

Name Irl Davis, Jr

By _____

Address Rt. 1, Box 41 ID
Tygh Valley, OR 97063Change in POUDate filed Oct 18, 1979

Date of hearing _____

Place of hearing _____

Date of order 11-27-79 Vol. 32, page 527Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued 10/6/2006 Vol. _____, page 823374312
DESCRIPTION OF WATER RIGHTName of stream Badger Creek + ReservoirTrib. of _____ County of WascoUse irrigationQuantity of water _____ No. of acres 2.9Name of ditch BadgerDate of priority April 12, 1971 & March 20, 1951In name of Badger Improvement District

Adjudication, Vol. _____, page _____

App. No. 19264 Per. No. 22633 Cert. No. 46531

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-18-79</u>	<u>30.00</u>	<u>14609</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See T-4313, 4314, 4324
Card for C NOV 20 1981

W.R.I.S.

Assembled 7-2-85 by 34

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	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:			
☒	Twp. & Rge.		<u>SRB</u>	_____
☐	Decree-vault		_____	_____
☒	Decree-safe		<u>SRB</u>	_____
☒	Cert. of W/R		<u>lg</u>	_____
☒	Per. Folder		<u>lg</u>	_____
☐	Chainindex		_____	_____
☐	Cross Ref.		_____	_____
☒	Power Claim		<u>lg</u>	_____
☐	Abstracts		_____	_____

82337

447

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BADGER IMPROVEMENT DISTRICT
80309 ROSS ROAD
TYGH VALLEY, OREGON 97063

confirms the right to use the waters of BADGER CREEK AND BADGER LAKE RESERVOIR, constructed under Permit R-773, tributaries of the WHITE RIVER, for IRRIGATION AND SUPPLEMENTAL IRRIGATION of 4.0 ACRES.

This right was perfected under Permit 15165. The date of priority is OCTOBER 21, 1929. The amount of water used for irrigation is limited to a diversion of not to exceed 0.20 cubic foot per second from Badger Creek for irrigation and 0.08 cubic foot per second from Badger Lake reservoir for supplemental irrigation.

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 a diversion of not to exceed one acre foot per acre during any 30 day period up to July 1 of each year and not to exceed 3.0 acre feet per acre during any irrigation season; provided, the rate of flow shall not exceed ONE-FORTIETH of a second foot per acre up to July 1 of each year and thereafter not to exceed ONE-EIGHTIETH of a second foot per acre, except in case of rotation; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein.

The points of diversion are located as follows:

SW 1/4 SW 1/4, SECTION 16, TOWNSHIP 3 SOUTH, RANGE 10 EAST, W.M.;
400 FEET NORTH AND 800 FEET EAST FROM THE SW CORNER, SECTION 16.

NE 1/4 SW 1/4, SECTION 29, TOWNSHIP 3 SOUTH, RANGE 11 EAST, W.M.;
1290 FEET SOUTH AND 550 FEET WEST FROM THE C 1/4 CORNER, SECTION
29.

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:

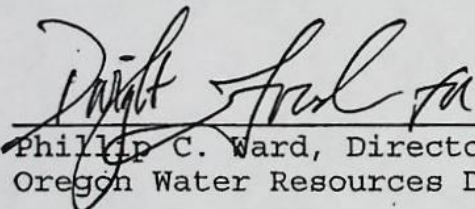
LOT 4 (SW 1/4 SW 1/4) 4.0 ACRES
SECTION 7
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

This certificate is issued to confirm a change in PLACE OF USE approved
by an order of the Water Resources Director entered MARCH 25, 1998,
approving Transfer Application T-4313, and together with Certificate
82086, supersedes Certificate 46532, State Record of Water Right
Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed

OCT 06 2006

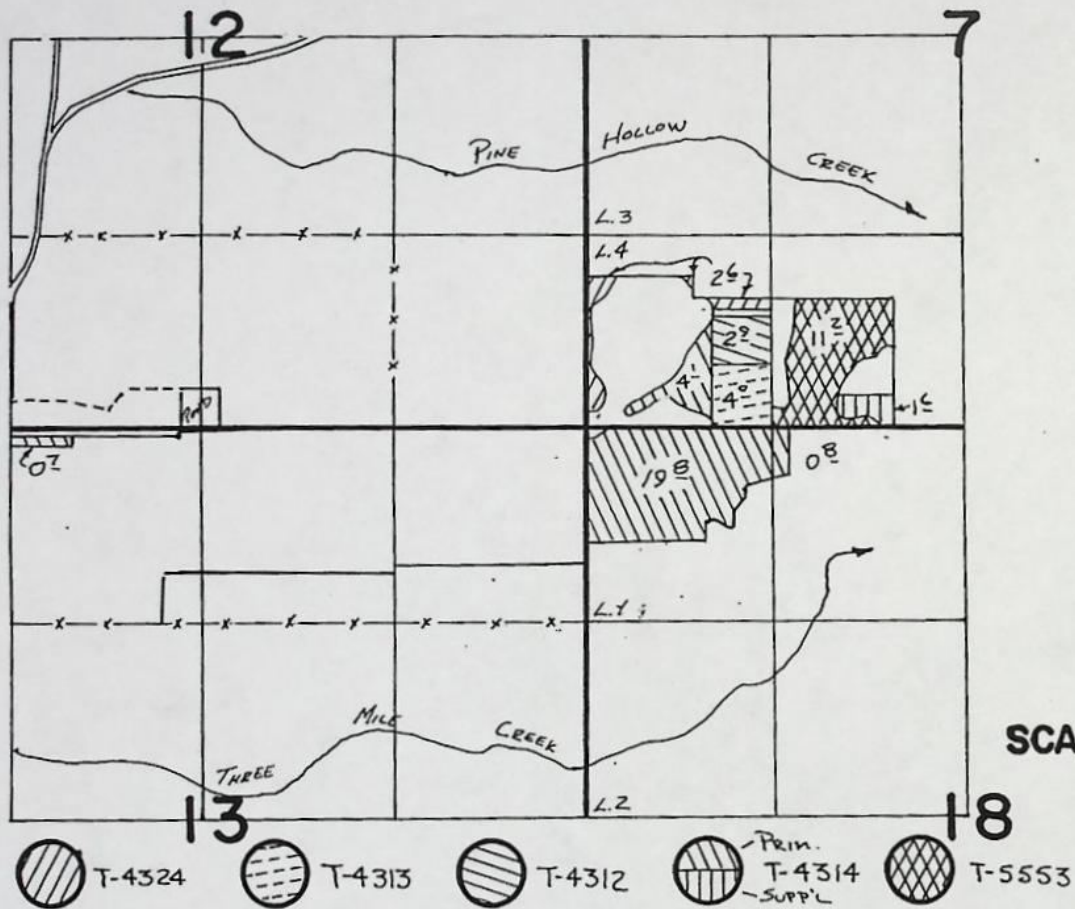


Phillip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Number 82347

T-4313.JWG

T. 4S., R. 12 & 13E., W. M.



FINAL PROOF SURVEY
UNDER

TRANSFERS 4324, 4313, 4312, 4314, 5553
IN NAME OF

.....**RAY A. BENZEL**.....

Surveyed 10-18 1988, by V.L. Church

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BADGER IMPROVEMENT DISTRICT
80309 ROSS ROAD
TYGH VALLEY, OREGON 97063

confirms the right to use the waters of BADGER CREEK AND RESERVOIR, constructed under Permit R-773, tributaries of the WHITE RIVER, for IRRIGATION of 2.9 ACRES.

This right was perfected under Permit 22633. The date of priority is APRIL 12, 1941 for 0.03 cubic foot per second (CFS) and MARCH 20, 1951 for 0.04 CFS.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of a second foot per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit Number R-773.

The points of diversion are located as follows:

SW 1/4 SW 1/4, SECTION 16, TOWNSHIP 3 SOUTH, RANGE 10 EAST, W.M.;
400 FEET NORTH AND 800 FEET EAST FROM THE SW CORNER, SECTION 16.

NE 1/4 SW 1/4, SECTION 29, TOWNSHIP 3 SOUTH, RANGE 11 EAST, W.M.;
1290 FEET SOUTH AND 550 FEET WEST FROM THE C 1/4 CORNER, SECTION 29.

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:

LOT 4 (SW 1/4 SW 1/4) 2.9 ACRES
SECTION 7
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

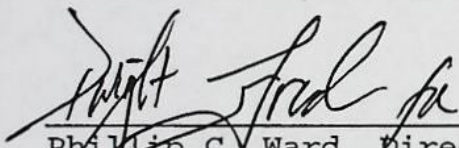
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 27, 1979, approving Transfer Application 4312, together with an order of the Water Resources Director entered JUNE 4, 1999, approving Transfer Application 8215, and Certificate 76222, supersedes Certificate 46531, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed

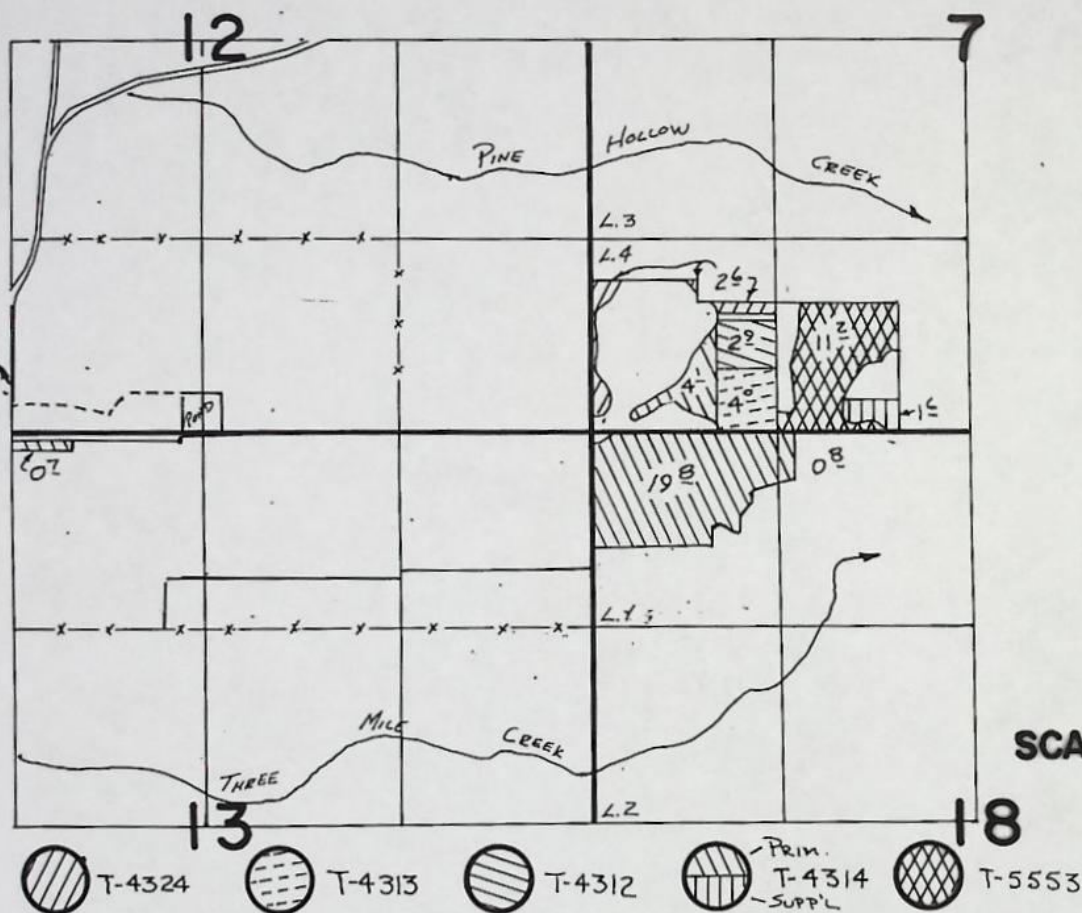
OCT 06 2006


Philip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Number 82337

T-4312.JWG

T. 4S., R. 12 & 13E., W. M.



FINAL PROOF SURVEY
UNDER

TRANSFERS 4324, 4313, 4312, 4314, 5553
IN NAME OF

RAY A. BENZEL

Surveyed 10-18-1988, by V.L. Church

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF IRL DAVIS, JR. FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4312

On October 18, 1979, an application was filed in the office of the Water Resources Director by Irl Davis, Jr. for approval of a change in place of use from Badger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46531, Volume 39, State Record of Water Right Certificates, in the name of Badger Improvement District, describes a right for the use of not to exceed 12.03 cubic feet per second with a priority date of April 12, 1941; and for the use of not to exceed 12.69 cubic feet per second with a priority date of March 20, 1951, both from Badger Creek and Reservoir for irrigation of a certain 2.9 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 4 South, Range 12 East, W. M.

Water for the said right is diverted, through the Badger Ditch, from points located 400 feet North and 800 feet East from the Southwest Corner of Section 16, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 3 South, Range 10 East, W. M.; and 1290 feet South and 550 feet West from the Center of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 3 South, Range 11 East, W. M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 4 South, Range 13 East, W. M.

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

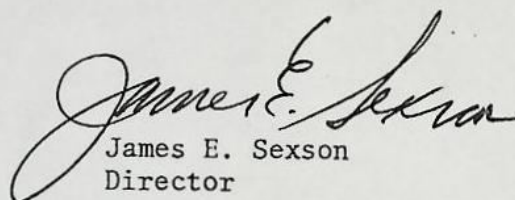
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 said water so transferred shall be applied to beneficial use on or before October 1, 1981.

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 of water right heretofore issued to Badger Improvement District and recorded at page 46531, Volume 39, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued in the name of Badger Improvement District.

Dated at Salem, Oregon this 27th day of November, 1979.


James E. Sexson
Director

52A

179-220R

POD
POU
USE
Add'l POD

County Wasco

1. Name Irl Davis, Jr.

2. Source of Supply Badger Cr. & Res, Trib of _____

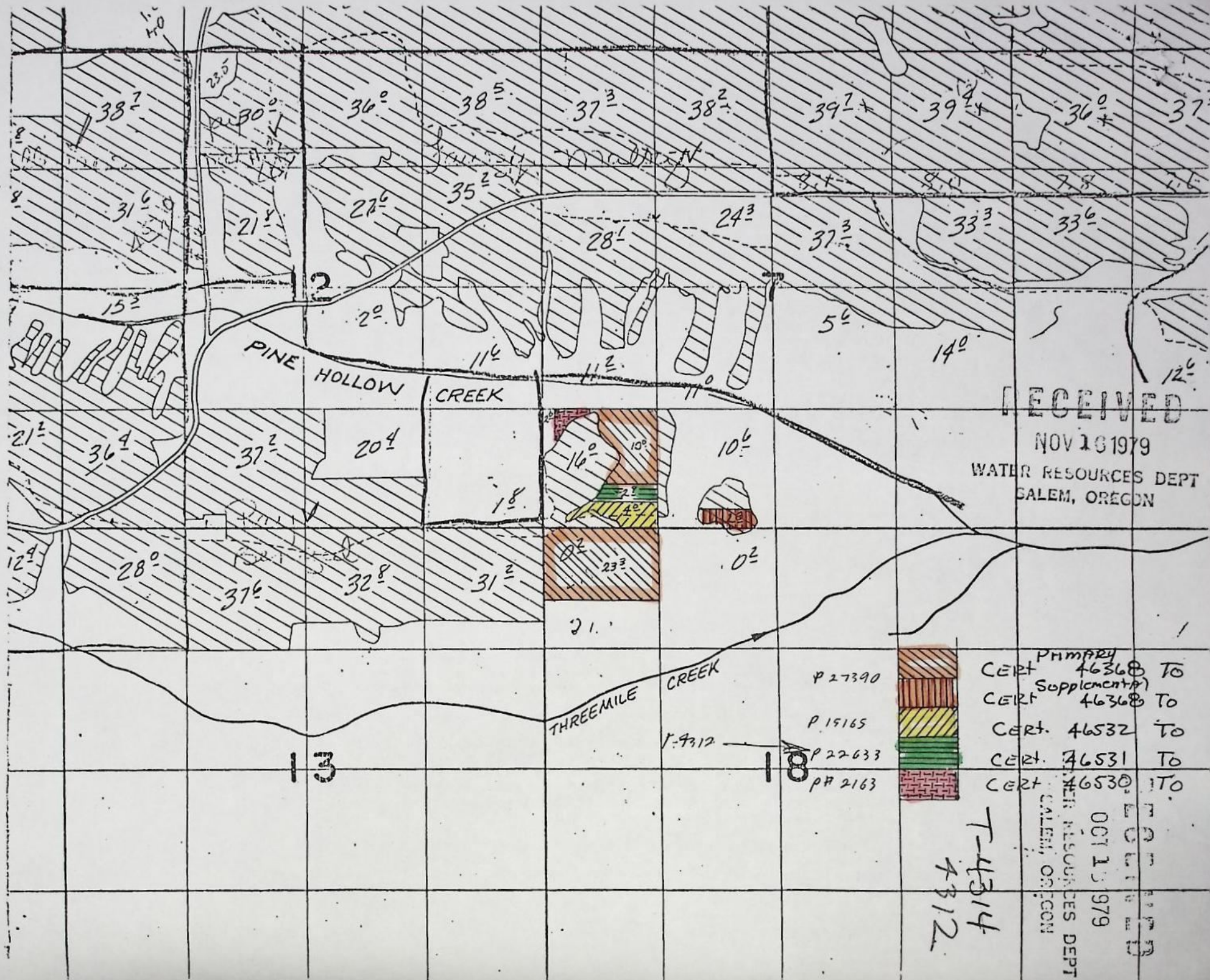
4. Amount of Water $12.03 \text{ cfs} + 12.69 \text{ cfs}$

5. Priority Date 4/12/1941[✓] & 3/20/1951[✓]

6. Proposed Point of Diversion

7. Completion Date 10-1-81

[illegible]



See T-4313 for report

10-18-88

V. F. Church Jr

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF IRL DAVIS FOR THE APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)
FROM BADGER CREEK AND BADGER LAKE)
RESERVOIR)
-----)

ORDER APPROVING
TRANSFER NO. D-137

SPOR V18 P15

On August 27, 1968, Irl Davis filed an application in the office of the State Engineer for the approval of a change in place of use of water from Badger Creek and Badger Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Badger Improvement District and recorded at page 30866, Volume 22, State Record of Water Right Certificates, confirms a right to the use of 24.72 cubic foot per second of the waters of Badger Creek and Badger Lake Reservoir for irrigation of, among other lands, 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, 12.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 4 South, Range 12 East, W.M., with dates of priority of April 12, 1941, for 0.425 cubic foot per second and March 20, 1951 for 0.425 cubic foot per second.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.9 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 4 South, Range 12 East, 4.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, and 15.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 4 South, Range 13 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said

section provides notice is not required on an application for a change in place of use of water only.

Mr. Glenn E. Tracy, Watermaster of District No. 3, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 6.0 acres in SW¹/₄ NW¹/₄, 2.6 acres in SE¹/₄ NW¹/₄, 1.7 acres in NE¹/₄ SW¹/₄, 9.7 acres in SW¹/₄ SW¹/₄, Section 3, 12.6 acres in SE¹/₄ NE¹/₄ and 1.8 acres in NE¹/₄ SE¹/₄, Section 4, Township 4 South, Range 12 East, W.M., with a date of priority of April 12, 1941 for 0.425 cubic foot per second and March 20, 1951 for 0.425 cubic foot per second, be severed therefrom and simultaneously and without loss of priority transferred to 2.9 acres in SE¹/₄ NW¹/₄, Section 3, 4.0 acres in NE¹/₄ NW¹/₄, 4.0 acres in NW¹/₄ NW¹/₄, 4.0 acres in SE¹/₄ NW¹/₄, Section 9, Township 4 South, Range 12 East, 4.0 acres in SE¹/₄ NE¹/₄, Section 7, and 15.0 acres in SW¹/₄ NW¹/₄, Section 8, Township 4 South, Range 13 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1969.

It is FURTHER ORDERED that certificate of water right heretofore issued to Badger Improvement District and recorded at page 30866, Volume 22, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Badger Improvement District confirming the extent to

which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 7th day of January, 1969.

/s/ CHRIS L. WHEELER
State Engineer

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Irl Davis.....
(Name of applicant)

of Tygh Valley....., County of Wasco.....
(Postoffice)

State of Oregon....., do hereby make application for change in place of use

of water

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

1. The source of present water right is Badger Creek and Badger Lake Reservoir.....
(Name of stream)

2. The use to which the water is applied is Irrigation.....
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Badger Improvement District

Badger Cr. 1350' N 2100' E SW

Badger Cr. Res. 500' N 680' E SW

4. The point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)

corner of Sec. 29..... being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 16.....
(Section or subdivision)

of Section 29..... 3S..... 11E.....
16..... Tp. 3S..... R. 10E..... W. M., in the County of Wasco.....
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
4 S	12E	3							6.0									
									2.6		1.7		9.2					
4S	12E	4				12.6												
															1.8			

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes.....
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes.....

8. What is the date of priority of your water right? April 12, 1941 for 0.37 cfs, March 20,
1951 for 0.37 cfs
c. 425

9. Was your water right acquired by State Engineer's Permit? yes..... If so, give number
(Yes or No)

of permit 22633.....

10. Do you hold a water right certificate? yes If so, give number of certificate 30866
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? No--Badger Improvement District
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
4S	12E	3								2.9								
4S	12E	9					4.0	4.0		4.0								
4S	13E	7				4.0												
4S	13E	8							15.0									

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located?

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Pine Hollow Cooperative, Inc. proposes to build a reservoir and flood these lands.

BADGER CR

IIR 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. 500004312-1 PERMIT NO. 022633 CERTIF. NO.
 ORIG. NO. A000192641 PREV. NO. 50000D1371 SUPER. NO.

NAME: IRL DAVIS JRADDRESS: RT1, BOX 41 1DCITY/STATE/ZIP/COUNTY: TYGH VALLEY, OR 97063 33STREAM-ID 05 1980 0520 0060 030

RIV. MI.

WM. DIST. 03 W.R. TYPE SA STATUS ✓

CANCEL YEAR--->

CONSTR. COMPLT---> 02 09 1982YR. LAST USED-----> ---NEXT ACTION DUE---> ---PRIORITY-----> 03 20 1951
04 12 1941PUT TO USE-----> 02 09 1982LAST TRANS. DATE--> ---LAST TRANS. TYPE--> ---APPLICATION---> 10 18 1979

SURVEYED----->

EXAM. FEE-----> 20.00RECORDING FEE-----> 10.00PERMIT ISSUE---> 11 27 1979

CONCURRENCE----->

CYCLE STATUS-----> ---REPORTED FLAG-----> ---CONSTR. STRT.---> 11 27 1979

CERTIFIED----->

CORRES. INIT.-----> ---CORRES. DATE-----> ---

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

RIV. MI. RATE

STATUS S OR P

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

** POI: BADGER DITCH, 400' N & 800' E** FM SW COR S 16' 1290' S & 550'** W FM CENTER S 29' CHANGES** POU PART OF C-46531. SEE** 500004312-1.

** -----

** -----

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

** -----

** -----

** -----

W.R.I.S.

Assembled 4-2-85 by SKAEntered --- by ---Verified --- by ---

BADGER CR

IIR 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. T00004312-1 PERMIT NO. 022633 CERTIF. NO.

NAME: IRL DAVIS JR

ORIG. NO. A000192641 PREV. NO. T0000D1371 SUPER. NO.

ADDRESS: RT1, Box 41 ID

CITY/STATE/ZIP/COUNTY: TYGH VALLEY, OR 97063

33

STREAM-ID 05 1980 0520 0060 030

RIV. MI.

WM. DIST. 03 W.R. TYPE SA STATUS ✓

CANCEL YEAR---->

CONSTR. COMPLT--> 02 09 1982

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 04 12 1981

PUT TO USE-----> 02 09 1982

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 10 18 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 10.00

PERMIT ISSUE--> 11 27 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 11 27 1979

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-->

0305 100E 16 C C

V D

** POI: BADGER DITCH, 400' N & 800' E

** FM SW COR S 16, 1290'S & 550'

** W FM CENTER S 29. CHANGES

** POI PART OF C-46531. SEE

** T000043122.

**

**

PLACE-OF-USE DATA:

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

STATUS S OR P

0403 130E 07 C C 33 1R 100 2.90

V P

W.R.I.S.

Assembled 4-2-85 by SPK

Entered _____ by _____

Verified _____ by _____

378-3066 or
1-800-452-7813
(message line)

February 12, 1982

Ray Benzel
Route 1, Box 4
Tygh Valley, Oregon 97063

Dear Mr. Benzel:

REFERENCE: Files T-4312, T-4313, T-4314

We have received the notices of completion of works and use of water for changes in place of use from Badger Creek and Reservoir, as allowed by Water Right Transfers 4312, 4313 and 4314. Surveys will be made at a later date to confirm extent of use.

New certificates based on the surveys will be issued at a later date. In case of irrigation, any lands described in the orders that have not been irrigated will be automatically eliminated from the water rights.

In the meantime, the orders will be evidence of the water rights in question as long as the authorized beneficial use of water is continued.

Sincerely,

LUCILLE C. JENSEN
Secretary
Transfer Section

LCJawpc
cc: Thomas J. Paul, Watermaster
3697A
9457A

RECEIVED
FEB 9 1982
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Flow from Badger Cr. + Reservoir

PURSUANT TO TRANSFER APPLICATION NO. 4312

I, RAY BENZEL, hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving said water right transfer application was accomplished by July, 1981.

Jan 1982
Date

Ray A Benzel
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
LH



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: NOVEMBER 7, 1979.FROM: ** Thomas J. Paul, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4324, 4312, 4313, 4314IN THE NAME OF Irl Davis, Jr.

RECEIVED
11-20-79
per phone call to w/m

In my opinion the proposed change in place of use of water from So. Fk. Badger Cr.
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~* to an existing water right.

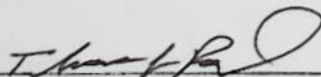
Headgate notices HAVE HAVE NOT been issued for diversion from the sources which
serves this right.

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 _____

** 
Watermaster's signature or initials



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

October 23, 1979

Irl Davis, Jr.
Route 1, Box 41 ID
Tygh Valley, Oregon 97063

RE: Files Nos. T-4312, T-4313, T-4314

Dear Mr. Davis:

Your water right transfer applications for approval of changes in place of use of water from Badger Creek and Reservoir, together with supporting data and fees in the amount of \$90, were received October 18, 1979. Our receipts Nos. 14609, 14610 and 14611 are enclosed.

Maps showing the lands to be divested of rights were not enclosed with the applications. Please send maps showing these specific parcels.

Items No. 8 and 13 on T-4314 do not agree. Please correct the appropriate item.

On T-4313, the use of water in item No. 13 should be completed.

Item No. 6 on T-4312 and T-4313 should be completed to show the point of diversion of Badger Ditch.

The reference to supplemental irrigation should be deleted from item No. 8 on T-4312 unless your intent is to change the right from primary to supplemental.

When examination of the applications and supporting data has been completed, you will be advised of any matters requiring your further attention prior to consideration of the application for approval.

Please refer any correspondence to files Nos. T-4312, T-4313 and T-4314.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Thomas J. Paul, Watermaster

RECEIVED RECEIVED

NOV 16 1979

NOV - 5 1979

RECEIVED

OCT 13 1979

WATER RESOURCES DEPT WATER RESOURCES DEPT
SALEM, OREGON SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-4312

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Irl Davis, Jr.
(Name of applicant)
of Rt. 1, Box 41 ID Tygh Valley
(Mailing address) (City)
State of Oregon 97063 do hereby make application for change
(Zip Code) (Phone number)
PIECE OF USE
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Badger Improvement District
(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 22633 Number of certificate Vol. 39, Page 46531

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 Badger Creek & Reservoir

5. What is the date of priority of your water right? March 20, 1951 April 12, 1941
Badger Cr. 1290 Ft. S. & 550 Ft. W. Center

6. The authorized point of diversion is located 400 ft. N. and 800 ft. E. from the SW
Sec. 29 NE 1/4 SW 1/4 (N. or S.) 29 3 SE. or W. 11 E
corner of Sec. 16 being within the SW 1/4 SW 1/4 of Section 16 Tp. 3 S R. 10 E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Wasco The name of the ditch used is Badger

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 210.
(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
4 S	12 E	3	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.9

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
4 S	13 E	7	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 210.	2.9

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are Irrigation

15. Construction work will be completed on or before 1980

16. The water will be completely applied to the proposed use on or before 1980

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, Irl Davis, Jr., 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 17 day of October, 1979.

Irl Davis Jr.
(Name of applicant)

Subscribed and sworn to before me this 17th day of OCTOBER, 1979.

[Notarial Seal]

Thos J. [Signature]

NOTARY PUBLIC FOR OREGON

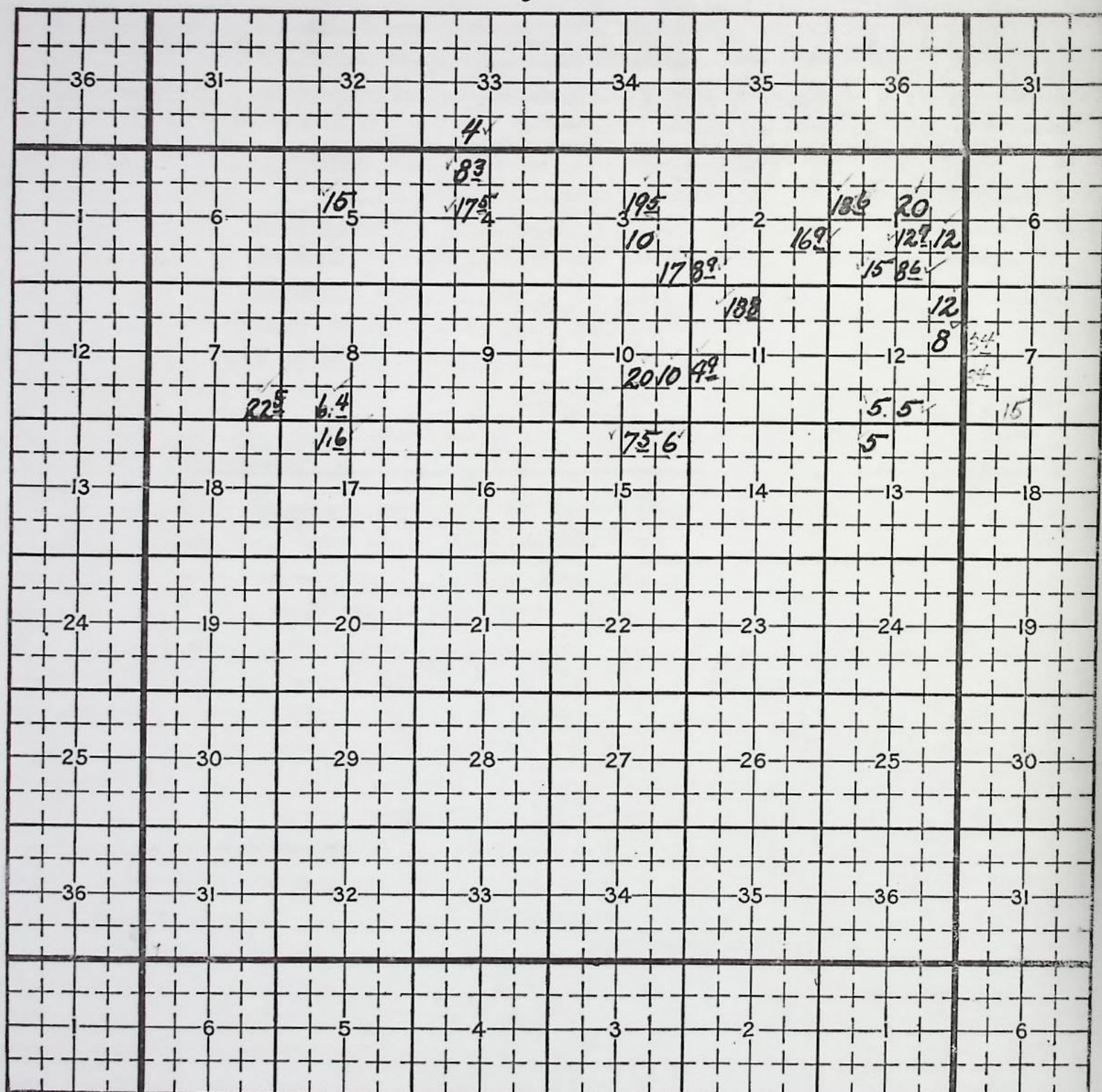
My commission expires 3-18-80

APR 12, 1941

STANLEY
EALING, OREGON

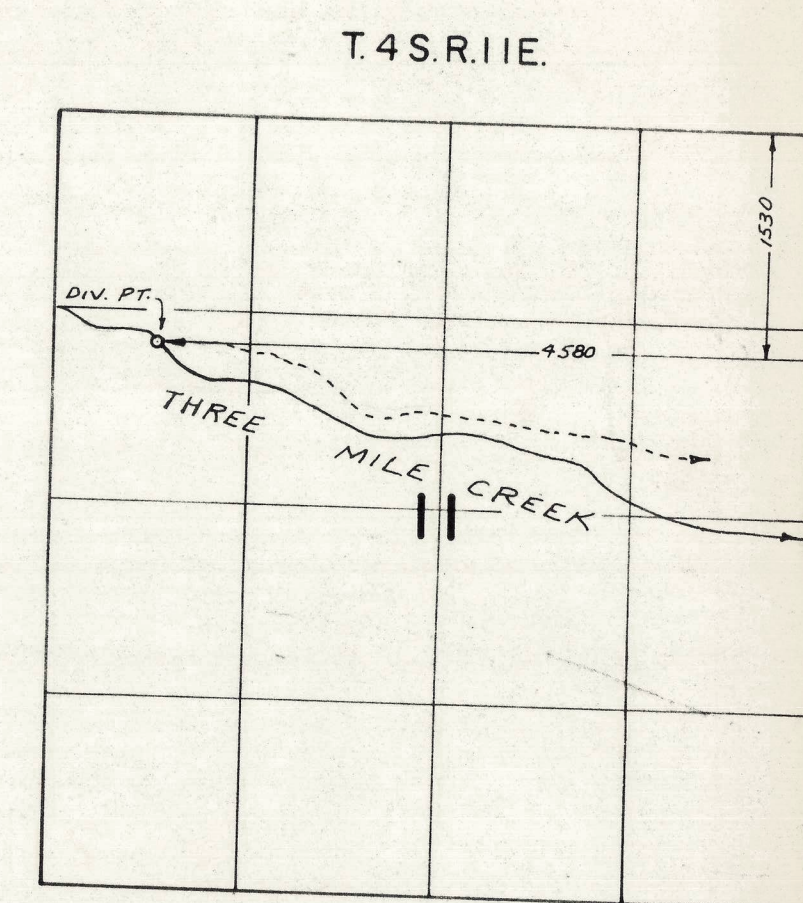
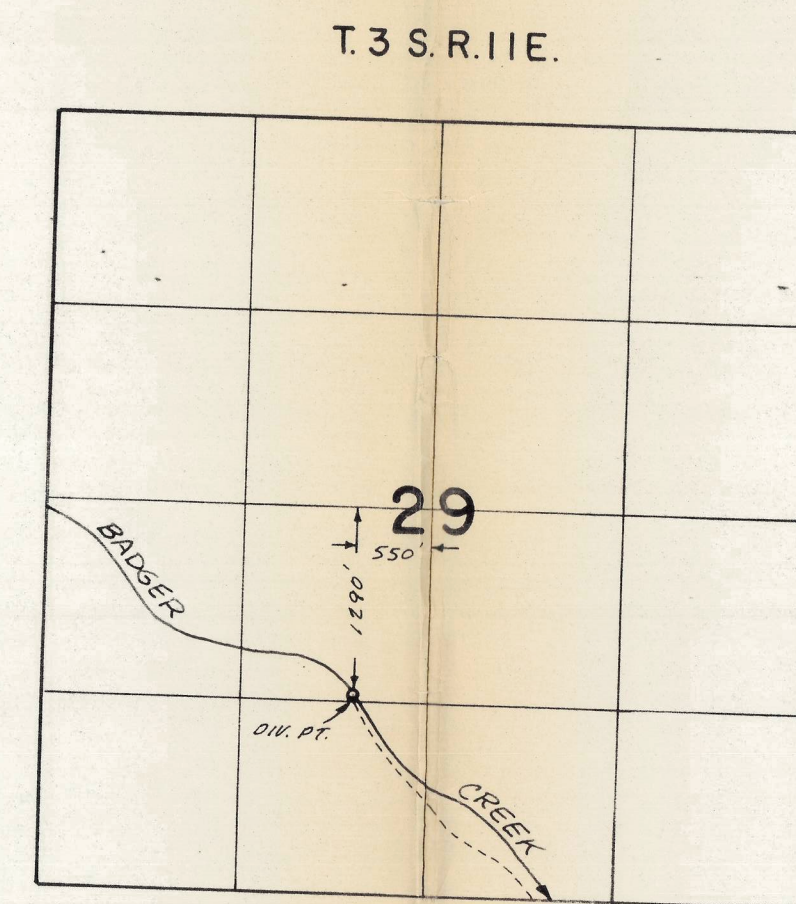
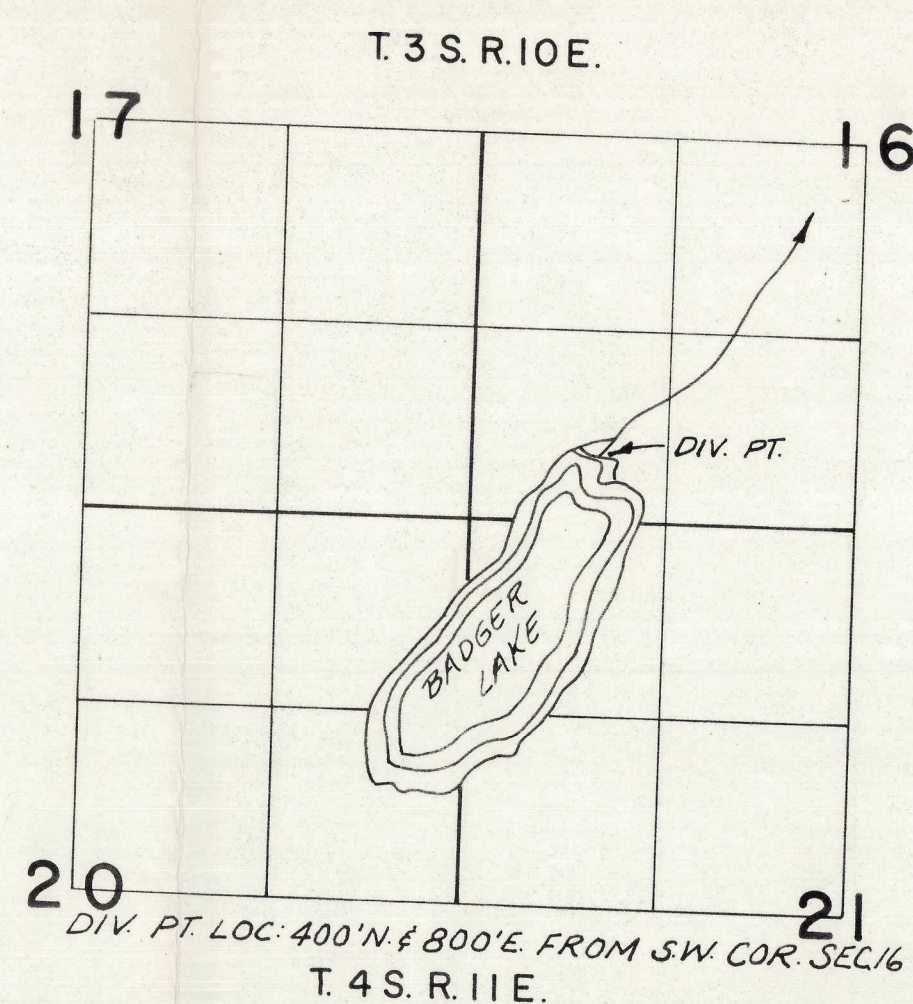
4-590²

Township No. 45 Range No. 12E, Willamette Mer.



Showing adjoining sections

Scale 80 chains to an inch



PINE HOLLOW COOPERATIVE, INC.
& OREGON STATE GAME COMMISSION
FINAL PROOF SURVEY

APPLICATION NO. R-45211 PERMIT NO. R-5250
45212 33228

SURVEYED
NOV. & DEC., 1975 BY T. PAUL

Directly Benefited
 Indirectly Benefited By Exchange

BADGER IMPROVEMENT DISTRICT
FINAL PROOF SURVEY

APPLICATION NO. 34734 PERMIT NO. 27390

SURVEYED
NOV. & DEC., 1975 BY T. PAUL

