

STATE OF OREGON
 COUNTY OF JEFFERSON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

COLUMBIA EMPIRE FARMS; R-2 RANCH
 P.O. BOX 1
 DUNDEE, OR 97115

confirms the right to use the waters of TROUT CREEK, tributary to DESCHUTES RIVER for DOMESTIC, STOCK USE, and IRRIGATION of 72.25 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jefferson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 5, at Page 57. The date of priority is 1879. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.5 acre-feet per acre during any period of 30 days or 6 acre-feet per acre during any irrigation season, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	15 E	WM	3	SW NW	POD 1 - 100 FEET NORTH AND 300 FEET EAST FROM W 1/4 CORNER, SECTION 3
9 S	15 E	WM	4	SE SE	POD 2 - 1310 FEET NORTH AND 610 FEET WEST FROM SE CORNER, SECTION 4
9 S	15 E	WM	9	SE NW	POD 3 - 1700 FEET SOUTH AND 760 FEET WEST FROM N 1/4 CORNER, SECTION 9
9 S	15 E	WM	9	NW SW	POD 4 - 100 FEET SOUTH AND 550 FEET EAST FROM W 1/4 CORNER, SECTION 9
9 S	15 E	WM	17	NW NE	POD 5 - 900 FEET SOUTH AND 230 FEET EAST FROM N 1/4 CORNER, SECTION 17
9 S	15 E	WM	17	SE NW	POD 6 - 1540 FEET SOUTH AND 880 FEET WEST FROM N 1/4 CORNER, SECTION 17
9 S	15 E	WM	18	NE SE	POD 7 - 1550 FEET NORTH AND 1060 FEET WEST FROM SE CORNER, SECTION 18

A description of the place of use is as follows:

IRRIGATION AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	15 E	WM	9	NE SW	20.00
9 S	15 E	WM	9	NW SW	30.75
9 S	15 E	WM	9	SW SW	21.50

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

The quantity of water diverted at the new point(s) of diversion shall not exceed the quantity of water available from the original point of diversion described as follows:

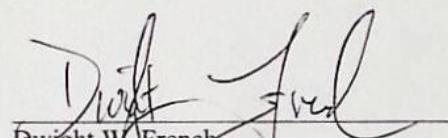
Twp	Rng	Mer	Sec	Q-Q
9 S	15 E	WM	8	NE SE

The use of diversion POD 7 is prohibited when Trout Creek is receiving inflow from Hay Creek.

The water user shall maintain and operate fish screen(s) or by pass device(s) as appropriate and required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

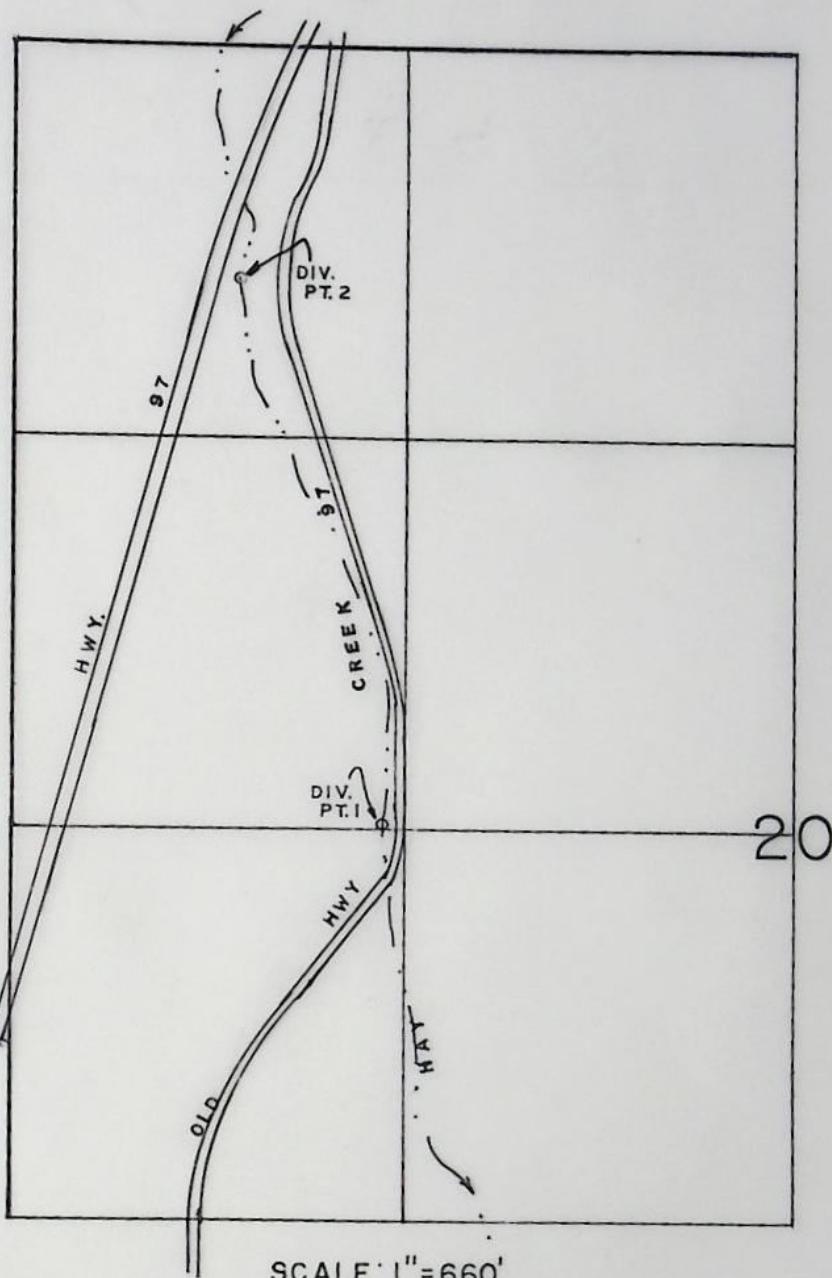
This certificate is issued to confirm a change in ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered February 28, 2007 at Special Order Volume 71, Page 252, approving Transfer Application 9582, and together with Certificate 82778, supersedes Certificate 50363, State Record of Water Right Certificates.

Issued JUL 23 2013.



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director

T. 9 S., R. 15 E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 4370
IN NAME OF

FLOYD BAUER

Surveyed MARCH 3, 1994, by R.M.SUTTERFIELD

BEFORE THE STATE ENGINEER OF OREGON

Jefferson County

IN THE MATTER OF
THE CANCELLATION }
OF WATER RIGHTS }

O R D E R

On March 20, 1968, Ronald B. Ochs submitted an affidavit that he is the owner of that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., lying northwesterly of County Road No. 509, and the water rights appurtenant thereto; that he has abandoned any and all interest in and to said water rights and requests the same to be canceled.

The water rights in question are:

(a) as established by Decree of the Circuit Court for Jefferson County, entered August 10, 1918, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Trout Creek and its Tributaries, in the name of Bidwell Cram, for the use of not to exceed one acre foot per acre during any period of thirty days or three acre feet per acre during any irrigation season of the waters of Hay Creek and its tributaries, for irrigation of, among other lands, 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with dates of priority of 1885 from Hay Creek and 1886 from Wilson Creek, as evidenced by certificate of water right recorded at page 2230, Volume 3, State Record of Water Right Certificates;

(b) as established by Decree of the Circuit Court for Jefferson County, entered August 10, 1918, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Trout Creek and its Tributaries, in the name of H. L. and Mary Priday, for the use of not to exceed one acre foot per acre during any period of thirty days or three acre feet per acre

during any irrigation season of the waters of Hay Creek for irrigation of, among other lands, 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 2256, Volume 3, State Record of Water Right Certificates;

(c) for the use of not to exceed 0.12 cubic foot per second, including the amount secured under any other right, of the waters of Trout Creek for supplemental irrigation of, among other lands, 9.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of November 12, 1915, and is evidenced by certificate of water right issued in the name of Bidwell Cram, as Trustee, and recorded at page 3490, Volume 4, State Record of Water Right Certificates;

(d) for the use of not to exceed one-eightieth of a cubic foot per second per acre, together with the amount secured under any other right existing for the same lands, of the waters of Lyle Ditch and Reservoir, for supplemental irrigation of, among other lands, 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of May 6, 1911, and is evidenced by certificate of water right issued in the name of Chester M. Kennedy and recorded at page 9690, Volume 9, State Record of Water Right Certificates.

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

NOW, THEREFORE, it is hereby ORDERED that the right for the use of not to exceed one acre foot per acre during any period of thirty days or three acre feet per acre during any irrigation season of the waters of Hay Creek and its tributaries, for irrigation of 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with dates of priority of 1885

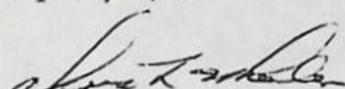
from Hay Creek and 1886 from Wilson Creek, as evidenced by certificate of water right recorded at page 2230, Volume 3, State Record of Water Right Certificates, is canceled;

It is FURTHER ORDERED that the right for the use of not to exceed one acre foot per acre during any thirty day period or three acre feet per acre during any irrigation season of the waters of Hay Creek for irrigation of 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 2256, Volume 3, State Record of Water Right Certificates, is canceled;

It is FURTHER ORDERED that the right for the use of not to exceed 0.12 cubic foot per second, including the amount secured under any other right, of the waters of Trout Creek for supplemental irrigation of 9.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of November 12, 1915, as evidenced by certificate of water right recorded at page 3490, Volume 4, State Record of Water Right Certificates, is canceled, and;

It is FURTHER ORDERED that the right for the use of not to exceed one eightieth of a cubic foot per second, together with the amount secured under any other right existing for the same lands, of the waters of Lyle Ditch and Reservoir, for supplemental irrigation of 8.75 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 9 South, Range 15 East, W.M., with a date of priority of May 6, 1911, as evidenced by certificate of water right recorded at page 9690, Volume 9, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 5th day of April, 1968.



CHRIS L. WHEELER
State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF FLOYD BAUER FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER AMENDING
ORDER APPROVING
TRANSFER 4370

On January 14, 1980, an application was filed in the office of the Water Resources Director by Floyd Bauer for approval of a change in point of diversion of water from Hay Creek and Wilson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

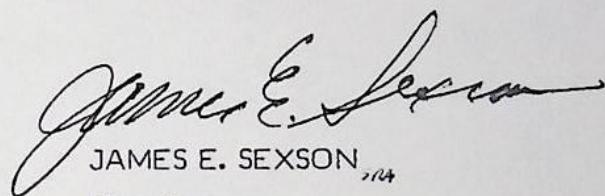
By Decree of the Circuit Court for Jefferson County, Oregon, entered August 10, 1981, In The Matter of the Determination of the Relative Rights to the Use of the Waters of Trout Creek and Its Tributaries, a water right was established in the name of Bidwell Cram for the use of waters of Hay Creek and Wilson Creek, for irrigation of, among other lands, a certain 7.5 acres in SW 1/4 SW 1/4, Section 17; 27.5 acres in SE 1/4 SE 1/4, Section 18; 11.5 acres in NE 1/4 NE 1/4, 13.5 acres in SE 1/4 NE 1/4, 6.1 acres in NE 1/4 SE 1/4, 1.0 acre in SE 1/4 SE 1/4, Section 19; 18.95 acres in NW 1/4 NW 1/4, 30.8 acres in SW 1/4 NW 1/4, 36.1 acres in NW 1/4 SW 1/4 and 26.0 acres in SW 1/4 SW 1/4, Section 20, all in Township 9 South, Range 15 East, WM, with a date of priority of 1885 for Hay Creek and 1886 for Wilson Creek, being tabulated in the name of Bidwell Cram at Volume 5, page 72, as evidenced by the Certificate recorded at page 45511, Volume 38, State Record of Water Right Certificates.

On April 23, 1981, Certificate 45511 was superceded by the Certificate recorded at page 49923, Volume 43, State Record of Water Right Certificates, prior to approval of said proposed change in point of diversion.

The lands described above, for which a change in point of diversion is requested, should be deleted from Certificate 49923.

NOW, THEREFORE, it hereby is ORDERED that the certificate recorded at page 49923, Volume 43, 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 19th day of October, 1981.



JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

7341A

IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR JEFFERSON COUNTY

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS TO THE USE)
OF THE WATERS OF TROUT CREEK AND)
ITS TRIBUTARIES, A TRIBUTARY OF)
DESCHUTES RIVER IN CROOK, JEFFERSON)
AND WASCO COUNTIES.)

197
ORDER CORRECTING DECREE

Ronald Ochs having petitioned the court for a correction of the decree dated August 10, 1918, entered in the above matter, and

It appearing from the petition and exhibits attached thereto that:

a. the original adjudication survey showed ten and three-quarter acres of water rights as appearing in the Northwest quarter of the Southeast quarter of Section 18, Township 9 South, Range 15, East of the Willamette Meridian, and

b. Based upon the adjudication survey, Bidwell Cram, who was owner of the land in question in 1916, prepared and filed a statement and proof of claim before the State Water Board and that in the statement and proof of claim his answers to the questions propounded therein were required to conform to the adjudication survey. It appears that instead of entering the ten and three quarter acres in the square denoting the Northwest quarter of the Southeast quarter, he entered it instead in the Southwest quarter of the Southeast quarter of said Township and Range. It further appears from the statement and proof of claim, that he did not own the Southwest quarter of the Southeast quarter but he did own the Northwest quarter of the Southeast quarter.

c. It further appears that the error was then copied into the final decree and that based upon the final decree the State Water Board made and entered a certificate of water right which is recorded in the water right certificates Volume III at page 2230, showing the ten and three-quarter acres of water right to Trout Creek being in the Southwest quarter of the Southeast quarter.

d. It further appears from the affidavit of the watermaster for District 11 that he has examined the records and the land and is of the opinion that the ten and three-quarter acre water right properly belongs in the Northwest quarter of the Southeast quarter of the said Section 18.

e. It further appears from the affidavit of Ronald Ochs that he has leased the land in question for the past three years and in his opinion the Southwest quarter of the Southeast quarter of said Section 18 does not appear to have ever been irrigated from the waters of Trout Creek.

Based upon the foregoing, the Court finds that a mistake appears in the decree on page 72 of the order record thereof wherein it appears that ten and three-quarter acres of water right allocated in the Southwest quarter of the Southeast quarter of Section 18, Township 9 South, Range 15 East of the Willamette Meridian should be corrected so that the ten and three-quarter acres of water right appear as being allocated in the Northwest quarter of the Southeast quarter of Section 18, Township 9 South, Range 15 East of the Willamette Meridian, and

GOOD CAUSE Appearing therefor,

IT IS HEREBY ORDERED That page 72 of the order record of the decree entered in the above matter dated August 10, 1918, whereby the ten and three-quarter acres of water right formerly appearing as being allocated to the Southwest quarter of the Southeast quarter of Section 18, Township 9 South, Range 15 East of the Willamette Meridian be and the same is hereby corrected to read as being allocated to the Northwest quarter of the Southeast quarter of Section 18, Township 9 South, Range 15 East of the Willamette Meridian.

Dated September 18, 1972.

/s/ John M. Copenhaver
Judge of the Circuit Court

STATE OF OREGON) ss
County of Jefferson) ss

I certify that the foregoing Order Correcting Decree has been compared with the original, and that it is a correct transcript therefrom, and of the whole of such original, as the same appears of record at the Clerk's office in Jefferson County, Oregon.

February 5, 1974

(SEAL)

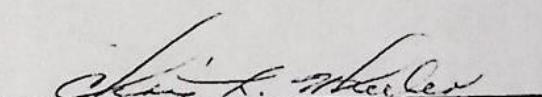
/s/ Elaine L. Henderson Clerk

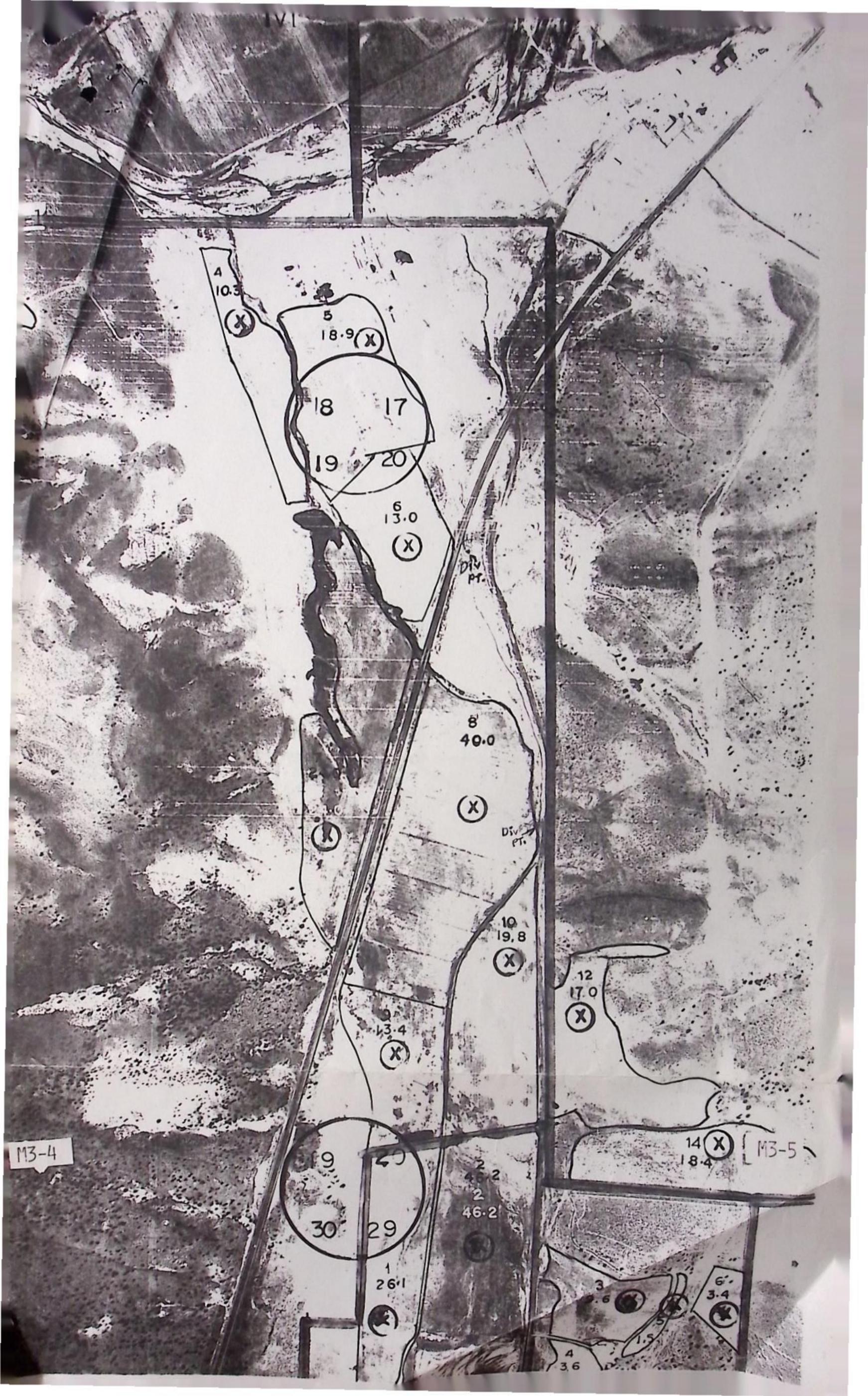
By /s/ Mary Priday Deputy

STATE OF OREGON) ss
County of Marion) ss

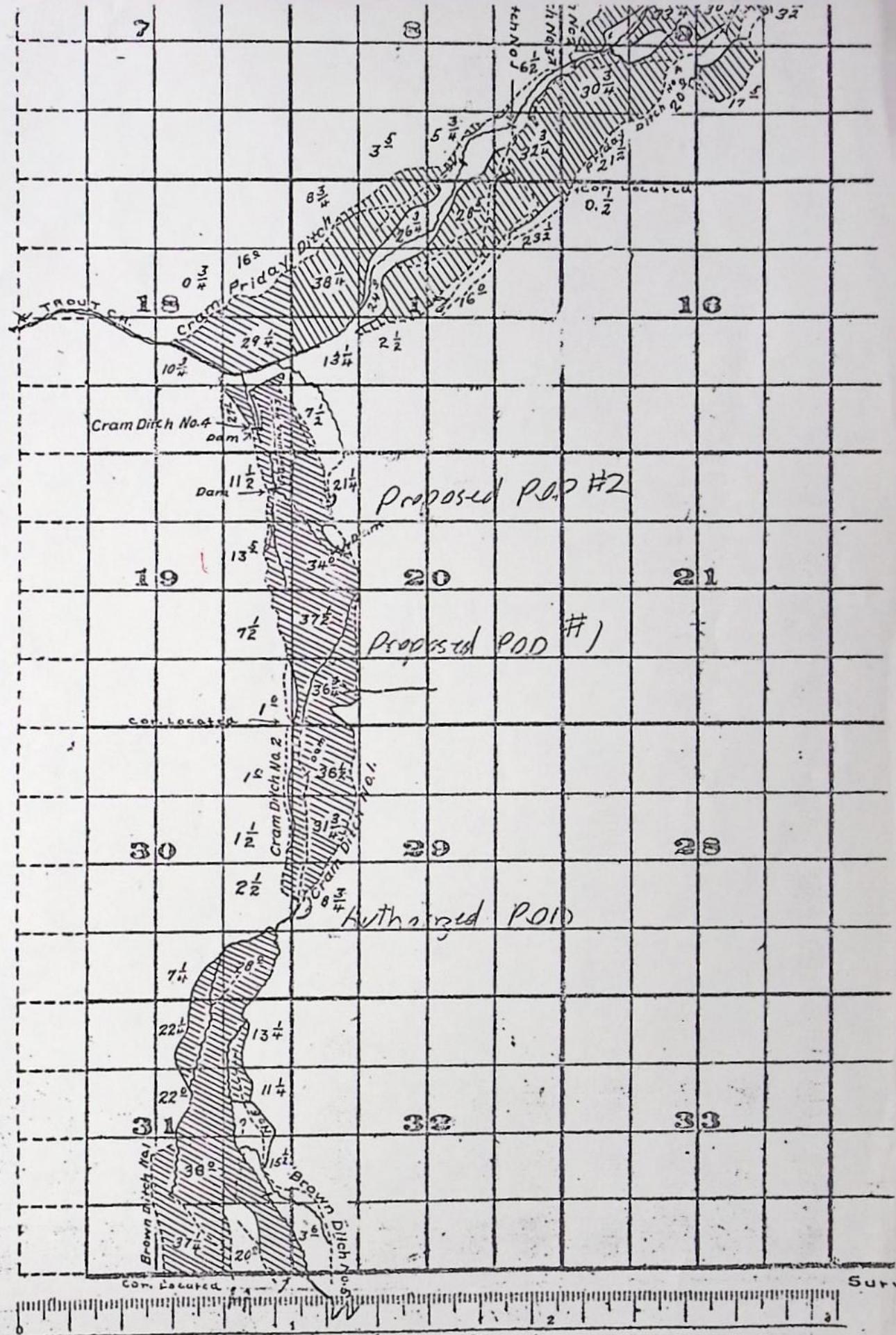
I, CHRIS L. WHEELER, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of Order Correcting Decree of the Circuit Court In the Matter of the Determination of the Relative Rights to the Water of Trout Creek and its Tributaries is a full and correct copy of such order as the same was received in this office and entered herein this 15th day of February, 1974.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of February, 1974.


CHRIS L. WHEELER, State Engineer



IT-437C



Scale of Feet.



LEGEND-
Irrigated land with areas

-- - - Ditches

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

POD
POU
USE
Add'1 POD

Transfer No. 4370

County Jefferson

Old Certificate No. 45511

1. Name Floyd Bauer 475-2796
Address Gateway Rd, Box 486, Madras, OR 97741

2. Source of Water Hay Cr. & Wilson Cr. Trib of _____

3. Use in of

4. Assessment Solutions

4. Amount of Water _____

5. Priority Date 1885, 1886

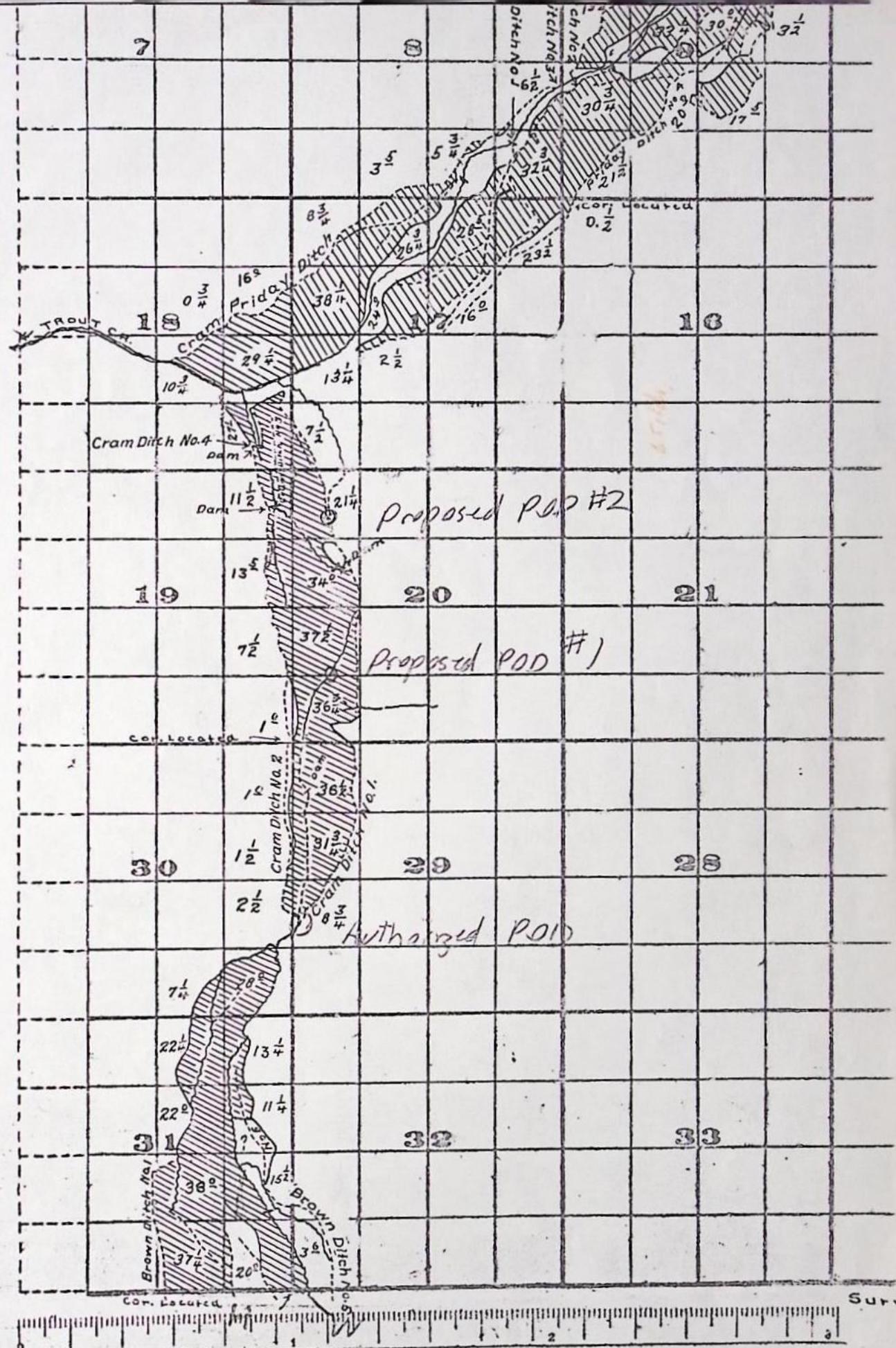
6. Proposed Point of Diversion 1) $1320^{\prime} S + 603^{\prime} E + 2$) $1580^{\prime} N + 965^{\prime} E$
from W $\frac{1}{4}$ Cor, Sec 20, w/in 1) NW $\frac{1}{4}$ SW $\frac{1}{4}$ + 2) NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S 20, T9S, R15E, WM

7. Completion Date 10-1-83 C Notice Received: N/a

8. Place of Use: Transfer Order: Vol 35, pg. 216

INFO: FLOYD BAUER - Div. PTS ARE

T-437C



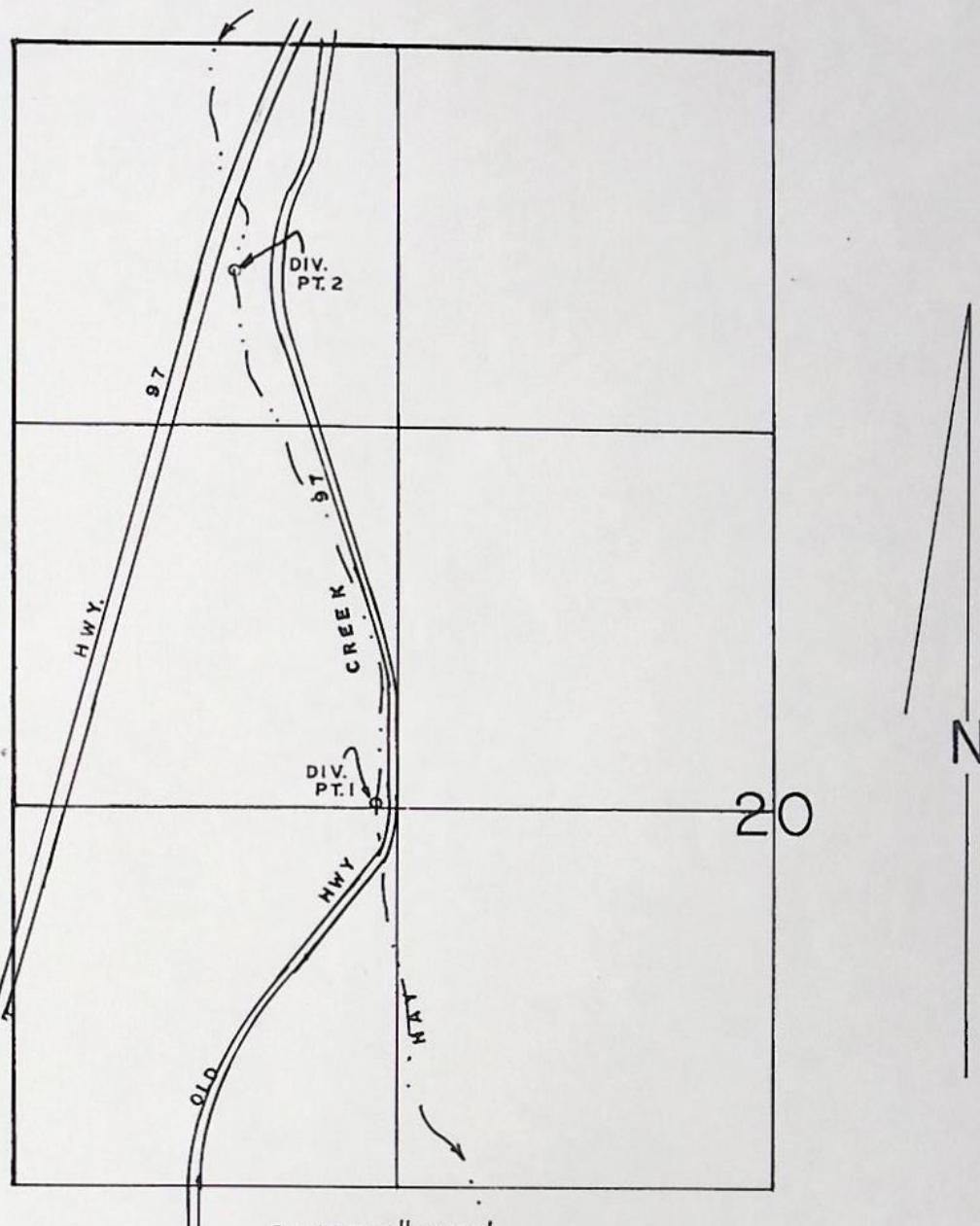
Scale of Feet.



LEGEND-
Irrigated land with areas

-- - - Ditches

T. 9 S., R. 15 E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 4370
IN NAME OF

FLOYD BAUER

Surveyed MARCH 3, 1994, by R.M.SUTTERFIELD

RECEIVED

AUG 25 1981

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-4370

RECEIVED
JAN 14 1980
WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, **Floyd Bauer**

(Name of applicant)

of **Gateway Rt Box 486**

(Mailing address)

Madras

(City)

State of **Oregon**, **97741**

(Zip Code)

475-2796, do hereby make application for change

(Phone number)

in pt 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-Cram Bidwell** **V5, P72**
No - Cram, Bidwell (If not, give name)

2. Was your water right determined by Decree of Court? **yes** If so, give title of proceedings
yes (Yes or No)

Trout Cr. decree number of certificate **45511**

3. Was your water right acquired by Water Right Permit? **.....** 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 **Hay Cr.**

5. What is the date of priority of your water right? **1885-1886**

6. The authorized point of diversion is located **1700 ft. N and 160 ft. E** from the **SW**
1700 *N* *160* *E* (N. or S.) (E. or W.)

corner of **sec. 29** being within the **NW 1/4 SW 1/4 of Section 29** **Tp. 9S R. 15E W. M.**
sec. 29 *NW* *SW* *29* *9S* *15E* (No. N. or S.) (No. E. or W.)

in the county of **Jefferson**. The name of the ditch used is **Cram ditch #1 & #2**
Jefferson *Cram Ditch #1 & #2*

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

71 1320 S 603' E w 1/4

7. The proposed point of diversion is located **72 1580 ft. N and 965' ft. E** from the **w 1/4**
72 *1580* *N* *965'* *E* (N. or S.) (E. or W.)

corner of **sec. 20** being within the **NW 1/4 NW 1/4 of Section 20** **Tp. 9S R. 15E W. M.**
sec. 20 *NW* *NW* *20* *9S* *15E* (No. N. or S.) (No. E. or W.)

in the county of **Jefferson**. 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
9 S.	15 E.	17	SW SW	7 ⁵ /
		18	SE SE	27 ⁵ ✓ map shows 27 ¹
		19	NE NE	11 ⁵ ✓
		19	SE NE	13 ⁵ ✓
		19	NE SE	7 ⁵ ✓ - 1.4 = 6.1
		19	SE SE	1 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)

8. (cont'd)

T.9 S. R15 E 20

NW NW 21.25 - 2.3 =

18.95 ✓

SW NW 34.0 - 3.2 = 30.8

SW SW 36.0 - 1.4 = 36.1

NW SW 37.5 - 1.4 = 36.1

14. Reasons for the proposed changes are more efficeint use of water

15. Construction work will be completed on or before completed

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

Remarks

NOTE: THIS APPLICATION MUST BE ACCCOMPANIED 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, Floyd Bauer, 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 11 day of Jan, 1980

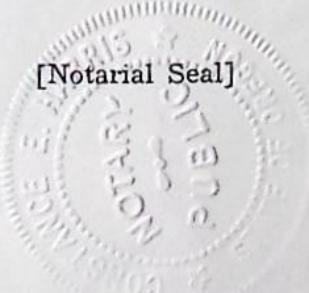
Floyd Bauer
(Name of applicant)

Subscribed and sworn to before me this 11th day of JANUARY, 1980

[Notarial Seal]

Constance E. Harris
NOTARY PUBLIC FOR OREGON

My commission expires 8-14-82



HAY CR → TROUT CR

WR T-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***

PAGE 1
RUN ON: 3/20/81 AT: 9:08

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. 1000043701 PERMIT NO. 005 072 CERTIF. NO.
ORIG. NO 10000455111 PREV. NO 10000491231 SUPER. NO.

NAME: FLOYD BAUER

ADDRESS: GATEWAY RT, BOX 486

CITY/STATE/ZIP/COUNTY: MADRAS, OR 97741

STREAM-ID 05 1980 0930 0040

RIV.MI.

WM.DIST. // W.R.TYPE SC STATUS✓

CANCEL YEAR--> CONSTR.COMPLT--> 10 01 1983
PRIORITY----> 12 31 1885 PUT TO USE----> 10 01 1983
APPLICATION--> 01 14 1980 SURVEYED----->
PERMIT ISSUE--> 09 25 1981 CONCURRENCE---->
CONSTR.START.--> 09 25 1981 CERTIFIED----->

YR.LAST USED----> ————— NEXT ACTION DUE--> —————
LAST TRANS.DATE--> ————— LAST TRANS.TYPE--> —————
EXAM.FEE-----> 20.00 RECORDING FEE----> 15.00
CYCLE STATUS----> ————— REPORTED FLAG----> —————
CORRES.INIT.----> ————— CORRES.DATE-----> —————

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

RIV.MI. RATE STATUS S OR P

0905, SOE 20 (B 05 1980 0930 0040

3.092 V P

** REMARKS: - - - - -
** DATED-->
** POD: 1) 1320'S & 630'E, 2) 1580' N &
** PGS'E FM W 1/4 CER S 20. CHANGES
** POD PART OF C-49423. RR
** C-50363.

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

SEE ATTACHED

50363

W.R.I.S.

Assembled 4-4-85 by SOD
Entered _____ by _____
Verified _____ by _____

2017/26



VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 379-3066 or
1-800-452-7813

January 12, 1981

File No. T-4370

Floyd Bauer
Gateway Rt Box 486
Madras, OR 97741

Dear Mr. Bauer:

I have discussed your application for a change in point of diversion of water from Hay Creek for irrigation of 187.25 acres in Sections 17, 18, 19 and 20, Township 9 South, Range 15 East, WM, with the Water Rights Division Administrator.

Since the time the original water right was allowed, State Highway 97 was built, removing about 8.3 acres of land under that right in Sections 19 and 20. The lost acreage cannot be reinstated in another location, even within property you own.

Consequently, the acreage shown on your application must be reduced by the number of acres lost to the highway. I am returning your application and map so you can make the adjustments.

If you wish, you can make a new filing for a water right for the lands along the outside edges.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
3495A

C O P Y

Affidavit of Publication

State of Oregon
County of Jefferson ss.

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4370

The Water Resources Director has received and filed an application by Floyd Bauer for approval, without loss of priority, of a change in point of diversion under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 45511, Volume 38, State Record of Water Right Certificates, in the name of Bidwell Cram, and is for the use of water from Hay Creek & Wilson Creek, under a priority date of 1885 for Hay Cr & 1886 for Wilson Cr, for irrigation of a certain 7.5 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 17; 27.5 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18; 11.5 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 13.5 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.5 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.0 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 19; 21.25 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 34.0 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 37.5 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$ & 26.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 20, T9S, R15E, WM.

The authorized point of diversion is located 1700 ft N & 160 ft E from SW Corner, Sec 29, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 29, T9S, R15E, WM (Cram Ditches No. 1 & 2).

The applicant proposes to change the point of diversion therefrom to 2 points located 1) 1320 ft S & 603 ft E & 2) 1580 ft N & 965 ft E from W $\frac{1}{4}$ Corner, Sec 20, being within 1) NW $\frac{1}{4}$ SW $\frac{1}{4}$ & 2) NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 20, T9S, R15E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, November 13, 1980, at the Jefferson County Courthouse, Madras, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at Gateway Rt, Box 486, Madras, OR 97741; and one copy to be filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 12th day of September, 1980.

James E. Sexson, Director

Publish: September 18, 25, and October 2, 1980

I, Michael L. Williams, being first

July sworn, depose and say that I am the publisher of THE MADRAS PIONEER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Madras in the aforesaid county and state;

that the Notice of Water Right Transfer Application

, a printed copy of which is hereto

annexed, was published in the entire issue of said newspaper for 3

successive and consecutive weeks in the following issues:

September 18, 25, and October 2, 1980

OK

SPB

Michael L. Williams

Subscribed and sworn to before me this 2 day of

October

, 19 80

Michael F. Atlet
Notary Public of Oregon.

My commission expires 19 day of Sept., 19 84

101



Affidavit of Publication

State of Oregon
County of Jefferson ss.

I, Michael L. Williams, being first

duly sworn, depose and say that I am the publisher of THE MADRAS PIONEER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Madras in the aforesaid county and state;

that the Notice of Water Right Transfer Application

, a printed copy of which is hereto

annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

September 18, 25, and October 2, 1980

OK

SPB

Michael L. Williams

Subscribed and sworn to before me this 2 day of
October, 19 80

Victor F. Scott

Notary Public of Oregon.

My commission expires 19 day of Sept., 19 84

RECEIVED
NOV 3 1980
WATER RESOURCES DEPT
SALEM, OREGON





STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 1/17, 1980

FROM: ** Robert F. Main, Jr., Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4370IN THE NAME OF Floyd Bauer

In my opinion the proposed change in point of diversion of water from Hay Creek
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 _____

** *Bob Main*
Watermaster's signature or initials

Sam Allison

Sam