

4214

Name Hector Macpherson  
 dba Bannockburn Farms, Inc.  
 Address 29180 Church Drive  
Albany, OR 97321

Change in POU

Date filed May 7, 1979

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 8-20-79 Vol. 32, page 342

Date for application of water complete

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

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

Certificate issued 10/15/03 Vol. \_\_\_\_\_, page 80358

Surveyed 7-29-82 (McPherson)  
DBA Bannockburn Farms, Inc.

to survey 8/79

## REMARKS

## DESCRIPTION OF WATER RIGHT

Name of stream Muddy Creek  
 Trib. of \_\_\_\_\_ County of LINN  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 32<sup>0</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority Feb 23, 1938  
 In name of \_\_\_\_\_  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 17247 Per. No. 12956 Cert. No. 19822  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

| Date          | Amount                 | Receipt No.  |
|---------------|------------------------|--------------|
| <u>5-7-79</u> | <u>30<sup>50</sup></u> | <u>10724</u> |
| TOTAL . . .   |                        |              |
|               | Cert. Fee              |              |

## FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|      |        |           |

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

|           |                             |
|-----------|-----------------------------|
| W.R.I.S.  |                             |
| Assembled | <u>5-2-85</u> by <u>SDO</u> |
| Entered   | _____ by _____              |
| Verified  | _____ by _____              |

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HECTOR MACPHERSON  
BANNOCKBURN FARMS, INC.  
29626 CHURCH DRIVE  
ALBANY, OR 97321

confirms the right to use the waters of MUDDY CREEK, a tributary of  
WILLAMETTE RIVER, for IRRIGATION OF 40.0 ACRES.

This right was perfected under Permit 12956. The date of priority is  
FEBRUARY 23, 1938. The amount of water to which this right is entitled is  
limited to an amount actually beneficially used and shall not exceed 0.5  
CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at  
the point of diversion from the source.

The points of diversion are located as follows:

NE 1/4 SE 1/4, AS PROJECTED WITHIN JOHN G. WILSON DLC 60, SECTION 20,  
TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.; 150 FEET SOUTH AND 450 FEET  
EAST FROM THE NW CORNER OF DLC 60; AND

NE 1/4 SE 1/4, AS PROJECTED WITHIN JOHN G. WILSON DLC 60, SECTION 20,  
TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.; 800 FEET SOUTH AND 50 FEET EAST  
FROM THE NW CORNER OF DLC 60.

The amount of water used for irrigation, together with the amount secured  
under any other right existing for the same lands, is limited to ONE-  
EIGHTIETH of one cubic foot per second per acre, or its equivalent for each  
acre irrigated and shall be further limited to a diversion of not to exceed  
2 1/2 acre-feet per acre for each acre irrigated during the irrigation season  
of each year.

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

A description of the place of use to which this right is appurtenant is as  
follows:

NE 1/4 SE 1/4 3.2 ACRES  
SE 1/4 SE 1/4 32.0 ACRES  
BOTH AS PROJECTED WITHIN JOHN G. WILSON DLC 60  
SE 1/4 NE 1/4 4.8 ACRES  
SECTION 20  
TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.

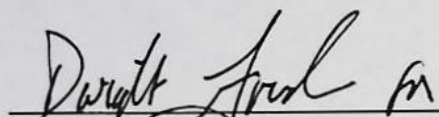
This is a final order in other than contested case. This order is  
subject to judicial review under ORS 183.484. Any petition for  
judicial review of the order must be filed within the 60 days of  
the date of service.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered AUGUST 20, 1979, and supersedes Certificate 19822, 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.

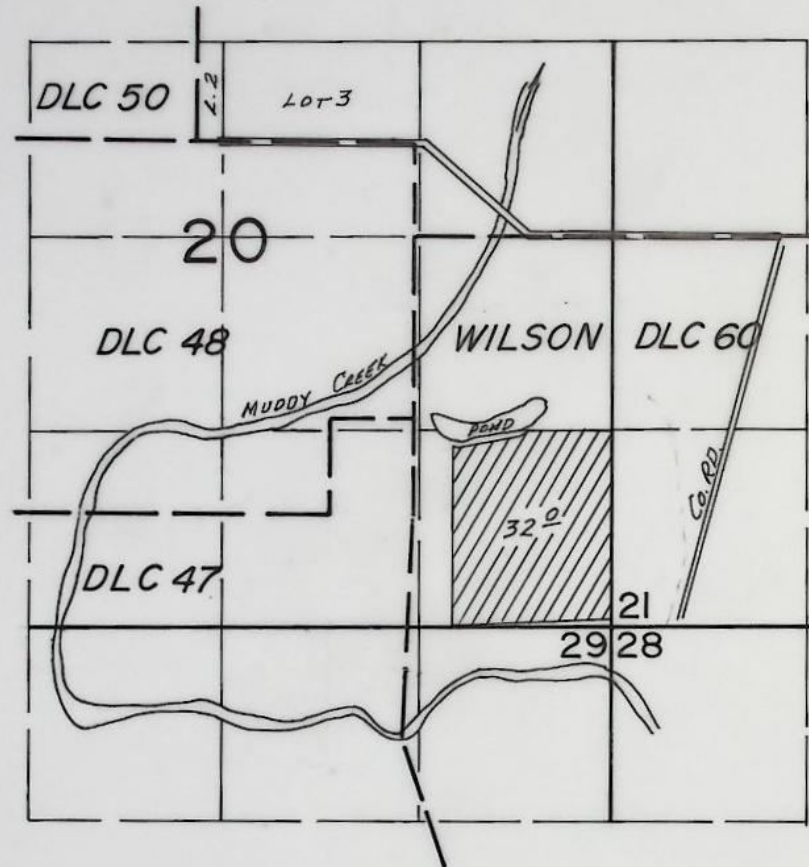
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued July 16, 2003.

  
Paul R. Cleary, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80358.

T.12S., R.4W., W.M.



**FINAL PROOF SURVEY**  
UNDER

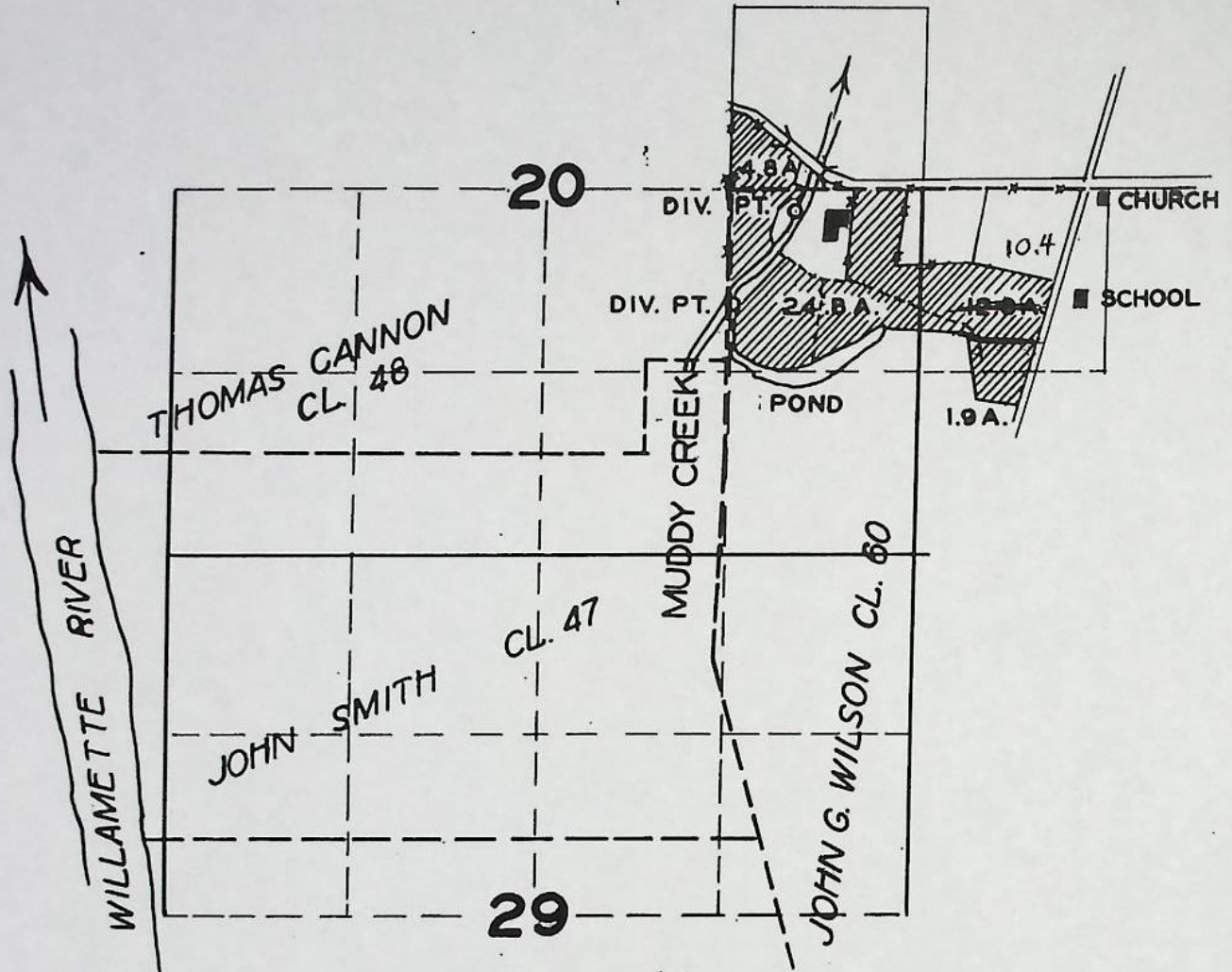
TRANSFER NO. 4214

Application No. .... Permit No. ....  
IN NAME OF

HECTOR MACPHERSON dba BANNOCKBURN FARMS, INC.

Surveyed JULY 29, 1982, by L.M. TOLL .....

T12S. R. 4W. W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 17247. Permit No. 12956  
IN NAME OF

HECTOR MACPHERSON

Surveyed APR. 17. 1951, by HL. COFFMAN.

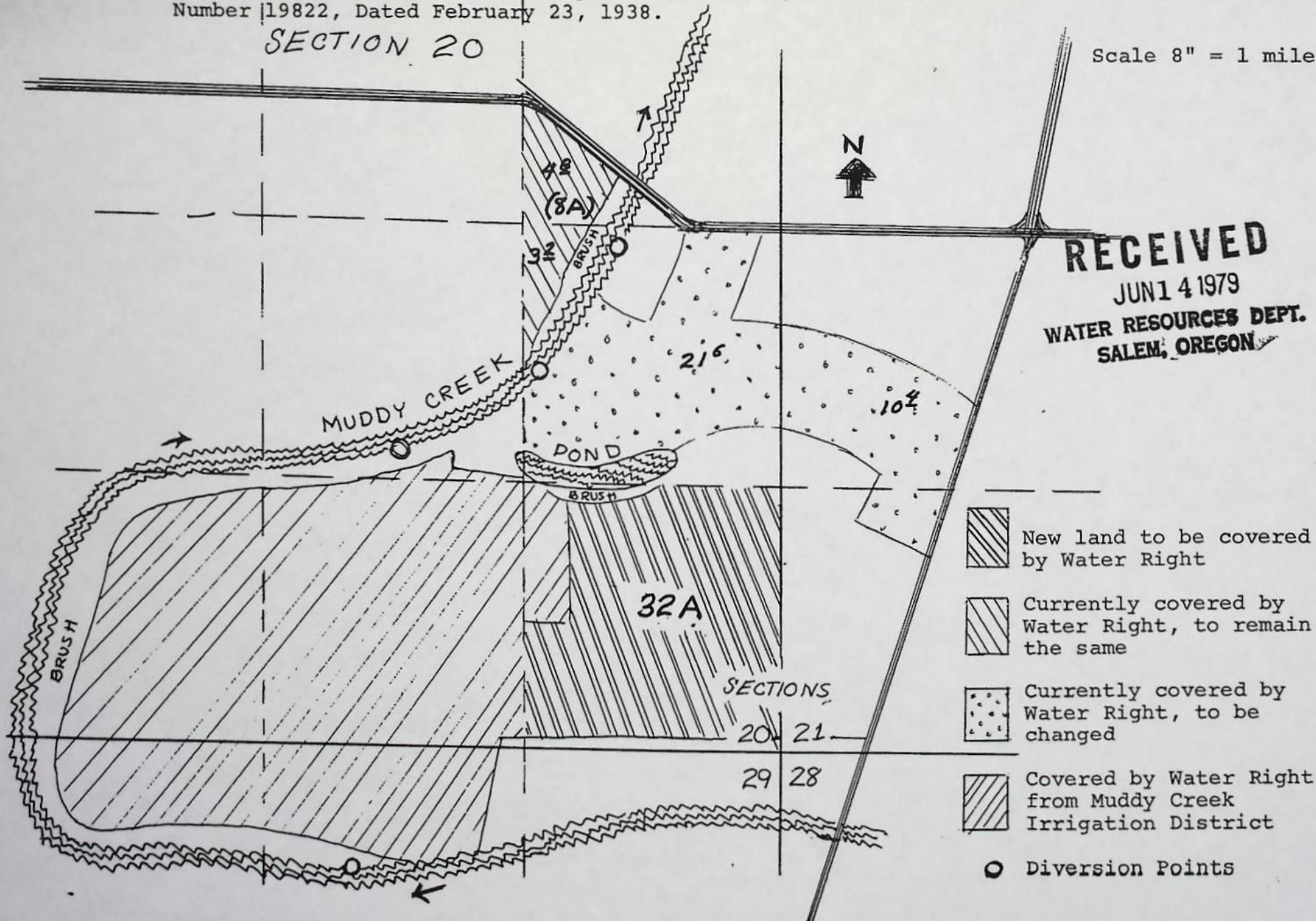
T-4214

Application for transfer of Water Right: Hector Macpherson,  
Doing business as Bannockburn Farms, Inc., 29780 Church Drive,  
Albany, Oregon 97321. Water Right Permit 12956, Certificate  
Number 19822, Dated February 23, 1938.

Township 12S Range 4 West  
Willamette Meridian

SECTION 20

Scale 8" = 1 mile





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: July 25, 1978, 19\_\_.

FROM: \*\* Gene Mc Ginnis Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. T-4214

IN THE NAME OF Hector Macpherson

RECEIVED

JUL 27 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

In my opinion the proposed change in place of use

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?

(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

(1) PRIOR to the diverting of water at the new point of diversion . . .

x (2) When in the judgment of the watermaster it becomes necessary . . .

\* The approval of this transfer application would result in injury to other water rights because

\*\* Gene McGinnis  
Watermaster's signature or initials

RECEIVED  
JUN 14 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON

29780 Church Drive  
Albany, Oregon 97321  
June 12, 1979

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

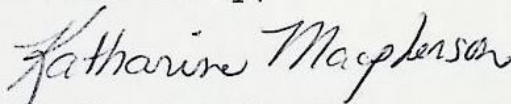
Dear Mr. Overcash:

Reference is made to File Number T-4214, and your letter of May 10th regarding our application for approval of a change in place of use for our water right.

As you requested we have determined the exact boundaries of the acreage to be irrigated and find that the eastern boundary of the 32 acres will coincide with the boundary of Section 20 and the entire 32 acres will be located in the SE 1/4 of the SE 1/4 of Section 20.

A corrected map is enclosed, and the correction made on the application.

Yours truly,



Katharine Macpherson  
Secretary  
Bannockburn Farms, Inc.

T-4214

RECEIVED

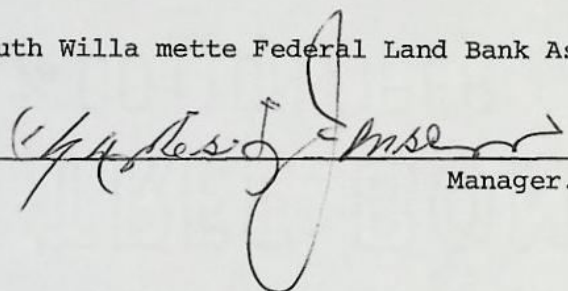
MAY 07 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

The Federal Land Bank, mortgage holder on property owned by Bannockburn Farms, Inc., Hector Macpherson, President, approves the requested change in location of water right, permit number 12956, application number 17247, certificate number 19822, dated February 23, 1938, from pasture land to crop land, both parcels being within the property covered by the mortgage.

South Willamette Federal Land Bank Association

Signed

  
Manager.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HECTOR MACPHERSON FOR APPROVAL )  
OF A CHANGE IN PLACE OF USE OF )  
WATER FROM MUDDY CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 4214

On May 7, 1979, an application was filed in the office of the Water Resources Director by Hector Macpherson for approval of a change in place of use of water from Muddy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 19822, Volume 14, State Record of Water Right Certificates, in the name of Hector Macpherson, describes a right for the use of not to exceed 0.5 cubic foot per second from Muddy Creek for irrigation of a certain 4.8 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 24.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20; and 10.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 12 South, Range 4 West, W.M., with a date of priority of February 23, 1938.

The two authorized points of diversion are located: (1) 150 feet South and 450 feet East; and (2) 800 feet South and 50 feet East, both from the Northwest Corner of D.L.C. No. 60, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, Township 12 South, Range 4 West, W.M.

The applicant herein proposes a change in place of use by severing the right from a certain 21.6 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20 and 10.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21 of the lands above described and, without loss of priority, to irrigate in lieu thereof a certain 32.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, Township 12 South, Range 4 West, W.M.

Mr. L. Gene McGinnis, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

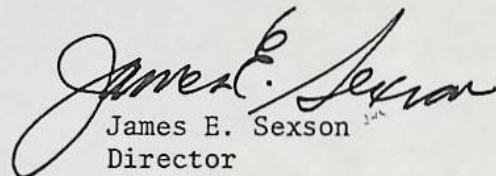
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in place of use is completed.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, the certificate recorded at page 19822, Volume 14, State Record of Water Right Certificates, be canceled; and in lieu thereof a new certificate of water right be issued to the applicant herein confirming the change authorized herein and covering the balance of the right NOT involved in the change.

Dated at Salem, Oregon this 20th day of August, 1979.

  
James E. Sexson  
Director

Add '1' POD

Nelson Big Gun N 200  
Taper 1.05  
Reel Dr  
40 m/lr

DF-166-99  
7/29/82 LMT

County LINN

1. Name Hector Macpherson, dba Bannockburn Farms, Inc. ✓

Address 29780 Church Dr., Albany, OR 97321 ✓

2. Source of Supply Muddy Creek, Trib of Willamette River

3. Use irrigation of 32<sup>2</sup>

4. Amount of Water 0.5 cfs Priority Date Feb. 23, 1938 ✓

5. Proposed Point of Diversion \_\_\_\_\_

6. Completion Date COMPLETED

7. Place of Use:

[illegible]

INFO - MR. MAPHERSON

DIV - DIRECT FROM MUDDY CREEK  
on creek

PUMP - Moore Rain DDC 4K3  
90 psi at pump

MOTOR - Century 30 H.P. @ 3500 RPM

PIPE - BURIED MAIN LINE 5" PVC  
4" Reel for gun

$$\frac{30(6.6)}{228.7 + 25} = \frac{198}{253.7} = 0.78 \text{ cfs} \\ @ 90 \text{ psi.}$$

at edge of field  $280 \text{ gpm} @ 150 \text{ ft}$   
10:

Berkeley DDC 4K3

Century 15 H.P. @ 3500 RPM

$$\frac{15(6.6)}{253.7} = 0.39 \text{ cfs} @ 90 \text{ psi.}$$

Head - 1 - Nelson BIG GUN P 200

1 - Nelson 100 FA

1.05" taper (traveling a 40 meters/hour)  
15.2 mm taper / gun max

USE - field Corn. at present land split  $\frac{1}{2}$  Wheat  $\frac{1}{2}$  Corn  
switches sides each year

lift - See Quad + 25'

$$\text{GUNS: P-200} = 290 \text{ GPM} @ 90 \text{ psi} \\ = 0.64 \text{ cfs.}$$

tie - DFM-155-99

$$100 \text{ FA} = 100 \text{ GPM} = 0.22 \text{ cfs} @ 90 \text{ psi.}$$

Note: Surveyed all land irrigated  
some of land has Muddy Cr. Irr.  
water rights. Appears may be overaverage

One field boundary uncertain of.  
(see appl. map) check against L.D.  
for this info

Larry J. Webb  
7/29/82

RECEIVED

JUN 14 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

T-4214

RECEIVED

MAY 07 1979

Application for Transfer of Water Right  
WATER RESOURCES DEPT.  
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Hector Macpherson, doing business as Bannockburn Farms, Inc.  
(Name of applicant)  
of 29780 Church Drive, Albany,  
(Mailing address) (City)  
State of Oregon, 97321, 753-3022, do hereby make application for change  
(Zip Code) (Phone number)  
in place of use (for 32 of existing right for 40 acres)  
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Yes  
(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 12956 Number of certificate 19822  
Application No. 17247

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 Muddy Creek

5. What is the date of priority of your water right? February 23, 1938  
150 south 450 east

6. The authorized point of diversion is located 800 ft. south and 50 ft. east from the NW  
(N. or S.) (E. or W.)  
corner of DLC# 60 being within the NE 1/4 SE 1/4 of Section 20 Tp. 12S R. 4W W. M.,  
(No. N. or S.) (No. E. or W.)  
in the county of Linn The name of the ditch used is pump

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

7. The proposed point of diversion is located \_\_\_\_\_ ft. \_\_\_\_\_ and \_\_\_\_\_ ft. \_\_\_\_\_ from the \_\_\_\_\_  
(N. or S.) (E. or W.)  
corner of \_\_\_\_\_ being within the 1/4 1/4 of Section \_\_\_\_\_ Tp. \_\_\_\_\_ R. \_\_\_\_\_ W. M.,  
(No. N. or S.) (No. E. or W.)  
in the county of \_\_\_\_\_ The name of the ditch to be used is \_\_\_\_\_

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<br>North or South | Range<br>E. or W. of<br>Willamette Meridian | Section | List 1/4-1/4 of Section | C# 19822 (POU)<br>Number Acres To Be Irrigated |
|----------------------------|---------------------------------------------|---------|-------------------------|------------------------------------------------|
| 12S                        | 4W                                          | 20      | SE 1/4 NE 1/4           | 4.8                                            |
| 12S                        | 4W                                          | 20      | NE 1/4 SE 1/4           | 24.8 216                                       |
| 12S                        | 4W                                          | 21      | NW 1/4 SW 1/4           | 10.4 104                                       |
|                            |                                             |         |                         | 40.0 320                                       |
|                            |                                             |         |                         | ↑                                              |
|                            |                                             |         |                         | OUT                                            |

(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 No  
(Answer Yes or No)

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

| NATURE OF ENCUMBRANCE | HELD BY           | AMOUNT      |
|-----------------------|-------------------|-------------|
| Mortgage              | Federal Land Bank | \$26,162.84 |

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<br>North or South | Range<br>E. or W. of<br>Willamette Meridian | Section                 | List 1/4-1/4 of Section                                                                                                                                             | Number Acres To Be Irrigated                        |
|----------------------------|---------------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 12S                        | 4W                                          | 20                      | SE 1/4 NE 1/4                                                                                                                                                       | 4.8 (same as existing right)                        |
| 12S                        | 4W                                          | 20                      | NE 1/4 SE 1/4                                                                                                                                                       | 3.2 " "                                             |
| 12S                        | 4W                                          | 20                      | SE 1/4 SE 1/4                                                                                                                                                       | 32 Acres                                            |
| <del>12S</del>             | <del>4W</del>                               | <del>21 (perhaps)</del> | <del>SW 1/4 SW 1/4</del>                                                                                                                                            | <del>(If necessary to make total of 32 acres)</del> |
|                            |                                             |                         | 32 acres bounded on north by farm pond, on west by land covered by water right from Muddy Creek Irrigation District, on south by property line and extended east to |                                                     |
|                            |                                             |                         | enclose total of 32 acres.                                                                                                                                          |                                                     |

(If more space required, attach separate sheet)

and on the east by the boundary line of Section 20

14. Reasons for the proposed changes are .....

Change in cropping system, from pasture to crop-

15. Construction work will be completed on or before ..... Completed

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

Remarks .....

**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, Shelley Macpherson, 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 13 day of April, 1979.

X Shelley Macpherson  
(Name of applicant)

Subscribed and sworn to before me this 13<sup>th</sup> day of April, 1979.

[Notarial Seal]

Stewart A. Wershow  
NOTARY PUBLIC FOR OREGON

My commission expires 3-27-83

T-4214  
RECEIVED

MAY 07 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

Legal description of property part of which is covered by Water Right, Permit Number 12956, Certificate Number 19822, Dated February 23, 1938, held by Hector Macpherson, 29780 Church Drive, Albany, Oregon 97321, doing business as Bannockburn Farms, Inc.

Beginning at a point 1.13 chains West of the quarter Section corner between Sections 20 and 21, Township 12 South, Range 4 West of the Willamette Meridian, in Linn County, Oregon, thence East 19.50 chains; thence South 15 degrees 30' West 40.05 chains; thence South 86 degrees 30' West 28.45 chains; thence South 2 degrees 30' West along the boundary of the original D.L.C. John G. Wilson and Ruth Wilson, his wife, Notation No. 2027 and Claim No. 60, to the center of Muddy Creek, 9.82 chains more or less; thence down the center of the main channel of said creek and following the meanders thereof to a point directly West of a point on the West boundary of said D.L.C. located 10.38 chains South 2 degrees 30' West of the angular corner in the West boundary of said D.L.C. and in Section 20 in said Township and Range; thence East 30.96 chains, more or less, to a point 4.86 chains West of the West boundary of said D.L.C.; thence North 2 degrees 30' East 10.26 chains; thence East 4.86 chains to the angular corner in the West boundary of said D.L.C. and heretofore described; thence North along the boundary 28.79 chains to the Northwest corner of said D.L.C.; thence continuing North 9.09 chains, more or less, along the boundary of the original D.L.C. of Washington B. Mealey, Notation No. 2029, to the intersection of said boundary with the boundary of the public highway; thence following the Southern boundary of said public highway in a Southeasterly direction to the center of Muddy Creek, 11.85 chains, more or less; thence up the center of the main channel of Muddy Creek to where the same crosses the North boundary of the John G. Wilson D.L.C., 1.15 chains, more or less; thence East along the Northern boundary of the John G. Wilson D.L.C. to the place of beginning, enclosing 180.08 acres, more or less.