, WM, with a date of priority of 1883.

(c) Water for the said rights is diverted, through Travillion Ditch, from a point located 660 ft S & 1360 ft E from the NW Corner of Sec 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 12, T 7S, R 39E, WM.

(d) By transfer application No. 4161, the applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 9.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.5 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.5 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 38.0 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$, & 15.0 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 36, T 6S, R 39E, WM; and 2.25 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 38.75 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.0 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.0 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$ & 24.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 1, T 7S, R 39E, WM, by means of Travillion-Koester Ditch from a p.o.d. located 340 ft N & 890 ft E from the W $\frac{1}{4}$ Corner of Sec 1, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 1, T 7S, R 39E, WM.

(e) The certificate recorded at page 5020, Volume 5 of said records, in the name of John C. Travillion, describes a right for use of 3.28 cubic feet per second of water from Powder R., with a date of priority of Dec. 13, 1918, for irrigation of said 180 ac in Sec 36 and 82 ac in Sec 1, being acreage described in paragraph (d) above. Water for this right is diverted, through Travillion-Koester Ditch, from the point as located in paragraph (d) above.

(f) By transfer application No. 4179, the applicant herein, owner of the lands described by certificate 5020, proposes to change the place of use and p.o.d. therefrom and, without loss of priority, to irrigate in lieu thereof said 107 ac in Sec 36, 120 ac in Sec 35 and 35 ac in Sec 2, being the lands described in paragraphs (a) and (b) above, by diversion of water through Travillion Ditch, from the p.o.d. as located in paragraph (c) above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon on Aug. 8, 1979 at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time & place. Any and all objections shall be prepared in writing: one copy to be served on Arthur E. Powell, Thief Valley Rd, North Powder, OR 97868; 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 10th day of April, 1979.

James E. Sexson
Director

LAW OFFICES
SILVEN, YOUNG & SCHMEITS
1950 THIRD STREET
P. O. BOX 965
BAKER, OREGON 97814
TELEPHONE (503) 523-4442

DAVID C. SILVEN
THOMAS F. YOUNG
ALAN J. SCHMEITS
FLOYD C. VAUGHAN

NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
1923-1929
HALLOCK, DONALD & BANTA
1930-1945
HALLOCK, DONALD, BANTA & SILVEN
1946-1950
HALLOCK, BANTA, SILVEN & HORTON
1951-1954
BANTA, SILVEN & HORTON
1955-1959
BANTA, SILVEN, HORTON & YOUNG
1960-1962
BANTA, SILVEN & YOUNG
1963-1978

RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

March 19, 1979

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

Re: File No. T-4161, T-4179

Dear Mr. Overcash:

Upon the return of Mr. Art Powell's application and consulting Water Master Kent Searles, I determined that it would be best to supercede the first application, rather than attempt to correct it, with the two separate applications as requested by you. This was my first attempt at a transfer and coupled with some misunderstanding between Mr. Powell and myself, the resulting first application is at best confusing. Hopefully, after examining the property firsthand and clearing up some questions with Mr. Powell these revised applications will accurately represent the desired transfer.

We are enclosing a check for \$129.50 which reflects the addition of six acres to the transfer on each side of the river. Is the publication fee for the second application only \$25.00, rather than \$50.00, because the transfers will be published simultaneously? Am I correct also in assuming that one of the revised applications will supercede our initial one and the other revised application will be regarded separately?

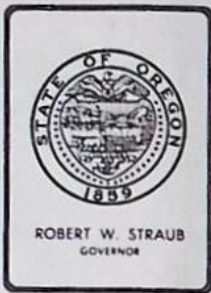
Also, in regards to another case I am working on I would greatly appreciate it if you could forward me any instructional booklets or leaflets on applications for permits to appropriate surface water.

Very truly yours,

Floyd C. Vaughan

Floyd C. Vaughan, Associate
FCV:tw
Enclosures

*sent
3/26/79
dcy*



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

February 22, 1979

Floyd C. Vaughan, Associate
Banta, Silven & Young
P.O. Box 965
Baker, Oregon 97814

RE: File No. T-4161

Dear Mr. Vaughan:

The water right transfer application in the name of Arthur Powell for approval of changes in place of use and points of diversion of water from Powder River, together with supporting data and fees of \$151.50, was received on February 16, 1979. Our receipt No. 9172 is enclosed.

It will be necessary to submit two separate applications for transfer of water rights: One application describing the proposed changes for the rights described by certificates 4513 and 4515; and one application describing the proposed changes for the right described by certificate 5020. Normally, we require a separate application for each right, but since the proposed changes for the rights described by certificates 4513 and 4515, in addition to the proposed change in place of use, are for a change from a common point of diversion to a common proposed point of diversion, the proposed changes for these two rights may be described on one application. Two blank application forms are enclosed.

If the 256 acres will be involved on the second application, it will also require examination and recording fees in the amount of \$101.50. An additional deposit of \$25 should also be submitted to cover the cost of publication.

The maps submitted will suffice to support the two applications providing they are corrected to properly represent the acreage involved and the location of the diversion points.

The areas presently shaded on the maps are not, in all cases, in agreement with the number of acres noted. For example: The area in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36 is several acres less than the 21 acres noted. It would be best to review all the areas and determine the correct acreage to be involved.

Vaughan/Powell
File No. T-4161
page 2

The adjacent existing right not involved should also be reviewed. For example: According to our records, there is an existing right for 39.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, T 6S, R 39E, W.M. Therefore, if the existing right is still valid and it is intended to retain it, there does not appear to be space available for an additional 3.5 acres of water right as proposed by the application.

The locations of the points of diversion as illustrated on the maps are not in agreement with the locations by distances from the reference corners. The location of the authorized points of diversion are as located on the enclosed print of a portion of the map prepared in connection with the Powder River adjudication proceeding.

We will also need to know the status or intended status of the remaining water right on the west side of Powder River between the river and the area involved in the transfer. If the lands will be irrigated, will you please explain how water will be conveyed to them.

I am returning the transfer application, schedules A and B and the two maps. Please refer any correspondence to file No. T-4161.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: V. Kent Searles, Watermaster

T-4161

LAW OFFICES
BANTA, SILVEN & YOUNG
1950 THIRD STREET
P. O. BOX 965
BAKER, OREGON 97814
TELEPHONE (503) 523-4442

HAROLD BANTA
DAVID C. SILVEN
THOMAS F. YOUNG
ALAN J. SCHMEITS

NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
1923-1929
HALLOCK, DONALD & BANTA
1930-1945
HALLOCK, DONALD, BANTA & SILVEN
1946-1950
HALLOCK, BANTA, SILVEN & HORTON
1951-1954
BANTA, SILVEN & HORTON
1955-1959
BANTA, SILVEN, HORTON & YOUNG
1960-1962

February 14, 1979

RECEIVED
FEB 16 1979
WATER RESOURCES DEPT.
SALEM, OREGON

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

Dear Sir:

Enclosed please find the application by Art Powell for transfer of certain water rights in Baker County with a check for fees. The amount enclosed was computed as follows: \$20.00 for examination of application, \$15.00 for change in point of diversion, \$50.00 for publication of notice because points of diversion are more than one quarter mile apart, and \$10.00 for first 30 acres of land to receive transfer plus 226 acres x .25 equals \$56.50 for remaining acres.

If the amount of fees is incorrect or there are any other questions concerning the application please direct them to me at this office.

Mr. Powell is anxious to get the transfer approved before the next irrigation season so please let me know if there is anything I can do to help in this regard.

Very truly yours,

Floyd C. Vaughan

Floyd C. Vaughan, Associate
FCV:tw
Enclosures



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

January 24, 1980

T-4161

Arthur E. Powell
Thief Valley Road
North Powder, Oregon 97867

Dear Mr. Powell:

During the last legislative session, the statute pertaining to the recording of certificates of water right in county records was repealed. The effective date was October 3, 1979. We were unable to issue the remaining right certificates before the effective date, so I am returning \$4.00 to you in our refund check number 4044.

Our failure to issue the certificates prior to October 3, 1979 does in no way affect or injure your right to the use of waters from the Powder River as provided in the order which approved your transfer number 4161.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES:kas

Enc.

COPY

RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

T-4161

Application for Transfer of Water Right

RECEIVED

FEB 16 1979

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Arthur Powell

(Name of applicant)

of Thief Valley Road

(Mailing address)

North Powder

(City)

State of Oregon97867

(Zip Code)

898-2395

(Phone number)

do hereby make application for change
in point of diversion and change in place of use.

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

1. Is the water right recorded in your name? Fannie J. Travillion & J.C. Travillion
(If not, give name)2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No)Powder River Decree number of certificate 4513 & 45153. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)of permit 3989 Number of certificate 5020

A#6354

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 Powder River5. What is the date of priority of your water right? 1883, 1918
340 N 890 E W $\frac{1}{4}$ 6. The authorized point of diversion is located 660 ft. S and 1360 ft. W from the N $\frac{1}{4}$
Section 1 SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1 7S (E. or W.) 37 E.W.M.,
corner of Section 12 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 Tp. 7S R. 37 E.W.M.,
Travillion-Koester (No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch used is Travillion

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

7. The proposed point of diversion is located 660 ft. S and 1360 ft. W from the N $\frac{1}{4}$
Section 1 SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1 7S (E. or W.) 39 E.W.M.,
corner of Section 12 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 Tp. 7S R. 39 E.W.M.,
Travillion-Koester (No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch to be used is Travillion

8. The use to which the water is applied is Irrigation and Stock
(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 ¼-¼ of Section | Number Acres To Be Irrigated |
|----------------------------|---|---------|---------------------|------------------------------|
| SEE ATTACHED SCHEDULE "A" | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(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 ¼-¼ of Section | Number Acres To Be Irrigated |
|----------------------------|---|---------|---------------------|------------------------------|
| SEE ATTACHED SCHEDULE "B" | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are To exchange 1918 priority rights on land under the Travillion-Koester ditch with an equal number of acres now being served by 1883 priority rights under the Travillion ditch, and to use the water on more productive ground during periods of low flow.

15. Construction work will be completed on or before Completed

16. The water will be completely applied to the proposed use on or before October 1, 1979

Remarks In addition to the flip-flop of these water rights, I have also made an attempt to more accurately represent and correct the place of use of this water which has undergone minor changes over the years due to land leveling, draining and filling of sloughs, and rechanneling of the ditches to make irrigation more effective and efficient. The schedule of land reported under Question 8, land now being irrigated,

(Continued on Page 1, attached)

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, Arthur Powell, 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 10th day of February, 1979

Arthur E. Powell
(Name of applicant)

Subscribed and sworn to before me this 10th day of February, 1979

[Notarial Seal]

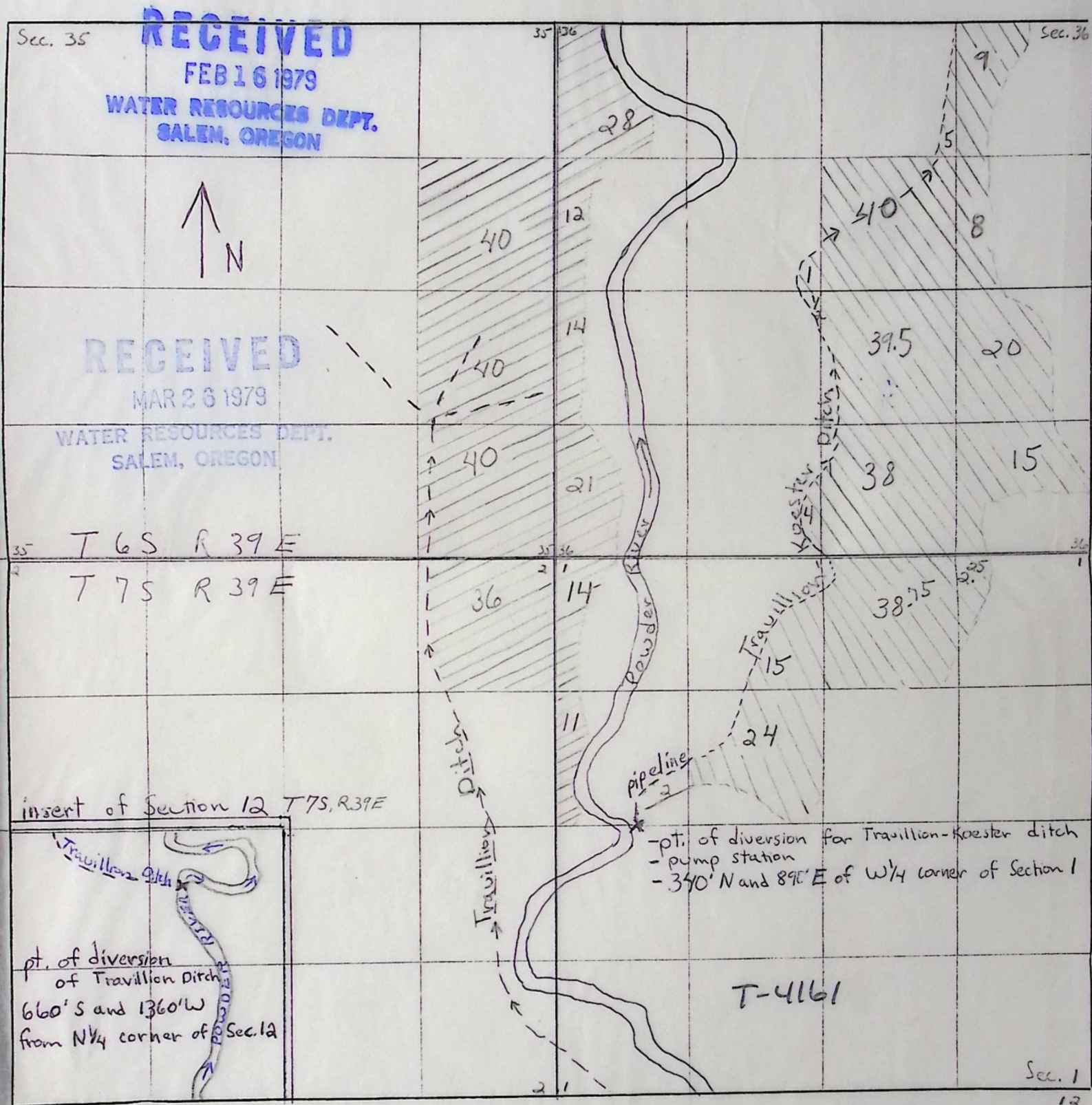


Teresa Wannock
NOTARY PUBLIC FOR OREGON

My commission expires 5-9-82

TOWNSHIP 6 and 7 S.

RANGE 39 E.W.M.



MAP TO ACCOMPANY APPLICATION OF:

Name Art Powell

County Baker

Date February 14, 1979

Scale 4 inches to 1 Mile

Note: This map corresponds to attached schedule A

MAP PREPARED FROM: Baker River Application map

SIGNED BY APPLICANT: Arthur E. Powell

MAP DRAWN BY:

Floyd C. Vaughan

Land with 1918 priority right as presently recorded

Land with 1883 priority right as presently recorded

TOWNSHIP 6 and 7 S.

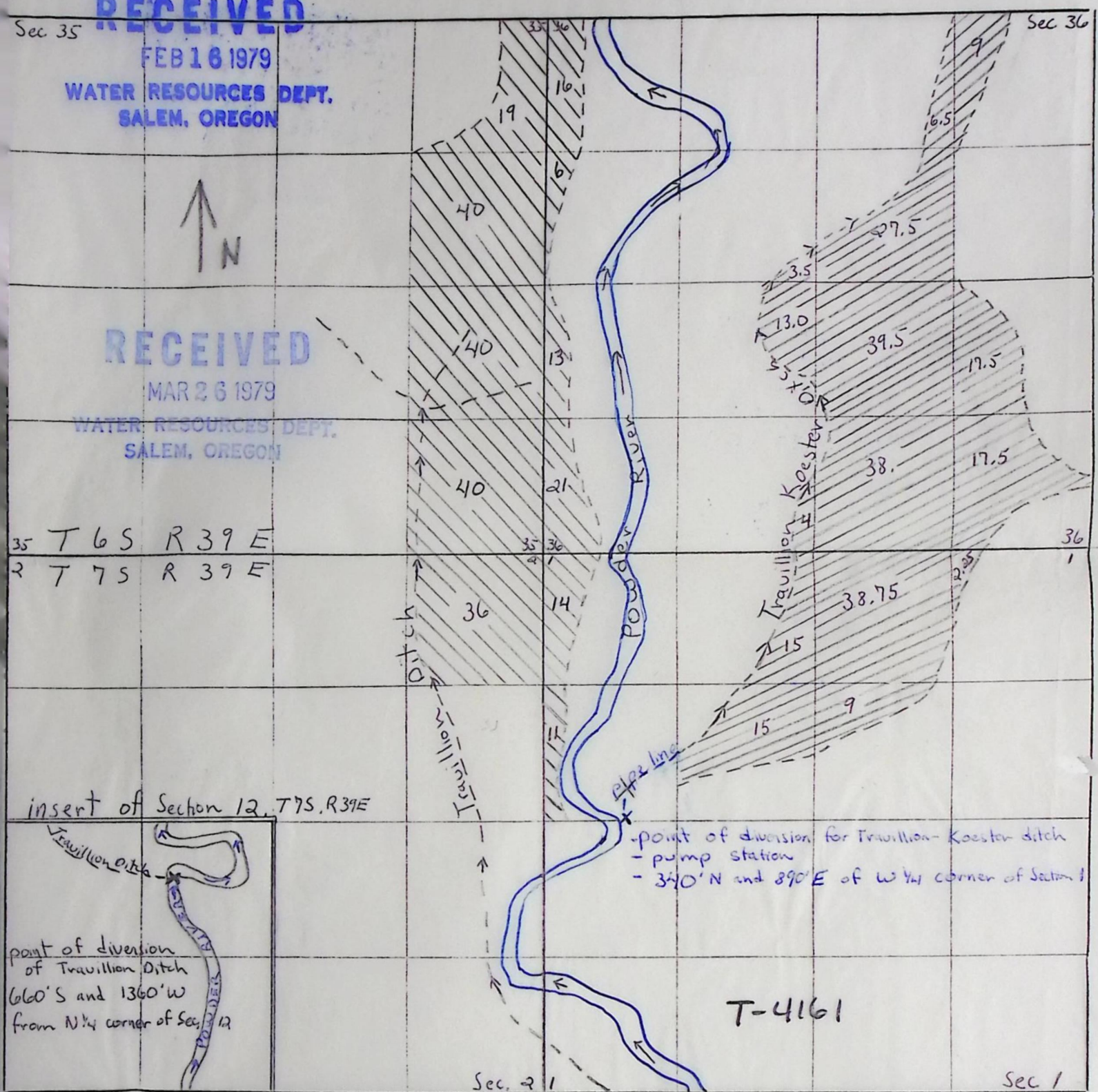
RANGE 39 E.W.M.

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WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

MAR 26 1979
WATER RESOURCES DEPT.
SALEM, OREGON



MAP TO ACCOMPANY APPLICATION OF:

Name Art Powell

County Baker

Date February 14, 1979

Scale 4 inches to 1 Mile

acres with 1883 priority after transfer

acres with 1918 priority after transfer

Note: This map corresponds to attached schedule B

MAP PREPARED FROM: Powder River Application map & recent survey

SIGNED BY APPLICANT: Arthur C. Powell

MAP DRAWN BY: Floyd C. Vaughan

T-4161

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QUESTION 8

SCHEDULE A

LAND NOW BEING IRRIGATED UNDER TRAVILLION-KOESTER
DITCH WITH 1918 PRIORITY RIGHTST 7S R 39 E

Section 1

| | ACRES |
|-----------------------------------|-------------|
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 2.25 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 38.75 |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 15.0 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 24.0 |
| | <u>80.0</u> |

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SALEM, OREGONT 6S R 39 E

Section 36

| | |
|-----------------------------------|--------------|
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 9.0 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 5.0 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 40.0 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 4.0 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 1.0 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | .5 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 4.0 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 20.0 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 39.5 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 38.0 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 15.0 |
| | <u>176.0</u> |

map notes 8.0

TOTAL: 256 AcresLAND NOW BEING IRRIGATED UNDER TRAVILLION
DITCH WITH 1883 PRIORITY RIGHTST 7S R 39 E

Section 1

| | ACRES |
|-----------------------------------|-------|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 14.0 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 11.0 |

Section 2

| | |
|-----------------------------------|-------------|
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 36.0 |
| | <u>61.0</u> |

T 6S R 39 E

Section 35

| | |
|--|------|
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ ^{map} (SE NE ?) | 40.0 |
|--|------|

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

40.0
40.0
120.0

Section 36

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$

28.0
12.0
14.0
21.0
75.0

TOTAL: 256 Acres

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**WATER RESOURCES DEPT.
SALEM, OREGON**

QUESTION 13

SCHEDULE B

LAND TO BE IRRIGATED UNDER TRAVILLION-KOESTER DITCH WITH
WATER RIGHT TRANSFERRED FROM TRAVILLION OF 1883 PRIORITY

T 7S R 39 E

Section 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$

ACRES

2.25
38.75
15.0
9.0
15.0
80.0

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WATER RESOURCES DEPT.
SALEM, OREGON**RECEIVED**

MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGONT 6S R 39 E

Section 36

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

9.0
6.5 *? existing for 352*
27.5
3.5 *? existing for 372*
13.0 *? existing for 302*
4.0 *existing for 362*
17.5
39.5
38.0
17.5
176.0

LAND TO BE IRRIGATED UNDER TRAVILLION DITCH WITH WATER RIGHT
TRANSFERRED FROM TRAVILLION-KOESTER OF 1918 PRIORITY

T 7S R 39 E

Section 1

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$

ACRES

14.0
11.0

Section 2

NE $\frac{1}{4}$ NE $\frac{1}{4}$

36.0
61.0

T 6S R 39 E

Section 35

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

19.0
40.0

| | | |
|------------------|------------------|--------------|
| NE $\frac{1}{4}$ | SE $\frac{1}{4}$ | 40.0 |
| SE $\frac{1}{4}$ | SE $\frac{1}{4}$ | 40.0 |
| | | <u>120.0</u> |

Section 36

| | | |
|------------------|------------------|-------------|
| NW $\frac{1}{4}$ | NW $\frac{1}{4}$ | 16.0 |
| SW $\frac{1}{4}$ | NW $\frac{1}{4}$ | 6.0 |
| NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 13.0 |
| SW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 21.0 |
| | | <u>75.0</u> |

TOTAL: 256 Acres

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MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

{Page 1
{Continued from "Application for Transfer of Water Right"
{Question 16, Remarks.

represents those acres receiving the water right as recorded in the permits and certificates. The schedule of land in Question 13, land to be irrigated, represents more accurately the actual place of use of this water under both ditches as revealed by a recent survey. These are the acres that will receive the water after the exchange of priority rights. The points of diversion will of course not actually be moved, however the 1883 water will now be diverted into the Travillion-Koester ditch and the 1918 water will be diverted into the Travillion ditch.

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MAR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON



Water Resources Department

MILL CREEK OFFICE PARK

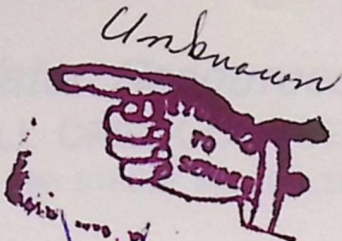
555 13th STREET N.E.

SALEM, OREGON 97310

CONSERVE WATER

FOR

OREGONS FUTURE

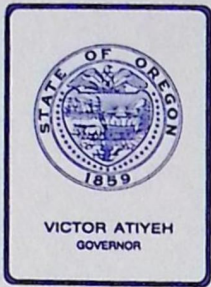


RECEIVED
MAR 10 1980
WATER RESOURCES DEPT
SALEM, OREGON

H.C. Travillion
North Powder, OR 97867

Dear Mr. Travillion:

3-17-80
EAT



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-8508

February 29, 1980

H.C. Travillion
North Powder, OR 97867

Dear Mr. Travillion:

Enclosed is your certificate of water right which confirms the use of water ~~under your permit numbered~~ . It has been recorded at page 48994 , Volume 42 , State Record of Water Right Certificates. This document should be kept as evidence of the water right.

The water right will remain valid, provided a five year period of non-use does not occur.

Sincerely,

Bruce A. Estes, Supervisor
Survey/Certificate Section

BAE:cjw

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. C. TRAVILLION

of North Powder, State of Oregon 97867, has
a right to the use of the waters of Powder River

a tributary of Snake River for the purpose of
irrigation of 120 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1883

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 one-fortieth of one cubic foot per second per acre

The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T. 7 S., R. 39 E., W.M. (Travillion Ditch); 660 feet South and 1360 feet East from NW Corner, Section 12

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

40.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 35
T. 6 S., R. 39 E., W.M.

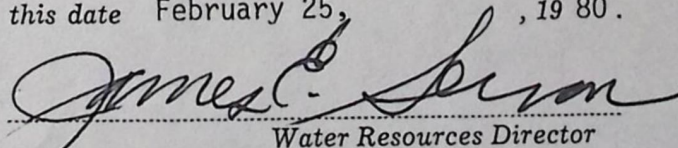
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4513, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 31, 1979, approving transfer application No. 4161.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 February 25, 1980.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48994



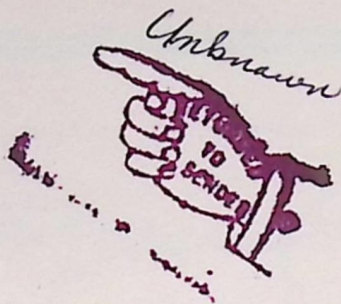
Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E.

SALEM, OREGON 97310

CONSERVE WATER
FOR
OREGON'S FUTURE



~~J.C. Travillion
North Powder, OR 97867~~

RECEIVED
MAR 10 1980
WATER RESOURCES DEPT
SALEM, OREGON



3-17-80

BPT

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J. C. TRAVILLION

of North Powder, State of Oregon 97867, has
 a right to the use of the waters of Powder River

a tributary of Snake River for the purpose of
 irrigation of 346 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Baker County, and the said decree entered of record at Salem, in the Order Record of
 the WATER RESOURCES DIRECTOR, in Volume 6, at page 291; that the priority of the
 right thereby confirmed dates from 1883 for 181.5 acres and 1886 for 164.5 acres

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 one-fortieth of one
 cubic foot per second per acre

The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T. 7 S., R. 39 E., W.M.
 (Travillion Ditch); 660 feet South and 1360 feet East from the NW Corner,
 Section 12

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

SEE NEXT PAGE

39.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
8.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
39.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
19.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
8.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 36

T. 6 S., R. 39 E., W.M.

5.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
30.5 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
25.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
7.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 2

38.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
17.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
6.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
14.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 1

T. 7 S., R. 39 E., W.M.

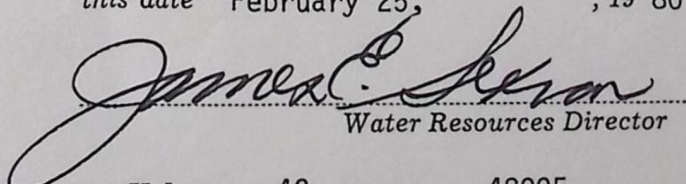
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4515, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 31, 1979, approving transfer application No. 4161.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 February 25, 19 80.


Water Resources Director

STATEMENT

Democrat ^{BAKER} Herald RECEIVED

PUBLISHED DAILY EXCEPT SUNDAY

P. O. BOX 807

BAKER, OREGON 97814

JUL - 5 1979

WATER RESOURCES DEPT
SALEM, OREGON

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

*OK on basis of 135 lines of 12 pica ems of 8 point
type equivalent, as per ORS 193.090 (2b)*

JWC

June 14, 1979-Legal Advertisement #103
Notice of Water Right Transfer
13½" @ 2.00 Per Inch. 27.00

June 21, 1979-Legal Advertisement #103
Notice of Water Right Transfer
13½" @ 1.50 Per Inch. 20.25

June 28, 1979-Legal Advertisement #103
Notice of Water Right Transfer
13½" @ 1.50 Per Inch. 20.25

Total Due=67.50