

Name Charles Fitzwater Baker

4464

By \_\_\_\_\_

DESCRIPTION OF WATER RIGHT

Address 307 N. 10<sup>th</sup> St.

Philamoth, OR 97370

Name of stream Woods Creek 02 1190 1400 0130

Trib. of \_\_\_\_\_ County of Benton

Use irrigation

Quantity of water \_\_\_\_\_ No. of acres 2.73

Name of ditch \_\_\_\_\_

Date of priority July 19, 1950

In name of John W. & Doris M. Bayless

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

App. No. 25008 Per. No. 20960 Cert. No. 23899

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 282

Date for application of water 10-1-81

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

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

Certificate issued ~~001-20-1000~~ Vol. ~~43~~, page ~~49640~~

JAN 19 1981

43

49764

*to cert 10/83*

REMARKS

Card for C NOV. 20 1981

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

FEEES PAID

Date	Amount	Receipt No.
<u>3/28/80</u>	<u>35.00</u>	<u>16859</u>
TOTAL . . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	<input checked="" type="checkbox"/>	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/>	Name	<u>SA</u>	
	<input checked="" type="checkbox"/>	Stream	<u>SA</u>	
	<input checked="" type="checkbox"/>	Pt. of Div.	<u>SA</u>	
	<input checked="" type="checkbox"/>	Calendar	<u>SA</u>	
	<input checked="" type="checkbox"/>	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/>	Twp. & Rge.		
	<input checked="" type="checkbox"/>	Decree-vault		
	<input checked="" type="checkbox"/>	Decree-safe	<u>SA</u>	
	<input checked="" type="checkbox"/>	Cert. of W/R	<u>SA</u>	
<input checked="" type="checkbox"/>	Per. Folder			
<input checked="" type="checkbox"/>	Chaindex			
<input checked="" type="checkbox"/>	Cross Ref.			
<input checked="" type="checkbox"/>	Power Claim	<u>SA</u>		
<input checked="" type="checkbox"/>	Abstracts	<u>SA</u>		

GUY BAGLEY PROPERTY

in

JESSE WOOD D.L.C. No. 75, T. 12 S., R. 6 W., Will. Mer.

Scale: 1 inch = 5 chains

April 14, 1952

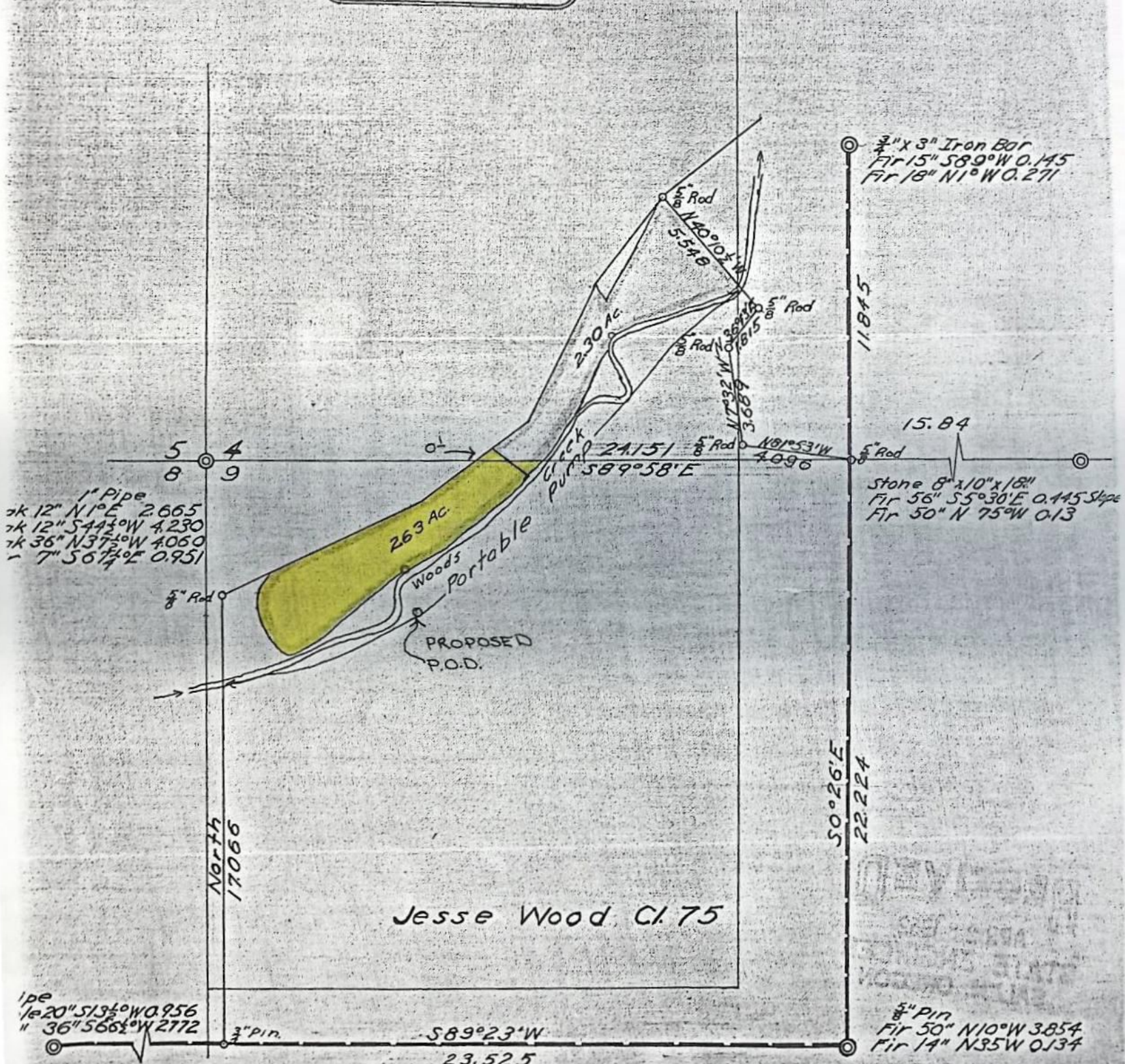
I, Curtis C. Hanson, County Surveyor of Benton County, Oregon, hereby certify that this plat was made on April 14, 1952, from maps on file in my office and from County Assessor's aerial photographs and that the monuments are shown on this plat as indicated on said maps.

REGISTERED  
OREGON  
LAND SURVEYOR

*Curtis C. Hanson*

NOVEMBER 9, 1945  
CURTIS C. HANSON  
161

T-4464



52971 PROPOSED P.O.D. 380' S. & 525' E. FROM THE N.W. CORNER OF SECTION 9 T.12S. R.6W.W.M.

Application No. 25008  
Permit No. 20960

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. 4464

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 23894, Volume 17, State Record of Water Right Certificates, in the names of John W. & Doris M. Bayless, describes a right which includes the use of not to exceed 0.034 cubic foot per second from Woods Creek for irrigation of a certain 0.10 acre in SW 1/4 SW 1/4, Section 4, and 2.63 acres in NW 1/4 NW 1/4, Section 9, both as projected within Jesse Wood D.L.C. No. 75, Township 12 South, Range 6 West, W.M., with a date of priority of July 19, 1950.

Water for the said right is diverted, from points located within the NW 1/4 NW 1/4 of Section 9 and 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:

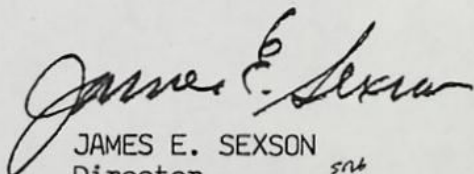
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 23894, Volume 17, 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 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 *srh*

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. T000044641 PERMIT NO. 020960 CERTIF. NO.  
ORIG. NO. A000250081 PREV. NO. A000250081 SUPER. NO.

NAME: CHARLES F. BAKER  
ADDRESS: 307 N 10TH ST  
CITY/STATE/ZIP/COUNTY: PHILOMATH, OR 97370 02

STREAM-ID 02 1140 1400 0130 RIV. MI. WM. DIST. 16 W.R. TYPE SA STATUS

CANCEL YEAR---->	CONSTR. COMPLT-->	YR. LAST USED----->	---	NEXT ACTION DUE-->	---
PRIORITY-----> <u>07 19 1950</u>	PUT TO USE----->	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION--> <u>03 28 1980</u>	SURVEYED----->	EXAM. FEE----->	<u>20.00</u>	RECORDING FEE----->	<u>15.00</u>
PERMIT ISSUE--> <u>06 09 1980</u>	CONCURRENCE----->	CYCLE STATUS----->	---	REPORTED FLAG----->	---
CONSTR. STRT.--> <u>06 09 1980</u>	CERTIFIED----->	CORRES. INIT.----->	---	CORRES. DATE----->	---

POINT-OF-DIVERSION DATA:  
TWNSP RNGE SECT QTR/QTR STREAM-ID

1205 060W 09 B B 02 1140 1400 0130

RIV. MI. RATE STATUS S OR P

0.034 ? P

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

\*\* POD: 380 S & 525 E FM NW COR  
\*\* S 9. CHANGES POD PART OF  
\*\* C-23894. RRC-49764. MAY BE  
\*\* FORFEITED.

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

1205 060W 09 CC 02 IR 100 0.10 ? P

09 BB 2.63

\*\* -----  
\*\* -----  
\*\* -----

W.R. I.S.

Approved 2-17-85 J.S.G.

Examined \_\_\_\_\_

Verified \_\_\_\_\_

T-4464

\$ 35

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 Oregon, 97370 (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 - John W. and Doris M. Bayless (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 20960 Number of certificate 23894

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 Creek

5. What is the date of priority of your water right? July 19, 1950

6. The authorized point of diversion is located ..... ft. (N. or S.) and ..... ft. (E. or W.)

corner of ..... being within the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 9 Tp. 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 (N. or S.) and 525 ft. E (E. or W.) from the NW

corner of Sec. 9 being within the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 9 Tp. 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 1/4-1/4 of Section	Number Acres To Be Irrigated
12S.	6W.	9	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.63
12S.	6W.	4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.10

(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 1/4-1/4 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 \_\_\_\_\_

**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 7-13-1981



Needs recheck for 5 years non-use

do w/T-4463

178-93A

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

- POD
- POU
- USE
- Add'l POD

Transfer No. 4464 County Benton

Old Certificate No. 23894

1. Name Charles Fitzwater Baker

Address 307 N 10<sup>th</sup> St, Philomath, OR 97370

2. Source of Supply Woods Creek, Trib of \_\_\_\_\_

3. Use irrigation 2.73 ac

4. Amount of Water 0.034 cfs

5. Priority Date 7-19-1950

6. Proposed Point of Diversion 380' N/S & 525' E from NW Cor, S9, w/in NW1/4 NW1/4, Sec 9, T12S, R6W, W1M

7. Completion Date 10-1-81

8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
12S	6N			

ADVERSE REPORT 7/31/84 LMT

SEE T-4464 9-20-82 LMT No 7 HOME 7/24/84 LMT

See TRAWS 4463 for Report

Long Jolt  
was  
7/31/84

## STATE OF OREGON

COUNTY OF

BENTON

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**

JOHN W. AND DORIS M. BAYLESS

of Box 172, Philomath, State of Oregon 97370, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Woods Creek

a tributary of Marys River for the purpose of irrigation of 2.2 acres

under Permit No. 20960 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 19, 1950

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.028 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, as projected within Jesse Wood DLC 75, T. 12 S., R. 6 W., W.M.

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 and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year

and 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 hereby confirmed, and to which such right is appurtenant, is as follows:

2.2 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
as projected within Jesse Wood DLC 75  
Section 4  
T. 12 S., R. 6 W., W. M.

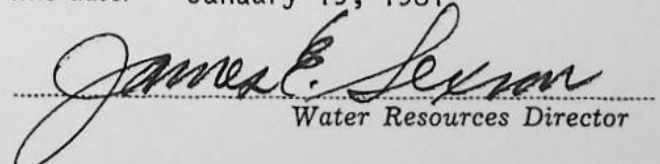
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 23894, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 9, 1980, approving transfer application No. 4464.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. January 19, 1981

  
Water Resources Director