

Name Arthur E. Powell

4179

## DESCRIPTION OF WATER RIGHT

By \_\_\_\_\_

Address Thief Valley RoadNorth Powder, OR 97868Change in POU, PODDate filed March 26, 1979Date of hearing August 8, 1979Place of hearing BakerDate of order 8-31-79 Vol. 32, page 363Date for application of water 10-1-80

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued MAR 29 1990 Vol. \_\_\_\_\_, page 61204Name of stream Powder RiverTrib. of \_\_\_\_\_ County of BakerUse irrigationQuantity of water \_\_\_\_\_ No. of acres 262<sup>0</sup>Name of ditch Travillien-KoesterDate of priority 1918In name of John C. Travillien

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 6354 Per. No. 3989 Cert. No. 5020

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

6-29-90 Ves C

## REMARKS

Surveyed 8/26/86to survey 7/80

W.R.I.S.	
Assembled <u>4-29-85</u> by <u>SW</u>	
Entered _____ by _____	
Verified _____ by _____	

## FEES PAID

Date	Amount	Receipt No.
<u>3-26-79</u>	<u>103-</u>	<u>9875</u>
TOTAL . . .		
	Cert. Fee	

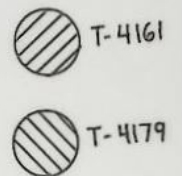
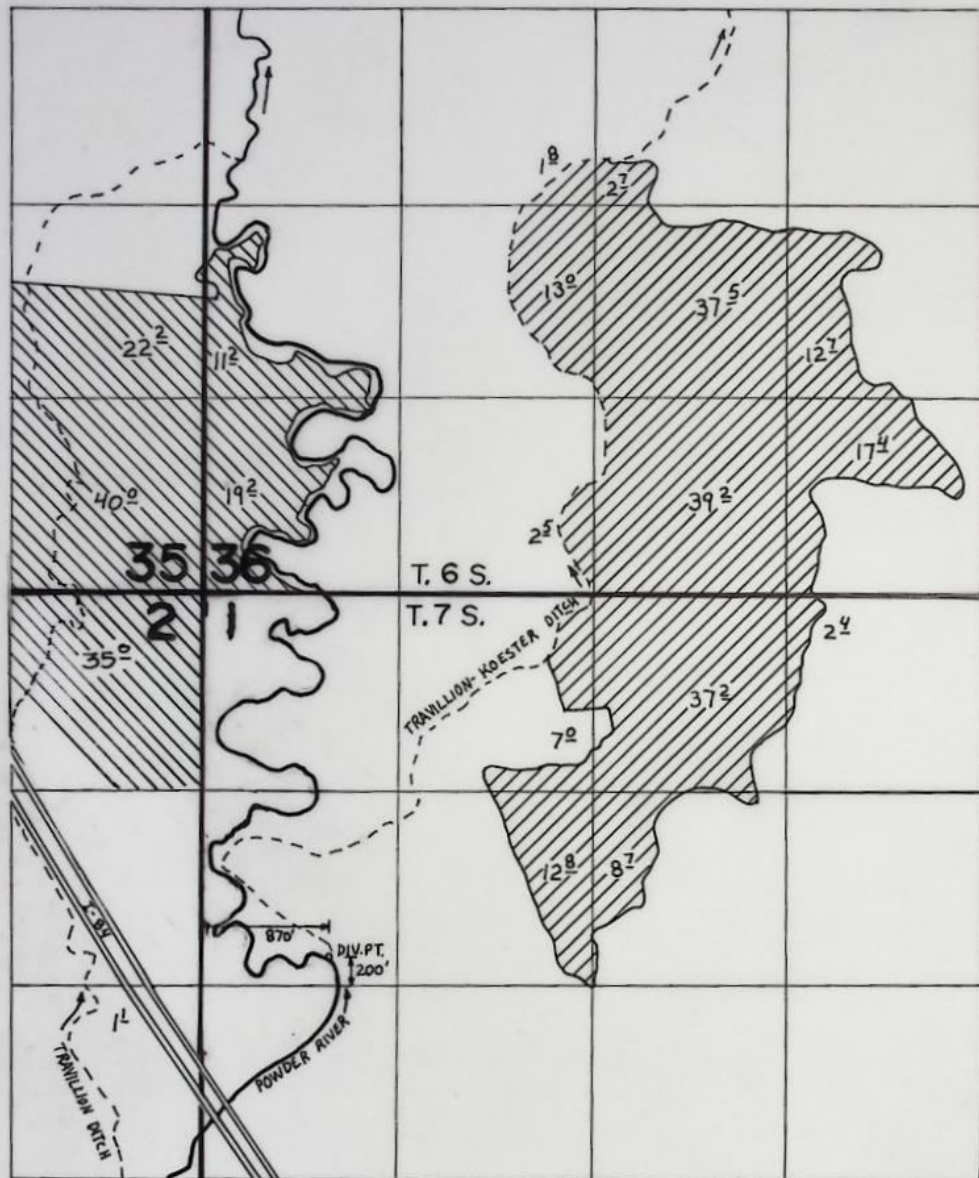
## FEES REFUNDED

Date	Amount	Check No.
<u>EX 20-</u>	<u>POD 18-</u>	
<u>(262 ac) POU 68-</u>	<u>103-</u>	

TO BE ENTERED WHERE CHECKED	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>	_____
<input checked="" type="checkbox"/>	Checked to Records	_____
<input checked="" type="checkbox"/>	Twp. & Rge. <u>SR6</u>	_____
<input checked="" type="checkbox"/>	Decree-vault	_____
<input checked="" type="checkbox"/>	Decree-safe	_____
<input checked="" type="checkbox"/>	Cert. of W/R <u>WV</u>	_____
<input checked="" type="checkbox"/>	Per. Folder <u>WV</u>	_____
<input checked="" type="checkbox"/>	Chainindex	_____
<input checked="" type="checkbox"/>	Cross Ref.	_____
<input checked="" type="checkbox"/>	Power Claim	_____
<input checked="" type="checkbox"/>	Abstracts <u>lg</u>	_____

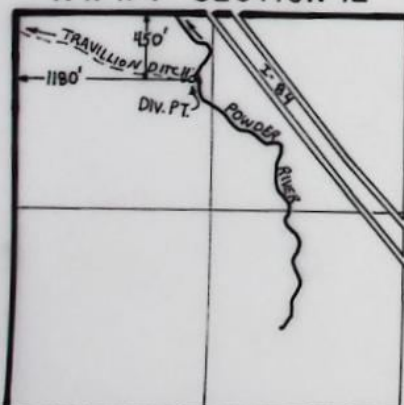


T. 6 & 7 S. R. 39 E. W.M.



Scale 1"=1320'

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.....



STATE OF OREGON  
COUNTY OF BAKER  
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 127.6 ACRES.

The right has been perfected under Permit 3989. The date of priority is DECEMBER 13, 1918. The right is limited to not more than 1.6 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 NW 1/4, SECTION 12, T 7 S, R 39 E, W.M.; 450 FEET SOUTH AND 1180 FEET EAST FROM THE NW CORNER OF SECTION 12.

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-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NE 1/4 SE 1/4 22.2 ACRES  
SE 1/4 SE 1/4 40.0 ACRES  
SECTION 35

NW 1/4 SW 1/4 11.2 ACRES  
SW 1/4 SW 1/4 19.2 ACRES  
SECTION 36

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

NE 1/4 NE 1/4 35.0 ACRES  
SECTION 2  
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 supersedes certificate 5020, 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.

WITNESS the signature of the Water Resources Director, affixed this date MARCH 29, 1990.

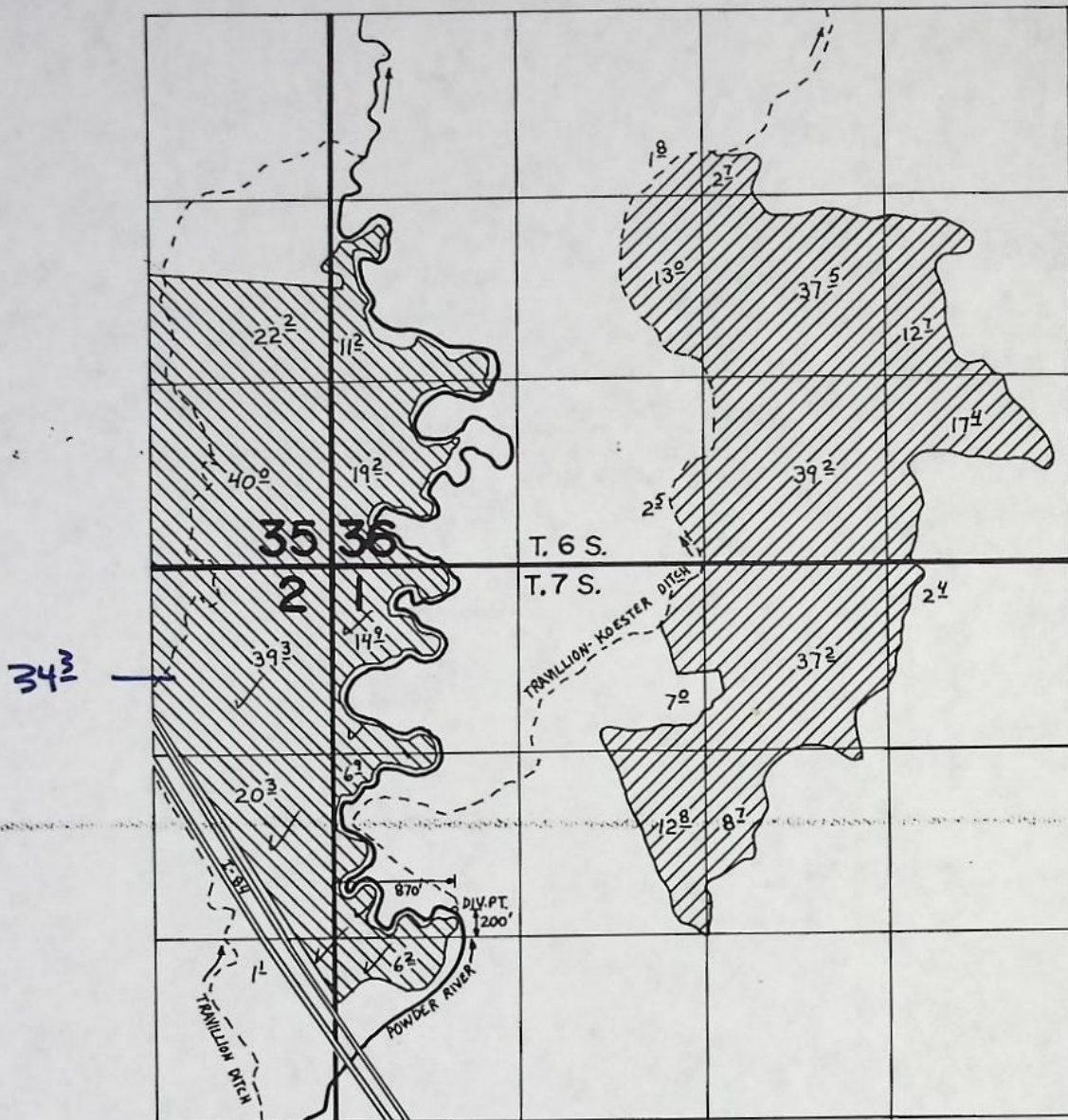
/s/ WILLIAM H. YOUNG  
\_\_\_\_\_  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64204.

T-4179



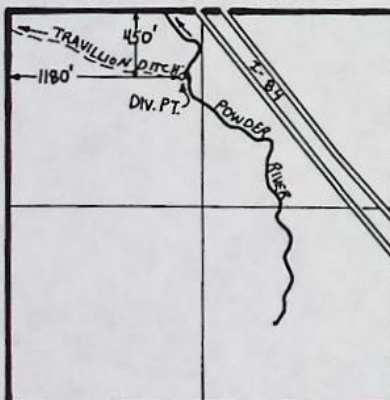
T. 6 & 7 S. R. 39 E. W.M.



T-4161

T-4179

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

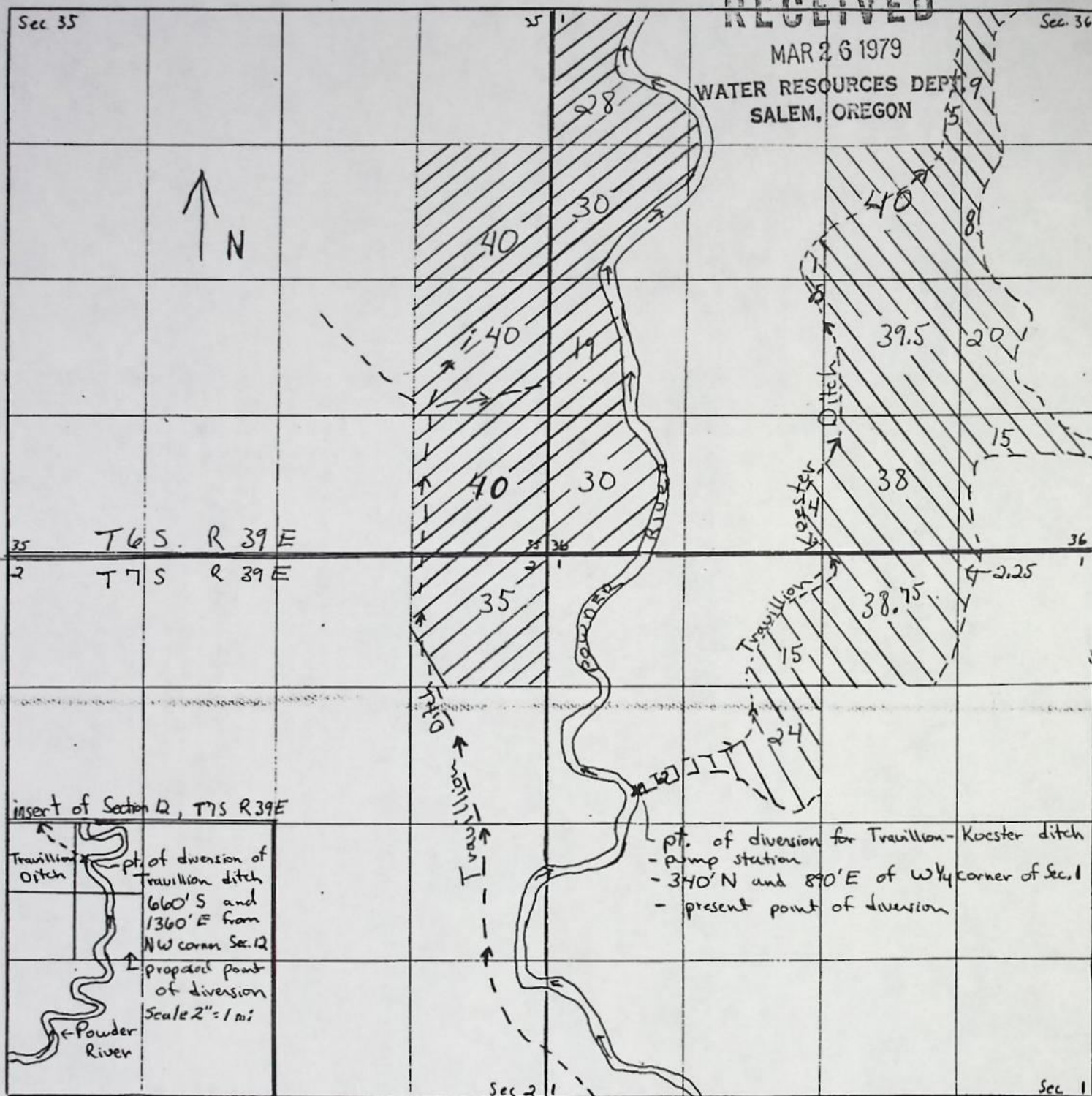
Scale 1"=1320'



T-4179

RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

MAP TO ACCOMPANY APPLICATION OF:

Name Arthur PowellCounty BakerDate MarchScale 4 inches to 1 Mile

Current location of use of 1918 no

location of proposed place of use of 1918

Note:

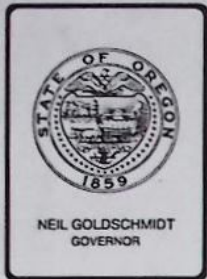
MAP PREPARED FROM: Powder River Decree Map and 1918 Application

SIGNED BY APPLICANT:

MAP DRAWN BY:

Flora C. VaughanArthur Powell





## 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

378-3739

January 12, 1990

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



279-752  
4KL-176 (010)

5981  
See 7-45052

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

POD  
POU  
USE  
Add'l POD

Transfer NO. 4179

County Baker

Old Certificate NO. 5020

- Name Arthur C. Powell  
Address Shief Valley Rd, North Powder, OR 97868
- Source of Supply Powder River, Trib of \_\_\_\_\_
- Use irrigation / 262<sup>o</sup> ac
- Amount of Water \_\_\_\_\_ Priority Date 1918
- Proposed Point of Diversion Travillion Ditch - 660' S + 1360' E from  
NW Corner, Sec 12, w/in NE<sup>NW</sup> 1/4 NW<sup>NW</sup> 1/4, S. 12, T 15, R 39E, w.m.
- Completion Date 10-1-80
- Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
6S	39E	36	<del>NW NW</del> <del>SW NW</del>	<del>28<sup>o</sup> ac</del> <del>36<sup>o</sup></del>
		36	NW SW SW SW	19 <sup>o</sup> 11.2 30 <sup>o</sup> 19.2
7S	39E	2	NE NE	35 <sup>o</sup>
6S	39E	35	SE NE	40 <sup>o</sup>
6S	39E		NE SE SE SE	40 <sup>o</sup> 22.2 40 <sup>o</sup> 40.0
7S	39E	1	NW NW	14.9
		1	SW NW	6.9
		1	NW SW	262 6.2
		2	NE NE	39.3
		2	SE NE	20.3
		2	NE SE	1.1

NO PLAT CARDS  
NO MAPS 3-13-87  
SC

INVEST CO.  
Washington

TOTAL 181.3

4,531.95



INFO: TED WAGONER - FOREMAN

T. 4179

MR. WAGONER HAS ONLY BEEN ON THE PLACE SINCE AUG. 5. BUT HE WORKED FOR MR. POWELL IN THE PAST. HE SHOWED US THE LANDS INVOLVED AND WALKED IT OUT WITH US. WE DID NOT ALLOW 40<sup>2</sup> AC. SE, NE; 20<sup>2</sup> AC. NW, NW, AND 30<sup>2</sup> AC. SW, NW, AS THERE WERE NO DITCHES IN THESE FIELDS CAPABLE OF DELIVERING WATER FOR FLOOD.

THIS TRANSFER IS A FLIP FLOP TRADE WITH SOME OTHER LANDS HAVING RIGHTS.

MR. POWELL IS DECEASED AND THE RANCH WAS JUST PURCHASED THE FIRST OF THIS MONTH. WE GAVE MR. WAGONER AN ASSIGNMENT FORM FOR THE NEW OWNER TO FILL OUT AND SEND IN.

THE WATER IS DIVERTED FROM POWDER RIVER TO THE SOUTH BY WAY OF A ROCK DAM ACROSS THE RIVER, DIVERTING WATER INTO A CONCRETE DIV. BOX 8' WIDE, 5' DEEP AND 10' LONG. WATER IS CARRIED THRU TAVILLON DITCH TO LANDS.

TIE: 75L

Crop: PASTURE, HAY

V.L. CHURCH  
WR.E. 8-26-86

By *J. K. Santee*  
GWB-TBEA



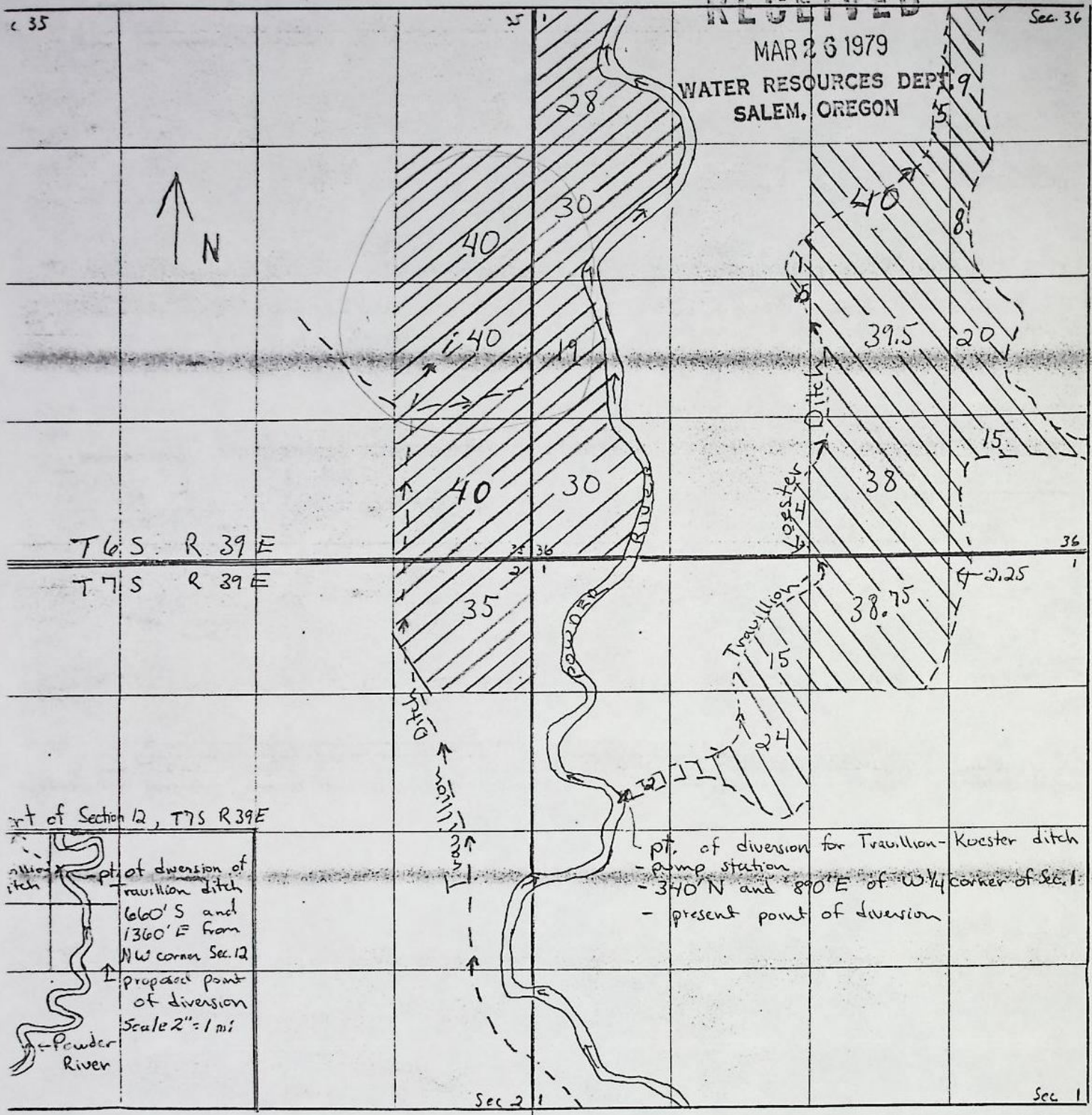
T-4179

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MAR 26 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

Sec. 36



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

SIGNED BY APPLICANT: Arthur Powell

DRAWN BY: Fred C. (1) n. sh.



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. 4179

On March 26, 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 ORS 540.510 to 540.530.

The certificate recorded at page 5020, Volume 5, State Record of Water Right Certificates, in the name of John C. Travillion, describes a right for use of 3.28 cubic feet per second of water from Powder River, with a date of priority of December 13, 1918, for irrigation of 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 acre 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.

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 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.; and a certain 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., by means of 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.

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:

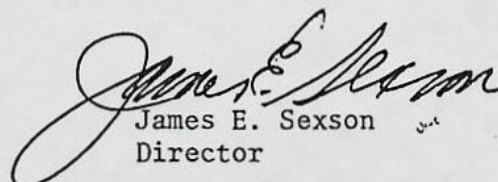
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 certificate recorded at page 5020, Volume 5, State Record of Water Right Certificates, is canceled; 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 31st day of August, 1979.

  
James E. Sexson  
Director



RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

T-4179

## Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, ARTHUR E. POWELL  
(Name of applicant)  
 of Thief Valley Road, North Powder  
(Mailing address) (City)  
 State of Oregon, 97868, 898-2395, do hereby make application for change  
(Zip Code) (Phone number)  
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? John C. Travillion  
(If not, give name)
2. Was your water right determined by Decree of Court? No If so, give title of proceedings  
(Yes or No)  
 ..... number of certificate .....
3. Was your water right acquired by Water Right Permit? Yes If so, give number  
(Yes or No)  
 of permit 3989 Number of certificate 5020

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? December 13, 1918
6. The authorized point of diversion is located 340 ft. N and 890 ft. E from the W $\frac{1}{4}$   
(N. or S.) (E. or W.)  
 corner of Sec. 1 being within the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 1 Tp. 7S R. 39E W. M.,  
(No. N. or S.) (No. E. or W.)  
 in the county of Baker The name of the ditch used is Travillion-Koester

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. E from the NW  
(N. or S.) (E. or W.)  
 corner of Sec. 12 being within the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 12 Tp. 7S R. 39 W. M.,  
(No. N. or S.) (No. E. or W.)  
 in the county of Baker The name of the ditch to be used is Travillion

exam 20<sup>00</sup>  
 POD 15<sup>00</sup>  
 POV 68<sup>00</sup>  
 103<sup>00</sup>



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
SEE SHCEDULE "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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
SEE SCHEDULE "B"				

(If more space required, attach separate sheet)



T-4179

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MAR 26 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

## QUESTION 8

SCHEDULE ALAND 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 ✓
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

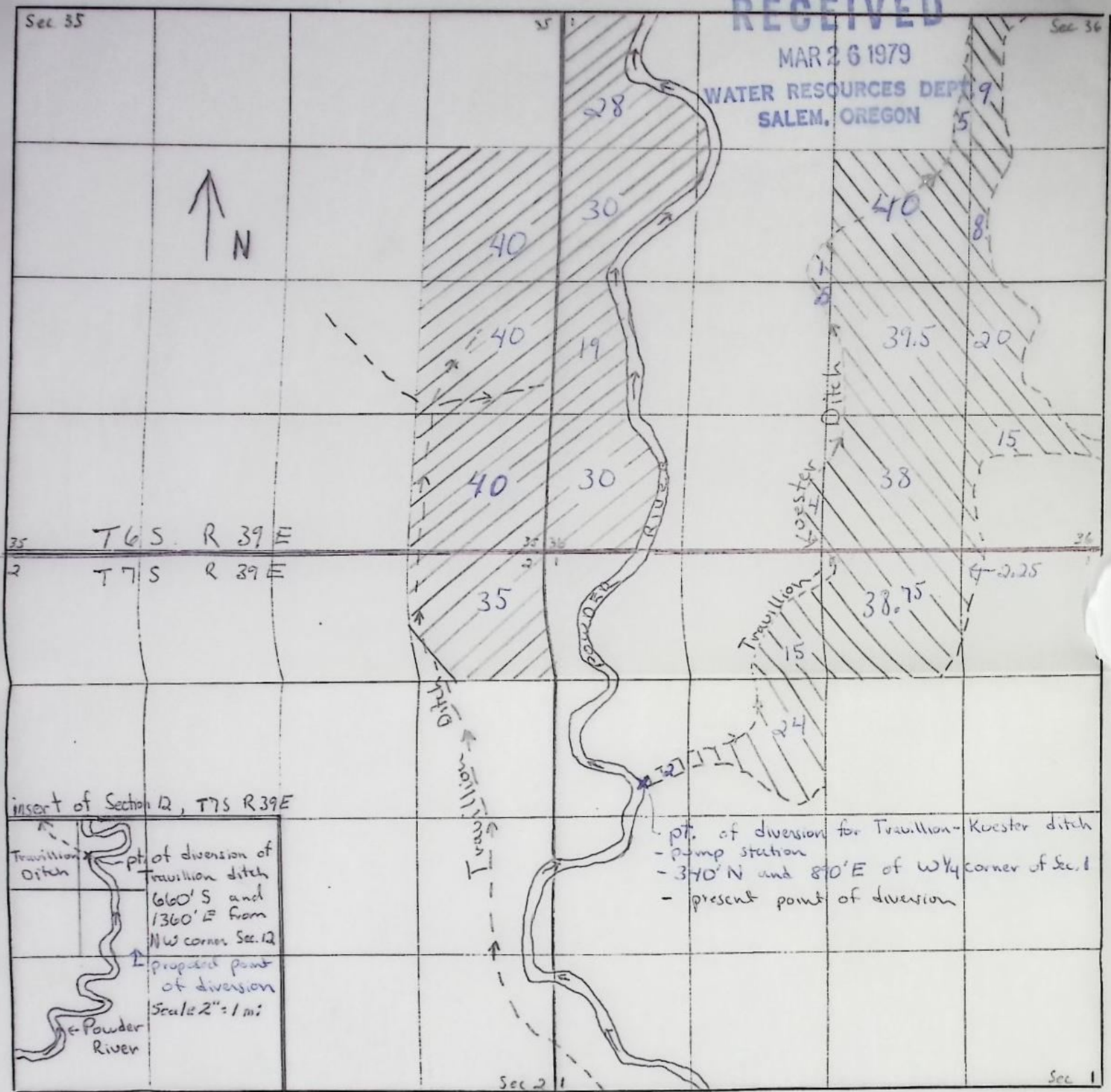
NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.0 ✓
NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0 ✓
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ✓
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.0 ✓
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 ✓
NE $\frac{1}{4}$ SW $\frac{1}{4}$	.5 ✓
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.0 ✓
NE $\frac{1}{4}$ SE $\frac{1}{4}$	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

~~176.0~~TOTAL: 262 Acres



T-4179



## MAP TO ACCOMPANY APPLICATION OF:

Name Arthur PowellCounty BakerDate MarchScale 4 inches to 1 Mile

Note:

 Current location  
of use of 1918 map

 location of proposed  
place of use of 1918 map
MAP PREPARED FROM: Powder River Decree Map and 1918 Application

SIGNED BY APPLICANT:

Arthur Powell



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MAR 26 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

QUESTION 13

SCHEDULE B

## LOCATION OF AREA TO BE IRRIGATED

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
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

T 7S R 39 E

Section 2		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>35.0</u> ✓	35.0

TOTAL: 262 Acres



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 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 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]

Phyllis C. Vaughan  
NOTARY PUBLIC FOR OREGON

My commission expires 2-1-83



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

WATER RIGHT NO. 10000 1791 PERMIT NO. 003989 CERTIF. NO.

NAME: ARTHUR E. POWELL

ORIG. NO. 10000 63541 PREV. NO. 10000 63541 SUPER. NO.

ADDRESS: THIEF VALLEY RD

CITY/STATE/ZIP/COUNTY: NORTH POWDER, OR 97868 01

STREAM-ID 09 4060

RIV. MI.

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

CANCEL YEAR----

CONSTR. COMPLT--&gt; 07 07 1980

YR. LAST USED-----&gt;

NEXT ACTION DUE--&gt;

PRIORITY-----&gt; 12 13 1918

PUT TO USE-----&gt; 07 07 1980

LAST TRANS. DATE--&gt;

LAST TRANS. TYPE--&gt;

APPLICATION----&gt; 03 26 1979

SURVEYED-----&gt;

EXAM. FEE-----&gt; 20.00

RECORDING FEE-----&gt; 25.00

PERMIT ISSUE--&gt; 08 31 1979

CONCURRENCE-----&gt;

CYCLE STATUS-----&gt;

REPORTED FLAG-----&gt;

CONSTR. STRT.--&gt; 08 31 1979

CERTIFIED-----&gt;

CORRES. INIT.-----&gt;

CORRES. DATE-----&gt;

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

RIV. MI.

RATE

STATUS S OR P

0703 390E 12 B A 09 4060

3,280

V

P

\*\* REMARKS;-----&gt;

\*\* DATED--&gt;

\*\* POD: TRAVILLION DITCH, 660'S &amp;

\*\* 1360'E FM NW COR S12. CHANGES

\*\* POD &amp; POD C-5020.

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 425-85 by SV

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_



PLACE - OF - USE , DATA :

[illegible]



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. 4179

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  
gig





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: April 11, 1979.

FROM: \*\* V. Kent Searles, Watermaster

**RECEIVED**

APR 13 1979

**WATER RESOURCES DEPT.  
SALEM, OREGON**SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4179IN THE NAME OF Arthur E. Powell

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



RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

## QUESTION 13

SCHEDULE B

## LOCATION OF AREA TO BE IRRIGATED

T 6S R 39 E

## Section 36

ACRES✓ NW $\frac{1}{4}$  NW $\frac{1}{4}$   
SW $\frac{1}{4}$  NW $\frac{1}{4}$ 28.0  
30.0NW $\frac{1}{4}$  SW $\frac{1}{4}$   
SW $\frac{1}{4}$  SW $\frac{1}{4}$ 19.0  
30.0

107.0

## Section 35

✓ SE $\frac{1}{4}$  NE $\frac{1}{4}$   
NE $\frac{1}{4}$  SE $\frac{1}{4}$   
SE $\frac{1}{4}$  SE $\frac{1}{4}$ 40.0  
40.0  
40.0

120.0

T 7S R 39 E

## Section 2

✓ NE $\frac{1}{4}$  NE $\frac{1}{4}$ 35.0

35.0

TOTAL: 262 Acres

T-4179

RECEIVED

MAR 26 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

QUESTION 8

SCHEDULE A

LAND NOW BEING IRRIGATED UNDER TRAVILLION-KOESTER  
DITCH WITH 1918 PRIORITY RIGHTS

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 $\frac{1}{4}$	<u>24.0</u>

82.0

T 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 $\frac{1}{4}$	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 $\frac{1}{4}$	<u>15.0</u>

180.0  
~~176.0~~

TOTAL: 262 Acres