Name Irl Davis, Jr	4313			1
ByAddress Rt. I. Box 41 T.D	DESCRIPTION OF WATER RIGHT		FEES PAID	
Address KT. 1, Box 41 ID Tugh Valley PR97063	Name of stream Badger Creek	Date	Amount	Receipt No.
	Trib. of County of Wasco	10-18-79	300	14610
Change in PoU	Use irrigation			
Date filed Oct 18, 1979	Quantity of waterNo. of acres	TOTAL		
Date of hearing	Name of ditch Badgate	-	Cert. Fee	
Place of hearing	Date of priority Oct 21, 1929		FEES REFUNDED	
Date of order 11-27-79 Vol. 32 , page 529	In name of Bodger Improvement District	Date	Amount	Check No.
Date for application of water 10-1-81	Adjudication, Vol, page	04		
Proof mailed	App. No. 130 88 Per. No. 15165 Cert. No. 46535	•	\$	
Proof received	Certificate cancelled			
Certificate issued 10/06/2006 , page 82347	Notation made on record by			
REMAR		INDEX C	ARDS: Eftered	Checked
See T- 4312, 4314, 432+		Stream Pt. of Di Calendar		
Card for C NOV 2 0 1989		CHECKE	TO RECORDS!	
		Dacreev	anit	
	W.R.1 S.	Cert. of	W/R SKH	
	Assembled 7-2-82 by Sof	Decree a Decree a Cert. of Per. Fold Chainder Gross Re		
	Enteredby	Power C	laim ()	
	Verified by	Abstract	s +47	

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 0 6 2006

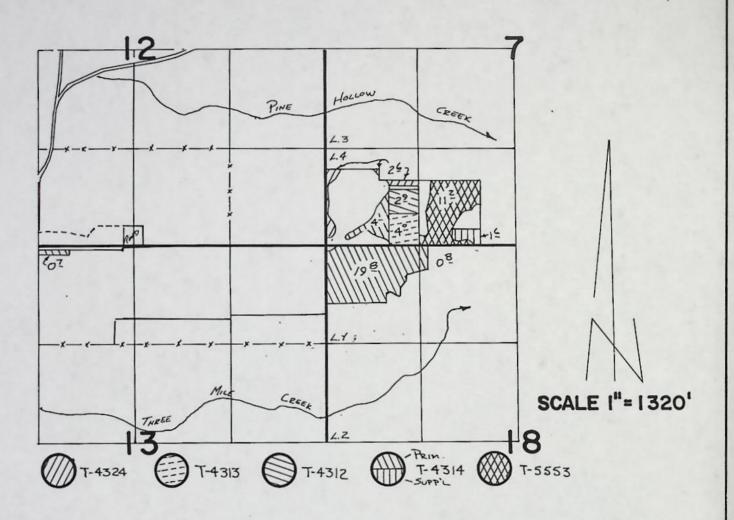
Phillip C. Ward, Director

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

TRA	ANSFERS		4313, N NAM	<b>4312, 4314, 555</b> 3 E OF	3
		RAY	A	BENZEL	
	Surveyed	10-18	. 1988	, by V.L. Church	

#### BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

#### WASCO COUNTY

IN	THE	MATT	ER C	FT	HE .	APP	LICA	ATION	
OF	IRL	DAVI	S, J	R.	FOR	AP	PRO	/AL	,
OF	A C	HANGE	IN	PLA	CE	OF	USE	OF	-
WAT	TER					-			1

ORDER APPROVING TRANSFER NO. 4313

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 46532, 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 24.0 cubic feet per second from Badger Creek and reservoir for irrigation and supplemental irrigation of, among other lands, a certain 4.0 acres in the SW4 NW4 of Section 3, Township 4 South, Range 12 East, W. M., with a date of priority of October 21, 1929.

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 SW4 SW4 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 NE4 SW4 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 4.0 acres in SW4 SW4 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 the quantity of water used shall not exceed 0.2 cubic foot per second from Badger Creek for irrigation and 0.08 cubic foot per second from Badger Lake reservoir for supplemental irrigation, and shall be further limited to one acre foot per acre during any 30 day period up to July 1st of each year and not to exceed 3 acre feet per acre during any irrigation season; provided, that the rate of flow shall not exceed one-fortieth of a second foot per acre up to July 1st 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.

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 46532, Volume 39, State Record of Water Right Certificates, be canceled, and in lieu thereof a new certificate of water right be issued in the name of Badger Improvement District.

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

Volume 32, page 530

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 the waters of BADGER CREEK and a RESERVOIR constructed under Permit R-773, a tributary of the WHITE RIVER, for IRRIGATION of 478.3 ACRES AND SUPPLEMENTAL IRRIGATION of 650.72 ACRES, DOMESTIC AND STOCK USE.

This right was perfected under Permit 15165. The date of priority is OCTOBER 21, 1929. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 23.72 CUBIC FEET PER SECOND (cfs), being 11.86 cfs from Badger Creek for irrigation, 11.72 cfs from Badger Lake Reservoir for supplemental irrigation, and 0.14 cfs from Badger Creek for domestic and stock use, or its equivalent in case of fotation, measured at the points of diversion from the source.

The point of diversion is located as follows:

SW % NE %, SECTION 32, T 3 BOR ICE, W.M.

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 not to exceed one acre foot per acre during any 30 day period up to July 1<sup>st</sup> of each year and not to exceed 3 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<sup>st</sup> of each year and thereafter not to exceed ONE-EIGHTLETH of a second

T-4313rr.JWG

CERTIFICATE NUMBER 82086

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 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:

#### PRIMARY - BADGER CREEK

SW	*	SW.	% ECI	4.0 ION 33	ACRES	S				20.0 TION 7	
T	3	s,	R	12 E,	W.M.		ı 1	/ CW	1/	8.0	ACDEC
SE	1/	SE	1/	15.0	ACRES	3				TION 8	
T	4	S,	R	11 E,	W.M.	N	V 1	WW A	1/4	5.0 7.0	ACRES
						S	V 3	4 SE	1/4	7.0	ACRES
SW	1/4	NE	1/4	15.0	ACRES	Si	S 7	4 SE	1/4	6.5	ACRES
SW	1/4	NW	1/4	8.6 15.0	ACRES			5	SEC	TION 9	
SE	1/4	NW	1/4	15.0	ACRES						
				20.0						5.3	
			1000	30.0						7.3	
		S	EC.	rion 1		.Ni				TION 10	
CITA	1,	NT0.7	1,	24.0	ACDEC			5	EC.	LION IO	
SW	74	MM	74	34.0	ACRES	NI	. 1	WW &	1/	10.0	ACRES
NE	1/4	OF	1/	17.7 16.9	ACRES	SI	3	SW	1/4	6.0	ACRES
				rion 2		NI SI		S	ECI	TION 11	
		_									
NW	3/4	NE	1/4	5.0	ACRES	NV NI					
SW	1/4	NE	1/4	20.0	ACRES	N	1 3	NE	1/4	12.0	ACRES
SE	1/4	NE	1/4	8.0 15.7	ACRES	N	3	NW	1/4	4.0	ACRES
NE	1/4	NW	1/4	15.7	ACRES			S	ECI	TION 13	
NE	1/4.	SE	1/4	8.0	ACRES				.,	0.5	N CD DC
				6.0						2.5 CION 18	
				5.0						12 E,	
		S	EC.	rion 3							
SW	1/	NW	1/	2.5	ACRES	· NI	3	SE	1/4	10.0	ACRES
SE	1/4	NW	1/4	15.0	ACRES	· NV	1 3	SE	3/4	10.0	ACRES
SW	1/4	SW	1/4	11.7	ACRES	SI	: 3	SE	1/4	10.0	ACRES
				TION 4				5	EC'	TION 6.	
					The state of the s			- 2			

SE % NW % 15.0 ACRES SECTION 5

NE % NE % 14.2 ACRES NE ¼ NW ¼ 26.8 ACRES SECTION 7

NW % NW % 10.0 ACRES SE ¼ NW ¼ 5.0 ACRES SECTION 8 T 4 S, R 13 E, W.M.

#### SUPPLEMENTAL - BADGER LAKE RESERVOIR

SW % SW % 4.00 ACRES SE % SE % 14.14 ACRES SECTION 33 . T 3 S, R 12 E, W.M.

SE % SE % 10.38 ACRES SECTION 2

NW % NE % 8.00 ACRES SECTION 12 T 4 S, R 11 E, W.M.

SW % NE % . 15.00 ACRES SW 1/2 NW 1/4 11.52 ACRES SE % NW % 15.00 ACRES NW % SE % 5.35 ACRES SW 1/4 SE 1/4 28.00 ACRES SE % SE % 31.00 ACRES SECTION 1

SW ¼ NW ¼ 25.80 ACRES SE ¼ SW ¼ 14.14 ACRES NE % SE % 20.76 ACRES SECTION 2

NW % NE % 5.00 ACRES SW 1/2 NE 1/2 27.25 NE % NW % 15.0 NW 1/2 SE 1/2 6.00 ACE SE 1/2 SE 1/2 7.00 ACE SECTION 3

SE 1/4 NW 1/4 11.72 ACR SECTION 4

NE 1/4 NE 1/4 13.00 ACRES. SE 1/4 NW 1/4 10.38 ACRES SECTION 5

SW ½ NW ½ 7.00 ACRES T 4 S, R 12 E, W.M. SE % NW % 2.00 ACRES

NE 1/4 SW 1/4 8.95 ACRES SE 1/4 SE 1/4 16.22 ACRES SECTION 7

SW 1/4 SW 1/4 8.00 ACRES NW 1/4 SE 1/4 12.45 ACRES SECTION 8

NW ¼ NW ¾ 4.00 ACRES SW 1/4 SE 1/4 7.00 ACRES SE 1/4 SE 1/4 6.50 ACRES SECTION 9

SW ¼ NE ¼ 5.33 ACRES NE ¼ SE ¼ 7.00 ACRES NW ¼ SE ¼ 10.00 ACRES SECTION 10

NE 1/4 NW 1/4 17.00 ACRES NW % SW % 10.00 ACRES SW % SW % 3.00 ACRES SECTION 11

% NE % 15.10 ACRES NW 1 14.76 ACRES SW 1 NW 1 6.00 ACRES WINE X 7.50 ACRES NEW SE % 2.50 \* SECTION 12 2.50 ACRES

NW/M NE 1/4 8.00 ACRES NE % NW % 4.00 ACRES SECTION 13

NW 1/4 NW 1/4 7.26 ACRES SECTION 15

NE % NE % 1.70 ACRES SECTION 18

SW	*	SW	*	11.00	ACRES
SE	*	SW	1/4	3.00	ACRES
		S	ECT	ION 5	

NE % SE % 10.00 ACRES NW % SE % 10.00 ACRES SE % SE % 20.00 ACRES SECTION 6 NE % NE % 9.40 ACRES NE % NW % 26.80 ACRES SECTION 7

NW % NW % 20.00 ACRES SE % NW % 4.00 ACRES SW % NE % 28.66 ACRES SECTION 8 T 4 S, R 13 E, W.M.

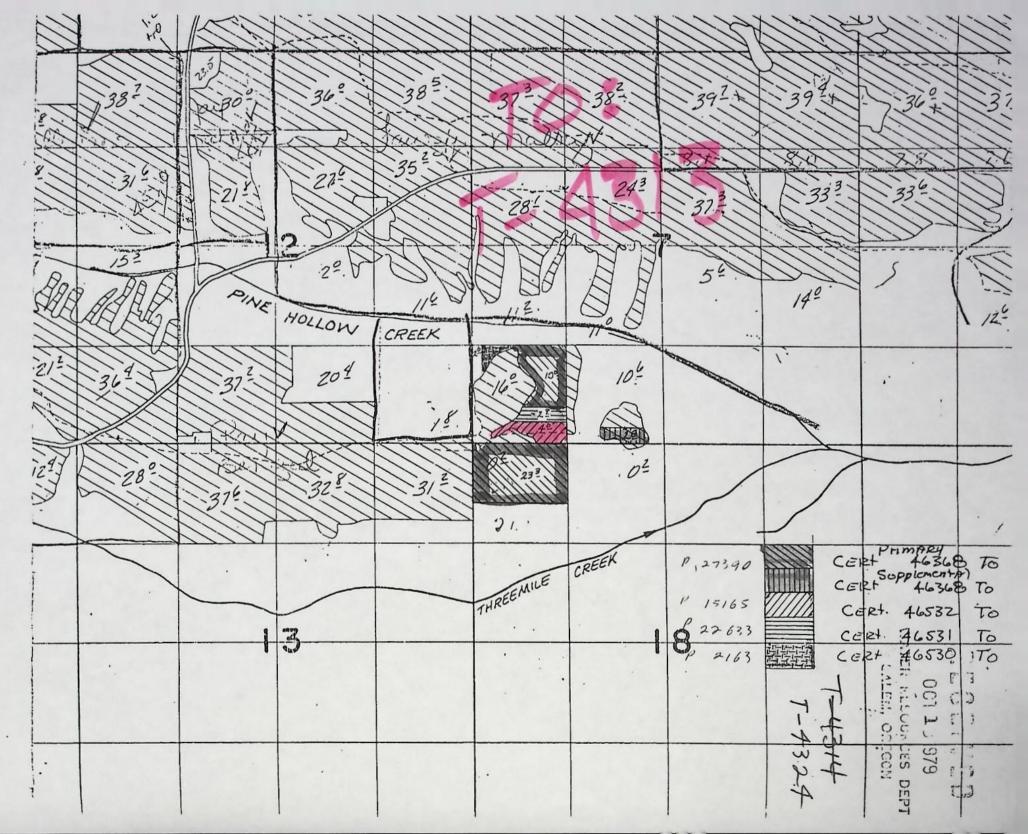
This certificates describes that portion of the water right confirmed by Certificate 46532, Volume 39, State Record of Water Right certificates, NOT modified by the provisions of an order of the Water Resources Director entered November 27, 1979, approving Transfer 4313.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to 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 May 23, 2006.

Phillip C. Ward, Director Water Resources Department



.



# 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:1cj

cc: Thomas J. Paul, Watermaster

UR T-0982-01

### \*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\* \*\*\* WATER RIGHTS DIVISION \*\*\*

RUN ON; 3/20/81 AT: 9:08

\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER	RIGHT NO. 10000 4 313-1	PERMIT NO.022 633 CERTIF. NO.
ORIG.	NO. A 000 19264   PREV.	NO. TOOO O DAT SUPER. NO.

ADDRESS: RTI, BOX 41 10

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

33 130881

STREAM-ID 05 1980 0520 0060 030

RIV.MI.

WM. DIST. 03 W.R. TYPE SA STATUS V

NAME: IRL DAVIS JR

CANCEL YEAR ---> 1021 1929 CONSTR. COMPLT -->02 09 1982

**NEXT ACTION DUE-->** LAST TRANS. TYPE-->

PRIORITY ---->04121941

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

EXAM. FEE----> 20,00 RECORDING FEE---> 10.00

APPLICATION --- > 10 18 1979 PERMIT ISSUE -->11 27 1979

CONCURRENCE--->

CYCLE STATUS---->

REPORTED FLAG--->

CONSTR.STRT .--> /1 27 1979 CERTIFIED----->

CORRES.INIT. ---->

YR.LAST USED ---->

LAST TRANS. DATE -->

CORRES. DATE---->

POINT-OF-DIVERSION DATA; TWHSP RNGE SECT QTR/QTR STREAM-ID

0305 100E 16 C C 305 110E 29 ( A

STATUS S OR P \*\* DATED--> RIV.MI. RATE

0.012

0.091

\*\* POD: BAUGER DITCH, 400'N & 800'E

\*\* FM SN COR S 16; 1290'S & 5501 WEN CENTERS 29. CHANGES

PLACE-OF-USE DATA: TWHSP RNGE SECT QTR/QTR CHTY USE % CHSMTV ACRES STATUS S OR P

IR C C 33

W.R.1 S.

According 4-2-85 1 500

Varified

Pur			0.3/c.5385 0.3 7-1545/ 52			
	Creck		8,2 2-53851 8,9 8-151651 112 6.04 2-53854 6.0 8-15165	creek	13 —	
	Budger			nile		
Range_		10.0	76-	Three		
		4.0° c-9786 15.0 8-15768 15.0 10.38.5 5.2				
ip					4 ——	
Townshi					1	
-	-			,		

### **Sprinkler Capacity Calcualtor**

	Data Entry (fill in un	derlined blanks	3)
Sprinkler group 1	Nozzle size = Pressure = Number of heads =	3/16 inch 40 PSI 165	(type an apostrophe before the size)
Sprinkler group 2 (if applicable)	Nozzle size = Pressure = Number of heads =	0 inch 0 PSI 0	(type an apostrophe before the size)
Sprinkler group 3 (if applicable)	Nozzle size = Pressure = Number of heads =	0 inch 0 PSI	(type an apostrophe before the size)
	Results calculated		
Sprinkler group 1 Sprinkler group 2		1056 gpm, or 0 gpm, or	
Sprinkler group 3		0 gpm, or	
Total sprinkler ca	apacity =	1056 gpm, or	2.353 cfs

Note: If entered values return a result of 0 gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

#### **Pump Capacity Calculation Sheet**

using Department designed formula:

(hp)(efficiency) / (lift + psi head) = capacity in cfs

Efficiency:

Centrifugal = 6.61 Turbine = 7.04

#### Data Entry (fill in underlined blanks)

#### **Results Calculated**

(hp)(efficiency) = 264.4 Head based on psi = 101.6 Total dynamic head = 81.6 (head + lift)

Pump Capacity = 3.24 feet per second

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

POU USE Add'1 POD

Transfer No. 4313 County Wasco

Old Certificate No. 46532

1. Name Drl Davis for

Address Rt. 1, Box 41 ID, Dygh Valley, OR 97063

2. Source of Supply Badger Cr. Free , Trib of

3. Use was 49ac + pup'l in

4. Amount of Water 2400 cfs

5. Priority Date 10-21-1929

7. Completion Date 10-1-81

Proposed Point of Diversion

8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
45	13E	7	SWSW	4.0 ac
		7		4
			-	
•			_	



# RECEIVED RECEIVED

NOV - 5 1979

OCT 181979

SALEM, OREGON

WATER RESOURCES DEPT WATER RESOURCES DEPT SALEM, OREGON

### Application for Transfer of Water Right 7-4313

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 , 544-2482 , do hereby make application for change (Phone number)
in place 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
number of certificate
3. Was your water right acquired by Water Right Permit? Yes If so, give number
of permit 15165 Number of certificate Vol. 39, Page 46532
A 13088:
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 isBadger Creek & Reservoir
5. What is the date of priority of your water right? Oct. 21, 1929  Badger Cr. 1290 Ft. S. & 550 Ft. W. Center Reservoir 6. The authorized point of diversion is located 400 ft. N. and 800 ft. E. from the SW  NEW SWZ (N. or S.) 29 3 S (E. 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.,
in the county of Wasco
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 ft from the
corner of being within the¼¼ of Section TpRW. M.,
in the county of

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

Township North or South	Range E. or W. of Willamette Meridian	Section	r.	list ¼-¼ of Section	Number Acres To Be Irrigated
4 S	12 E	3	· SW ½	NW ½	4.0
			SW &	7 W &	
		Supplement	al Irrigat	ion	
4 S	12 E	3	SW½	NW <sup>1</sup> / <sub>4</sub>	4.0
		(If more space re	quired, attach sep	varate sheet)	

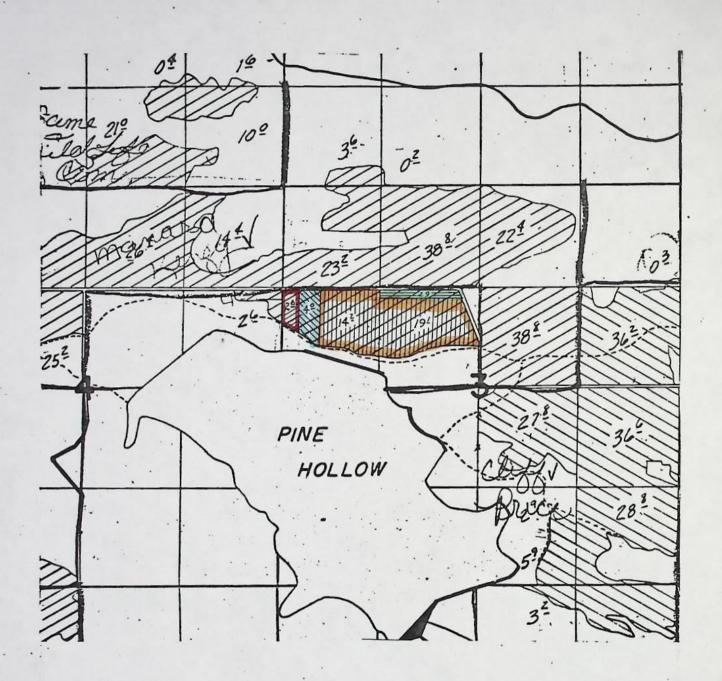
NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

- 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:

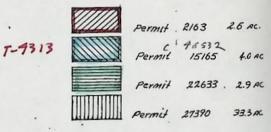
NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
		<u> </u>
	- <del>                                    </del>	

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 ¼-¼ of Section	Number Acres To Be Irrigated
4 S	13 E	7	SW ½ SW ½	4.0 °×
	Supplemen	tal Irrigat	ion	
4 S	13 E	7	SW½ Sw½	4.0 ° ×



Map shows where acreage is being transferred from - for Irl Davis transfers:



	N	E			N				S	-			5	E	***			
I NE	2 NW		SE		NW NW			NE	NW	sw	SE	NE	NW	SW		APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
1091	4090	GE IN L	OT CA	4089	4088	SION AS	SHOW	ON GO		ENT PL	AT IF O	HER TH	AH 40	ACRES				
4																Secrea, Val.7	196 196	5735
-	_	105	_			22		02	192		_	16	_	1	2	38// 3	2163	5385
		Nont O	,									76	10	-	19-	13088	15165	seebelon
						02		42	7.0						Pri Sap	21822	17222	21165
						0,2		42	180	*						21822	17848	2//31
4		Dono										Stock Dom				21644	17901	24967
_	Bur!	20	90	157	-			Dom	_		_	Coll	60	2	59	13088	15166	2024
	50	2726		159			_	40				1814	69	L , L	79	13088	15 Synder	20243
	80		17	18	13=	60	76	17		q =			10	148	169	19261	22623	264
		Sheek		,								stock				33049	26140	27590
	94	83	//Z	5-	10	142	19					126	118	22	42	34734	27390	46366
		29	Q	οZ		28						586				34734	27390	4636

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						00	m	1000		4	**			Sen		G-7182	G-6803	4

14: Reasons for the proposed changes are
15. Construction work will be completed on or before1980
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, 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 19 day of October, 1979
Le Dang
Subscribed and sworn to before me this 17 day of Octozer , 1979
[Notarial Seal]  The JR  NOTARY PUBLIC FOR OREGON
My commission expires 3-18-80

### RECEIVED

FEB 9 1982 WATER RESOURCES DEPT SALEM, OREGON

Pour from Badger Creek

PURSUANT TO TRANSFER APPLICATION NO. 43/3

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.

9N 1982
Date

Rey a Benzel
Signature

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

## STATE OF OREGON

#### INTEROFFICE MEMO

ю:	TRANSFERS, WATER RIGHTS DIVISION DATE: 10000000 7, 19 79.
ROM:	** Thomas J. Paul, Watermaster
UBJE	IN THE NAME OF Irl Davis, Jr.  WATER RIGHT TRANSFER APPLICATION NO. 4324, 4312, 4313,4314  Per phone coll to w/m  11-22-79
	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
	(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

# 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 )
SP. OR. V18 -

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 20243, Volume 15, State Record of Water Right Certificates, confirms a right to the use of 24.0 cubic feet per second of the waters of Badger Creek and Badger Lake Reservoir for the irrigation and supplemental irrigation of, among other lands, 4.0 acres in NEW SWW, Section 3, irrigation of 5.0 acres and supplemental irrigation of 4.0 acres in SEW NEW and irrigation of 5.0 acres and supplemental irrigation of 4.0 acres in NEW SEW, Section 4, Township 4 South, Range 12 East, W.M., with a date of priority of October 21, 1929.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to irrigation and supplemental irrigation of 4.0 acres in SWM NWM, Section 3, irrigation of 5.0 acres and supplemental irrigation of 4.0 acres in NWM NWM, Section 9, Township 4 South, Range 12 East and irrigation of 5.0 acres and supplemental irrigation of 4.0 acres in SEM NWM, 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 the irrigation and supplemental irrigation of 4.0 acres in NE% SW%, Section 3, irrigation of 5.0 acres and supplemental irrigation of 4.0 acres in SE% NE% and irrigation of 5.0 acres and supplemental irrigation of 4.0 acres in NE% SE%, Section 4, Township 4 South, Range 12 East, W.M., with a date of priority of October 21, 1929, be severed therefrom and simultaneously and without loss of priority transferred to irrigation and supplemental irrigation of 4.0 acres in SW% NW%, Section 3, irrigation of 5.0 acres and supplemental irrigation of 4.0 acres in NW% NW%, Section 9, Township 4 South, Range 12 East and irrigation of 5.0 acres and supplemental irrigation of 4.0 acres in SE% NW%, 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 20243, Volume 15, 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.

CHRIS L. WHEELER State Engineer >

Cartificers of wester signs incomed to eligible of Maior Signs for the control of the westers of Sec. Walnes A. State Report of Maior Signs for the care of the westers of South tork of Emilyer Creek for Irrigation of, empny other lands, 2.2 ecres in Gal Maio. D.2 acres in Min Sam and 19.2

other lands, 2.2 ecres in Gat Mai, 0.2 ecres in NOA Sast and 19.2 ecres in Mos Sast and 19.2 ecres in Mak Sast, Section 3, Township 4 South, Among 12 Feat, M.M., with a pate of priority of August 8, 1914.

re-pures to transfer the water right therefree, without loss of orleastly, to 2.6 seres in 52% but, Section 5, 6.8 seres in 50% May, Section 5, 70wnship 4 South, Sabre 12 East and 11.9 seres in 50% May,

Ortice by publication as provided by CDS 550.570 was not given

in concession with this application for the resoon that held section newspace of the factor factor factor and required on an application for a change in

Mr. Sleen C. Proce . Word residence of the land to the land of the state of the sta

of the same of the same division to a consider the same of the sam

#### TABULATION OF LANDS FOR FINAL PROOF UNDER PERMIT NO. 15165

			UNDER PERM	IIT NO. 15165	
TOWNSHIP	RANGE	SECTION	SUB-DIVISION	PRIMARY FROM DIRECT FLOW OF BADGER CREEK	SUPPLEMENTAL FROM STORAGE IN BADGER LAKE RESERVOIR
3 S.	12 E.	33	SW SW SW SEL	4.0	4.0
4 S.	11 E.	2	SEL SEL	15.0	10.38
		12	NW NE		8.0
4 S.	12 E.	1	SWL NEL	15.0	15.0
			SWA NWA	8.6	11.52
			SEL NWL	15.0	15.0
			NW SEL	30.0	5.35
			SWI SEI	20.0 30.0	28.0 31.0
		2	SEŁ SEŁ SWŁ NWŁ	34.0	25.8
		_	SEL SWL	17.7	14.14
			NEŁ SEŁ	16.9	20.76
		3	NW NE	5.0	5.0
			SW NE	20.0	27.26
			SET NET	8.0	75.0
			NET NWT NET SWT	15.7 4.0	15.0 4.0
			NET SEE	8.0	18.14
			NW SE	6.0	6.0
			SEL SEL	5.0	7.0
		4	SEL NEL	5.0	4.0
			SW& NW&	2.5	
			SEL NWL	15.0	11.72
			SW4 SW4	11.7	4.0
		5	neż seż neż neż	5.0	4.0 13.0
			SEL NWL	15.0	10.38
		7	SWŁ NWŁ		7.0
			SEL NWL		2.0
			NE SW		8.95
		o	SEL SEL	20.0	16.22
		8	SWL SWL NWL SEL	8.0	8.0 12.45
		9	SW SE	7.0	7.0
			SEL SEL	6.5	7.0 6.5
		10	SW NE	5.3	5.33
			NEL SEL	7.3	7.0
		11	NWL SEL	10.6	10.0
		-11	NEĮ NWĮ NWĮ SWĮ	10.0	17.0 10.0
			SWŁ SWŁ		3.0
			SEL SWL	6.0	
		12	SWE NEE		15.1
			NW NW		14.76
			SW½ NW½ SE¿ NE½		6.0
			NET SET		7.5 2.5
		13	NW NE	12.0	8.0
			NET NWT	4.0	4.0
		15	NW NW		7.26
J. C	12 17	18	NET NET	2.5	1.7
4 S.	13 E.	5	SWL SWL SEL SWL		11.0 3.0
		6	NET SET	10.0	10.0
			NW4 SE4	10.0	10:0
			SEL SEL	10.0	20.0
		7	NEL NEL	14.2	9.4
		o	NEŁ NWŁ	26.8	26.8
		8	NW NW NW NE	10.0	20.0 28.66
			ONLY MILLY		
				482.3	654.72