

4463 BAKER

Name Charles Fitzwater Baker
 By 307 N. 10th St.
 Address Philomath, OR 97370

4463

DESCRIPTION OF WATER RIGHT

Name of stream Woods Creek
 Trib. of _____ County of Benton
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 37327 Per. No. 27809 Cert. No. 33301
 Certificate cancelled _____
 Notation made on record by _____

Change in POD
 Date filed March 28, 1980
 Date of hearing _____
 Place of hearing _____
 Date of order 6-9-80 Vol. 33, page 280
 Date for application of water 10-1-81
 Proof mailed _____
 Proof received _____
 Certificate issued OCT 28 1980 Vol. 43, page 49641

REMARKS

Card for C NOV 20 1981

W.R.I.S.	
Assembled	<u>2-17-83</u> by <u>SM</u>
Entered	_____ by _____
Verified	_____ by _____

FEES PAID

Date	Amount	Receipt No.
<u>3/28/80</u>	<u>35.00</u>	<u>16858</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

	INDEX CARDS:	
	Entered	Checked
✓ Name	<u>lg</u>	_____
✓ Stream	<u>lg</u>	_____
✓ Pt. of Div.	<u>lg</u>	_____
✓ Calendar	<u>lg</u>	_____
✓ CHECKED TO RECORDS:	<u>5/26</u>	_____
✓ Twp. & Rge.	_____	_____
Decree-vault	_____	_____
Decree-safe	_____	_____
✓ Cert. of W/R	<u>lg</u>	_____
✓ Per. Folder	<u>lg</u>	_____
Chaindex	_____	_____
Cross Ref.	_____	_____
Power Claim	<u>lg</u>	_____
✓ Abstracts	_____	_____

AB

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION)
OF CHARLES FITZWATER BAKER FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4463

On March 28, 1980, an application was filed in the office of the Water Resources Director by Charles Fitzwater Baker for approval of a change in point of diversion of water from Woods Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33501, Volume 25, State Record of Water Right Certificates, in the name of Robert E. Knight, describes a right which includes the use of not to exceed 0.043 cubic foot per second from Woods Creek and Knight Reservoir for irrigation of a certain 5.0 acres in NW 1/4 NW 1/4, Section 9, Township 12 South, Range 6 West, W.M., with a date of priority of January 22, 1962.

Water for the said right is diverted from a point located 1770 feet North and 650 feet West from the Southeast Corner of D.L.C. No. 75, being within the SW 1/4 SW 1/4 of Section 4, Township 12 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 380 feet South and 525 feet East from the Northwest Corner of Section 9, being within the NW 1/4 NW 1/4 of Section 9, Township 12 South, Range 6 West, W.M.

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

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

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

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

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

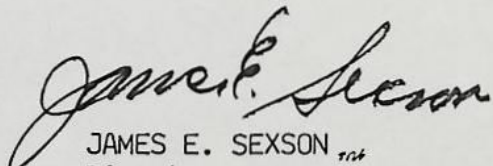
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

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

It is FURTHER ORDERED that the certificate recorded at page 33501, Volume 25, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and not canceled by the order entered June 9, 1980, canceling a portion of the water right, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 9th day of June, 1980.


JAMES E. SEXSON
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF ROBERT E.)
KNIGHT)

O R D E R

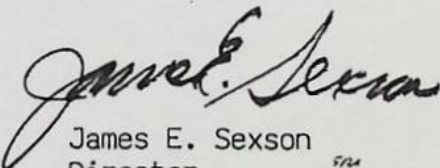
On March 28, 1980 Charles Fitzwater Baker submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 33501, Volume 25, State Record of Water Right Certificates, in the name of Robert E. Knight, and is for the use of not to exceed 0.026 cubic foot per second of water from Woods Creek and Knights Reservoir, with a date of priority of January 22, 1962, for supplemental irrigation of a certain 0.10 acre in SW 1/4 SW 1/4, Section 4, and 2.9 acres in NW 1/4 NW 1/4, Section 9, both as projected within J. Wood D.L.C. No. 75, Township 12 South, Range 6 West, W.M.

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

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 33501, Volume 25, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 9th day of June, 1980.


James E. Sexson
Director

T-4463

835

20
15

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Charles Fitzwater Baker

(Name of applicant)

of 307 N. 10th St.

(Mailing address)

Philomath

(City)

State of Oregon97370
(Zip Code)929-6417
(Phone number)

do hereby make application for change

In point of diversion

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

1. Is the water right recorded in your name? NO- Robert E. Knight

(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

(Yes or No)

If so, give number

of permit 27809Number of certificate 33501

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 Woods Creek5. What is the date of priority of your water right? January 22, 19626. The authorized point of diversion is located 1770 ft. N. and 650 ft. W. from the SE

(N. or S.)

(E. or W.)

corner of DLC 75being within the SW 1/4 SW 1/4 of Section 4Tp. 12S.R. 6W.

W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Benton

The name of the ditch used is

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

7. The proposed point of diversion is located 380 ft. S. and 525 ft. E. from the NW

(N. or S.)

(E. or W.)

corner of Sec. 9being within the NW 1/4 NW 1/4 of Section 9Tp. 12S.R. 6W.

W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Benton

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 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
12S.	6W.	9	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0

(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.?
(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, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are property subdivided, old point of
diversion is now on lands owned by others.

15. Construction work will be completed on or before

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

Remarks I Charles Fitzwater Baker authorize cancellation of the water right
appurtenant to 0.10 acres in the SW1/4 SW1/4 of section 4 and 2.90 acres in the
NW1/4 NW1/4 of section 9 both as projected within J. Wood DLC 75 in T.12S., R.6W.W.M.
I am legal land owner of the above described lands. The priority date is January 22, 1962
and the certificate # 33501. The use of water not to exceed 0.026 C.F.S. for the 3.0 acres.

**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, Charles F. Baker, 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 26 day of MARCH, 1980

Charles F. Baker
(Name of applicant)

Subscribed and sworn to before me this 26 day of MARCH, 1980

[Notarial Seal]

Michael J. Ladd
NOTARY PUBLIC FOR OREGON

My commission expires 4-13-1981

WOODS CREEK TRIB MARYS RIVER

WF 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. 1000044631 PERMIT NO. 027809 CERTIF. NO.
 ORIG. NO. A000373271 PREV. NO. A000373271 SUPER. NO.
NAME: CHARLES F. BAKERADDRESS: 307 N 10TH STCITY/STATE/ZIP/COUNTY: PHILOMATH, OR 97370

02

STREAM-ID 02 1140 1400 0130

RIV. MI.

WM. DIST. 18 W.R. TYPE SA STATUS V

CANCEL YEAR---->

CONSTR. COMPLT--> 10 01 1981YR. LAST USED-----> NEXT ACTION DUE--> PRIORITY-----> 01 22 1982PUT TO USE-----> 10 01 1981LAST TRANS. DATE--> LAST TRANS. TYPE--> APPLICATION----> 03 28 1980SURVEYED-----> 07 31 1984EXAM. FEE-----> 20.00RECORDING FEE-----> 15.00PERMIT ISSUE--> 06 09 1980

CONCURRENCE---->

CYCLE STATUS-----> REPORTED FLAG-----> CONSTR. STRT.--> 06 09 1980

CERTIFIED----->

CORRES. INIT.-----> CORRES. DATE----->
 POINT-OF-DIVERSION DATA;
 TWP/SP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS; - - - - ->

** DATED-->

** POD: 380'S & 525'E FM NW COR** S9. CHANGES POD PART OF** C-33501. RR C-49641. MAL BE** FORFEITED.

PLACE-OF-USE DATA:

TWP/SP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

** -----

** -----

** -----

99641

V.D.I.S.

APPROVED 2-17-85 J. SM

E. J. J. J. J.

V. J. J. J. J.

do w/T-4464

POD
POU
USE
Add'1 POD

County Benton

1. Name Charles Fitzwater Baker

2. Source of Supply Woods Creek, Trib of _____

4. Amount of Water 0.043 g

5. Priority Date 1-22-1962

6. Proposed Point of Diversion 380'S + 525' E from NW Cor,

S9, w/in NW $\frac{1}{4}$ NW $\frac{1}{4}$, S9, T12S, R6W, WM

7. Completion Date 10-1-81

8. Place of Use:

[illegible]

ADVERSE REPORT
7/31/84 LMT

NO 485 YET
9/10/82 LWT
NOT HONOR
2/24/84 LWT

INFO- CHARLES BAKER - HAS NEVER IRRIGATED FROM THE
NEW P.O.D. BAKER HAS CONSTRUCTED THE STRUCTURE
TO IMPOUND WATER FOR PUMPING POINT. THIS IS FOURTH
SUMMER BAKER HAS OWNED PROPERTY AND HAS NOT IRRI.
LAND WAS IRRIGATED SUMMER BEFORE BAKER PURCHASED PROPERTY.
PLANS NOW ARE TO IRRIGATE LAND AS PASTURE SUMMER OF 1983
WHEN BAKERS MOVE ONTO PROPERTY.

Larry Joll
WRE
9/10/82

NO SIGNS OF PUMP STATION OR IRRIGATION EQUIPMENT
THE FIELD DOES HAVE ELECTRIC FENCE AROUND IT BUT SAW NO
LIVE STOCK. LOG HOUSE IS UNDER CONSTRUCTION SOUTH OF CREEK
THIS DATE.

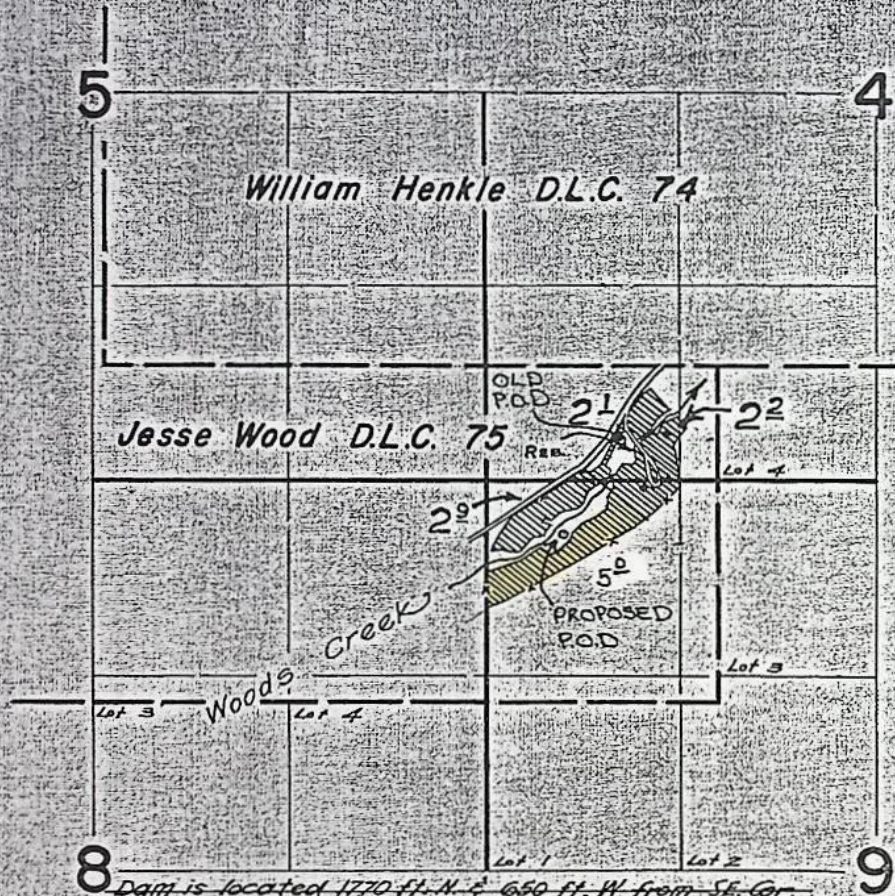
Larry Joll
WRE
7/24/84

MADE MORE THOROUGH INVESTIGATION OF DIV. PT. BRIDGE ~~OFF~~
WAS BUILT SO FLASHBOARDS COULD BE INSTALLED TO POOL WATER
AND MAKE PUMPING EASIER. THERE IS A GATE VALVE ON ~~SW~~ NW
END OF BRIDGE SO WATER COULD BE PASSED AROUND
FLASHBOARDS. DOES NOT APPEAR THIS HAS EVER BEEN
USED. NO WATER LINE ON CONCRETE WALLS AND BY-PASS
PIPE HAS JUNK WASHED INTO IT FROM HIGH WATER THAT
WOULD HAVE WASHED OUT HAD BY-PASS BEEN USED. SAW NO
SIGNS OF PUMP STATION OR ANY EQUIPMENT. LAND TO
BE IRRIGATED DOES NOT APPEAR TO HAVE BEEN IRRI. RECENTLY.
SHOULD CONTACT BAKER, APPEARS TO HAVE GONE 5 years
WITHOUT BEING USED (4463 & 4464).

Larry Joll
WRE
7/31/84

T-4463

T.12S.R.6W.W.M.



Dam is located 1770 ft. N. & 650 ft. W. from S.E. Cor.
D.L.C. 75

OLD P.O.D. 1770' N. & 650' W. FROM THE S.E. CORNER
OF D.L.C. 75

PROPOSED P.O.D. 380' S. & 525' E. FROM THE N.W. CORNER
OF SECTION 9 T.12S.R.6W.W.M.

FINAL PROOF SURVEY

UNDER

Application No. ~~R-37326~~ ~~37327~~ Permit No. ~~R-2722~~ ~~27809~~
IN NAME OF

ROBERT E. KNIGHT

Surveyed Sept. 2, 1965, by

R. Jackson

Application No. 4463

Application for Extension of Time
for Transfer of Water Right

RECEIVED

OCT 14 1983

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Charles F. Baker (Name of applicant)
of P.O. Box 1027 307 N. 10th St Philomath
(Mailing address) (City)
State of Oregon 97370 929-6417
(Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete

a change in: ☒ point of diversion

() place of use

() use heretofore made of water

under the terms of an order of the Water Resources Director entered on

1-5, 1981, approving transfer application No. 4463, Permit # 45281

in the name of Charles Fitzwater Baker *

The following has been accomplished toward completion of the
change within the time allowed, which expired on 10-1, 1983:

Concrete structure constructed to hold back water
Excavation of storage area is all that remains.

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

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

\$20.00
10-14-83
39378

~~Ext 1-10-84~~
~~SPR 56/8~~

To fully complete the change, it will be necessary to accomplish the following: Excavate storage area, install Fresh Boards & Pump.

I am unable to complete the change under the terms of the order, within the time allowed, because Lack of funds

and request that the time for completion be extended to 10-85.

AFFIDAVIT OF APPLICANT

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of October

....., 1983

Subscribed and sworn to before me this 13th day of October, 1983

[Notarial Seal]

Nancy M. Jordan
Notary Public for Oregon
My commission expires Mar 30, 1986

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

TO:

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



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: March 28 1980FROM: ** Michael J. LaddSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 7-4963, 7-4969
IN THE NAME OF CHARLES FITZWATER BAKER

In my opinion the proposed change in POD from
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.

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

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

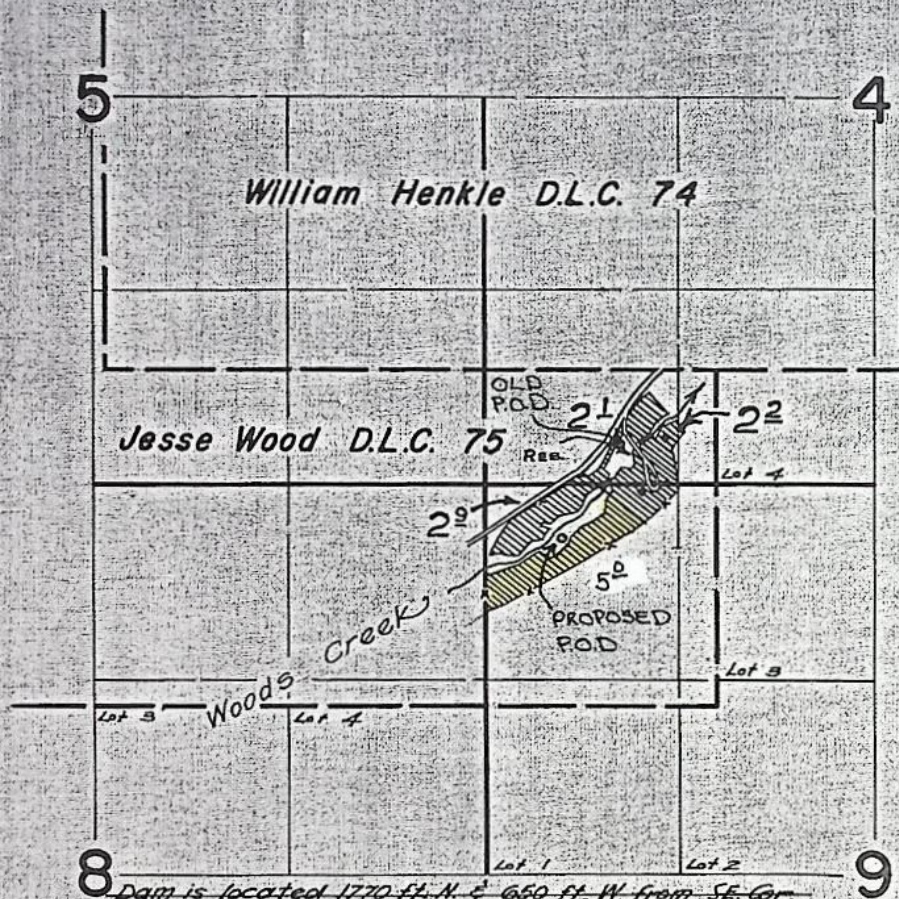
- ____ (1) PRIOR to the diverting of water at the new point of diversion . . .
X (2) When in the judgment of the watermaster it becomes necessary . . .

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

** Michael J. Ladd
Watermaster's signature or initials

T-4463

T.12S.R.6W.W.M.



Dam is located 1770' N. & 650' W. from S.E. Cor.
D.L.C. 75

OLD P.O.D. 1770' N. & 650' W. FROM THE S.E. CORNER
OF D.L.C. 75

PROPOSED P.O.D. 380' S. & 525' E. FROM THE N.W. CORNER
OF SECTION 9 T.12S.R.6W.W.M.

FINAL PROOF SURVEY UNDER

~~R-37326~~ ~~R-2722~~
Application No. ~~37327~~ Permit No. ~~27809~~
IN NAME OF

~~ROBERT E. KNIGHT~~

Surveyed Sept. 2, 1965, by *R. Jackson*

Mike Ladd

Transfer request by Charles F. Baker

Certificate No 23894 allows 2.63 acres in NW⁺NW⁺ Sec 9
2.30 acres in SW⁺SW⁺ Sec 4

Certificate No 33501 allows 2.90 acres S in NW⁺NW⁺ Sec 9 (same 2.63)
2.10 acres S in SW⁺SW⁺ Sec 4 (same 2.30)
6.70 acres P in NW⁺NW⁺ Sec 9

Baker owns the 2.63 acres & 5.0 acres of the 6.70 acres
in NW⁺NW⁺ Sec 9; and 0.1 of the 2.30 acres in SW⁺SW⁺ Sec 4.

To transfer POD's, Baker needs to:

- #35 (1) File application for 2.63 ac in NW NW Sec 9 primary (C-23894)
0.10 ac in SW SW Sec 4 primary (C-23894)
(or whatever)
- #35 (2) File application for 5.0 ac in NW NW Sec 9 primary (C-33501)
- #0 (3) Submit affidavit canceling supplemental irrigation of
2.9 ac in NW NW Sec 9 from stored water (C-33501)
0.1 ac in SW SW Sec 4 ✓ - ✓ - - ✓