

4314

Name Irl Davis, Jr

By _____

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

Date of hearing _____

Place of hearing _____

✓ Date of order 11-27-89 Vol. 32, page 531Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued 12/01/2006 Vol. _____, page 82776

DESCRIPTION OF WATER RIGHT

Name of stream Badger Creek & ReservoirTrib. of _____ County of WascoUse irrigationQuantity of water _____ No. of acres 26¹Name of ditch BadgerDate of priority March 22, 1961In name of Badger Improvement Dist.

_____ Adjudication, Vol. _____, page _____

✓ App. No. 34734 Per. No. 27390 Cert. No. 46368^{50th}

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-18-79</u>	<u>30.00</u>	<u>14611</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See T-4312, 4313, 4324

Card for C NOV 20 1981

W.R.I.S.

Assembled _____ by _____

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

Entered

Checked

Name

Stream

Pt. of Div.

Calendar

CHECKED TO RECORDS:

Twp. & Rge.

Decree-vault

Decree-safe

Cert. of W/R

Per. Folder

Chainindex

Cross Ref.

Power Claim

Abstracts

TO BE ENTERED WHERE CHECKED

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 24.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 1.6 ACRES.

This right was perfected under Permit 27390. The date of priority is MARCH 22, 1961. This right is limited to a diversion of 0.28 cubic foot per second or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot 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 and the right allowed hereunder for the appropriation of water for lands having a valid prior right shall be limited to the amount necessary to make up any deficiency in water available to said lands under said prior right and the amount allowed herein, together with the amount secured under any other right existing for said lands, shall be limited by the duty of water as fixed 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 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 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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
LOT 4 (SW 1/4 SW 1/4)	4.1 ACRES	
SE 1/4 SW 1/4		1.6 ACRES
SECTION 7		
NE 1/4 NW 1/4	0.8 ACRE	
NW 1/4 NW 1/4	19.8 ACRES	
SECTION 18		
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.		

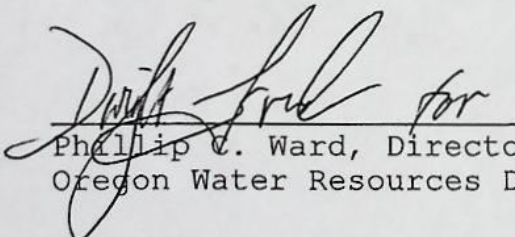
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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.

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 4314, together with orders entered APRIL 22, 1981, approving Transfer Application 4704, JANUARY 19, 1982, approving Transfer Application 4800, JUNE 14, 1985, approving Transfer Application 5551, JUNE 14, 1985, approving Transfer Application 5553, JUNE 4, 1999, approving Transfer Application 8215, and Certificate 76223, supersedes Certificate 46531, State Record of Water Right Certificates.

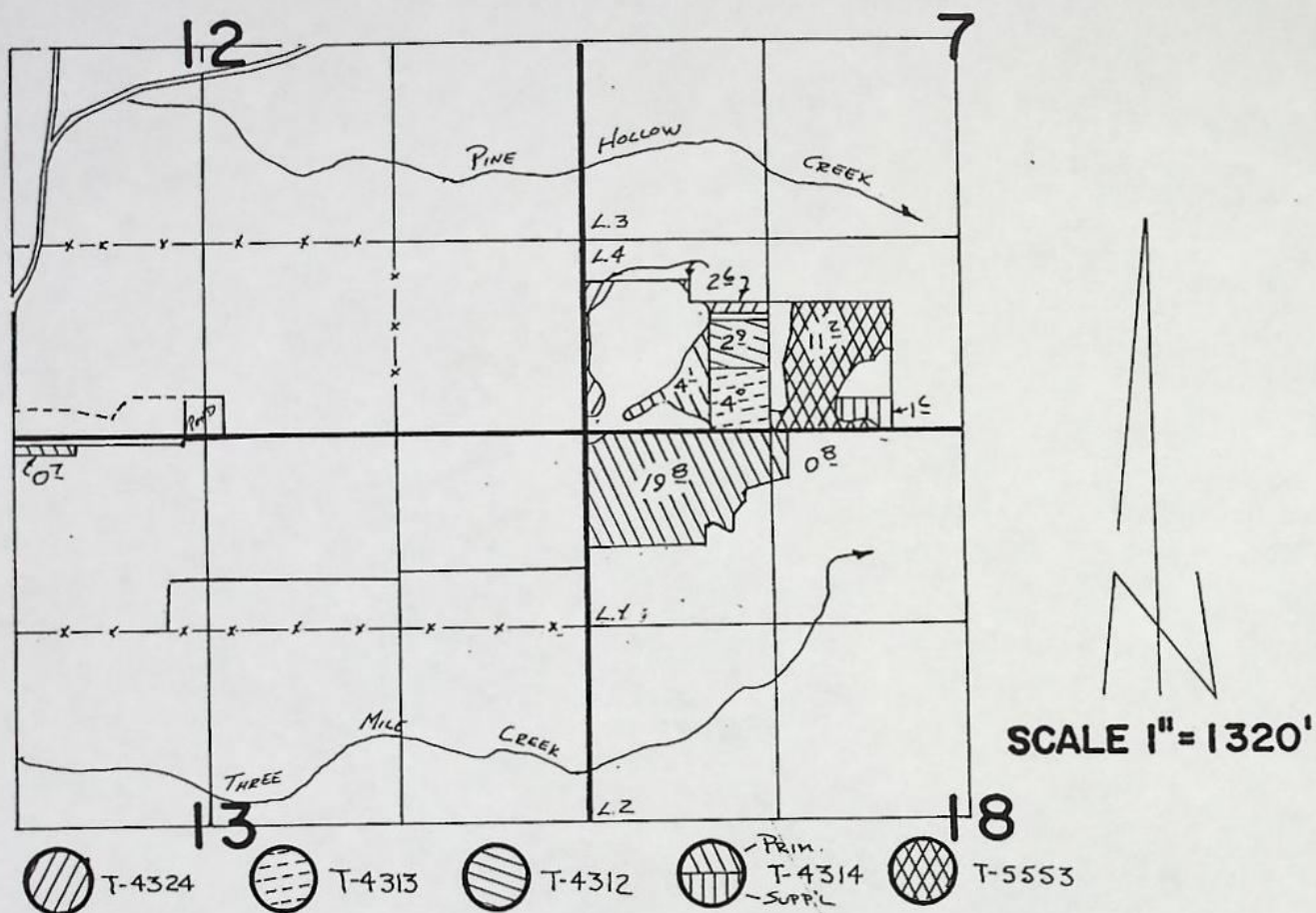
WITNESS the signature of the Water Resources Director, affixed

DEC 01 2006


Phillip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Number 82776.

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



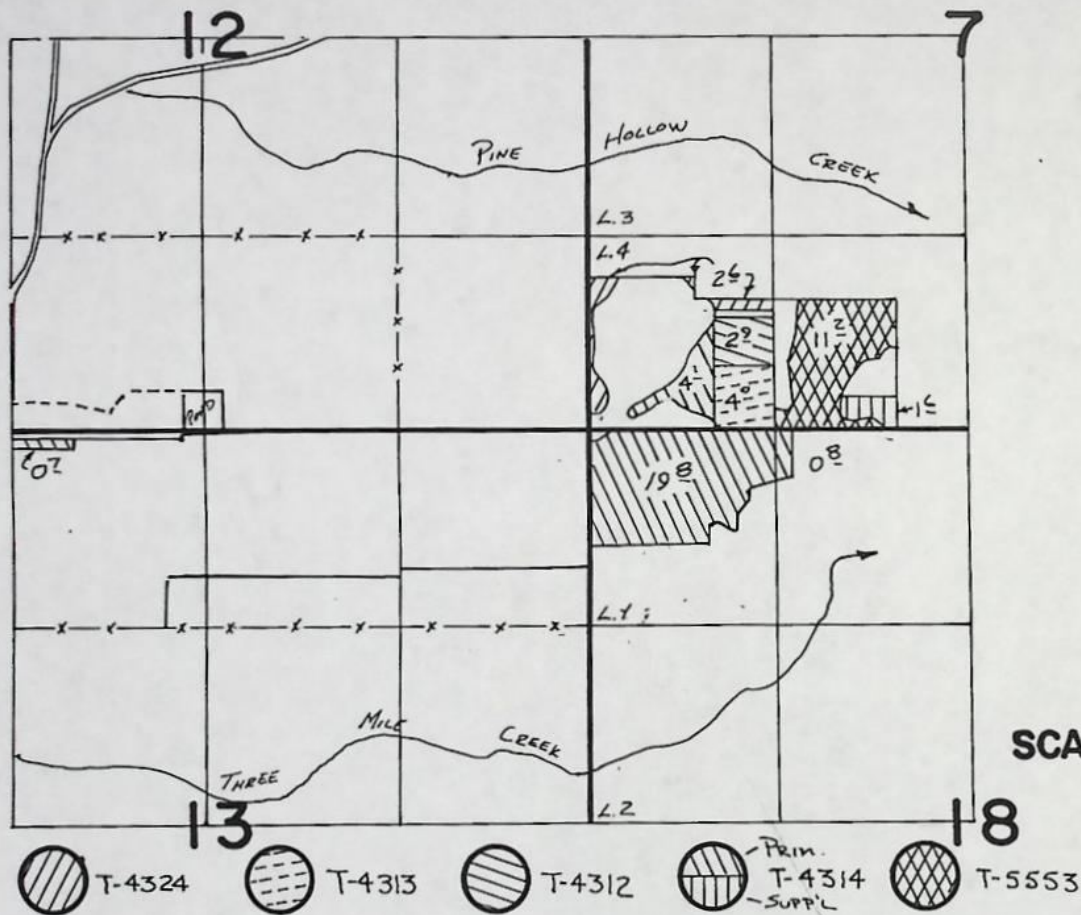
FINAL PROOF SURVEY
UNDER

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

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

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

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. 4314

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 46368, 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 21.0 cubic feet per second from Badger Creek and reservoir for irrigation of, among other lands, a certain 14.20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 19.10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and supplemental irrigation of, among other lands, a certain 2.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 3, Township 4 South, Range 12 East, W. M., with a priority date of March 22, 1961.

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 23.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18; 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7; and supplemental irrigation of 2.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, all in 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.

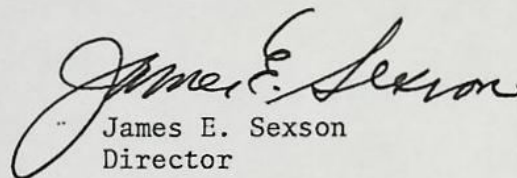
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 46368, 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

5/24

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

POD
POU
USE
Add'l POD

do w/ T-4312/4313

Transfer No. 4314 County Wasco

Old Certificate No. ~~4363~~ 46368

1. Name Dr. Davis, Jr.

Address RT1, Box 41 ID, Ogd. Valley, OR 97063

2. Source of Supply Bedger Cr. & Res, Trib of

3. Use ir / 26¹ ac + Sup'l ir

4. Amount of Water 21.0 cfs

5. Priority Date 3-22-1961

6. Proposed Point of Diversion

7. Completion Date 10-1-81

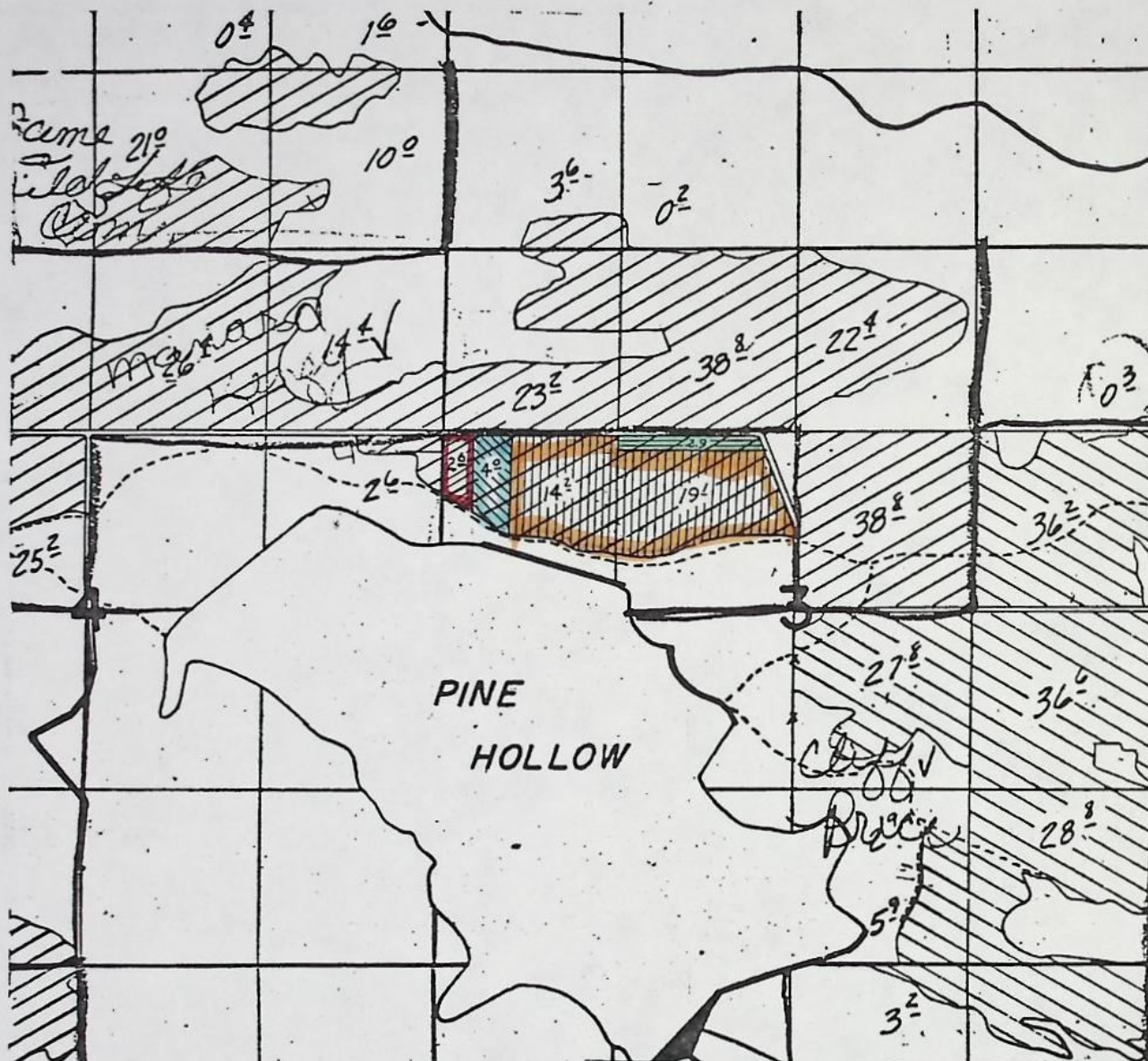
8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>4S</u>	<u>13E</u>	<u>18</u>	<u>NW NW</u>	<u>23.3 ac prim</u>
		<u>7</u>	<u>SW SW</u>	<u>10.0 "</u>
		<u>7</u>	<u>SE SW</u>	<u>2.8 Sup'l</u>

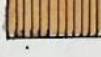
46368
46369
VLC

T-4314

T. 4 S. R. 12 E W.M.



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

	Permit 2163	2.6 AC.
	Permit 15165	4.0 AC.
	Permit 22633	2.9 AC.
	Permit 21390	33.3 AC.

BADGER CR

WFT-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. ~~F000043171~~ PERMIT NO. ~~022633~~ ⁰²⁷³⁹⁰ CERTIF. NO.

NAME: IRL DAVIS JR

 ORIG. NO. ~~A000192641~~ PREV. NO. ~~F000001371~~ SUPER. NO.

ADDRESS: RT1, BOX 41 1D

397341

A000397341

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 V

CANCEL YEAR--->

CONSTR.COMPLT--> 02 09/1982

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> ~~04121941~~ ⁰³²²¹⁹⁶¹

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	}	→ 0.439	V	P
0305	110E	29	C	A				
						→ 0.070	V	S

 ** POI: BADGER DITCH, 400' N & 800' E
 ** FM SW COR S 16; 1290'S & 550'
 ** W FM CENTER S 29, CHANGES
 ** ^{46368.} POI PART OF C-~~46571~~. SEE

PLACE-OF-USE DATA:

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

 ** ~~F000043172.~~
 **
 **

0405	130E	07	C	C	33	1R	100	23.30	V	P
		07	C	C				10.00	V	P
		07	C	D				2.80	V	S

W.R.I.S.

Approved 7-2-85 L. SM

Entered _____ by _____

Verified _____ by _____

RECEIVED

FEB 9 1982

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Pow from Badger Cr. & Reservoir

PURSUANT TO TRANSFER APPLICATION NO. 4314

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
JCH



CERT. Primary 46368 TO
 CERT. Supplemental 46368 TO
 CERT. 46532 TO
 CERT. 46531 TO
 CERT. 46530 TO

RECEIVED
 OCT 13 1979
 NATURAL RESOURCES DEPT
 SALEM, OREGON

T-4314



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 _____

**

Thomas J. Paul
Watermaster's signature or initials

RECEIVED

NOV - 5 1979

RECEIVED

OCT 18 1979

WATER RESOURCES DEPT WATER RESOURCES DEPT

SALEM, OREGON

SALEM, OREGON

Application for Transfer of Water Right

T-4314

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

(Zip Code)

(Phone number)

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

(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 27390 Number of certificate Vol 39 Page 46368

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 and reservoir5. What is the date of priority of your water right? MARCH 22, 1961Reservoir 400 Ft. N. 800 Ft. E.

SW

6. The authorized point of diversion is located 1290 ft. S and 550 ft. W from the Center

Sec. 16

(N. or S.)

3 (E. or W.)

10 E

corner of Sec 29 being within the SW 1/4 SW 1/4 of Section 29 Tp. 3 S R. 11 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 & Supplemental Irrigation 49.
(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 ¼-¼ of Section	Number Acres To Be Irrigated
4 S	12 E	3		
			SW ¼ NW ¼	14.20 ✓
			SE ¼ NW ¼	19.10 ✓
			Supplemental Irrigation	
4S	12 E	3	SW ¼ NW ¼	2.80 ✓

(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: 210.

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	18	NW ¼ Nw ¼	23.3 ✓ 215.
		7	SW¼ SW¼	10.0 ✓
			Supplemental Irrigation	
4 S	13 E	7	SE ¼ SW ¼	2.8 ✓

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

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, I. I. 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

I. I. Davis Jr
(Name of applicant)

Subscribed and sworn to before me this 17 day of October, 1979

[Notarial Seal]

T. H. H. H.
NOTARY PUBLIC FOR OREGON

My commission expires 3-18-80



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