

Name IRL DAVIS, Jr

4324

DESCRIPTION OF WATER RIGHT

By _____

Address R+1, Box #1 IDTygh Valley, OR 97063Change in POUDate filed 11-5-79

Date of hearing _____

Place of hearing _____

Date of order 11-27-79 Vol. 32, page 533Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued 10/20/2006 Vol. _____, page 82338Name of stream South Fork Badger CreekTrib. of _____ County of WascoUse IrrigationQuantity of water _____ No. of acres 26Name of ditch BadgerDate of priority Aug 8, 1914In name of Highland Ditch Co.

_____ Adjudication, Vol. _____, page _____

App. No. 3843 Per. No. 2163 Cert. No. 76530

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-5-79</u>	<u>31.20</u>	<u>14874</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See T-1312, 1313, 1314

Card for C NOV 20 1981

W.R.I.S.

Assembled 7-3-85 by SP

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	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	☒	☒

82338

242

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

IRL DAVIS, JR
RT 1, BOX 41 ID
TYGH VALLEY, OREGON 97063

confirms the right to use the waters of SOUTH FORK BADGER CREEK, a tributary of the TYGH CREEK, for IRRIGATION of 2.6 ACRES.

This right was perfected under Permit 2163. The date of priority is AUGUST 8, 1914. This right is limited to a diversion of 0.03 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-EIGHTIETH of a second foot per acre, or its equivalent for each acre irrigated 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.

The point of diversion are located as follows:

HIGHLAND DITCH: SW 1/4 NE 1/4, SECTION 32, TOWNSHIP 3 SOUTH,
RANGE 11 EAST, W.M.; NORTH 65 DEGREES 21 MINUTES WEST 1938.2 FEET
FROM THE E 1/4 CORNER SECTION 32

A description of the place of use to which this right is appurtenant is as follows:

LOT 4 (SW 1/4 SW 1/4) 2.6 ACRES
SECTION 7
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

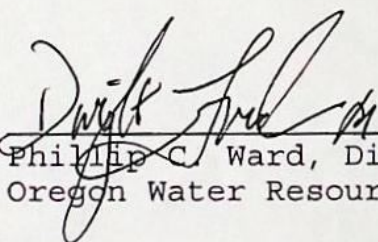
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

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 and is subject to the existing minimum flow policies established by Water Policy Review Board.

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 4324, and together with orders entered APRIL 5, 1985, approving Transfer Application 5606, JUNE 4, 1999, approving Transfer Application 8215, and Certificate 76221, supersedes Certificate 46530, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed

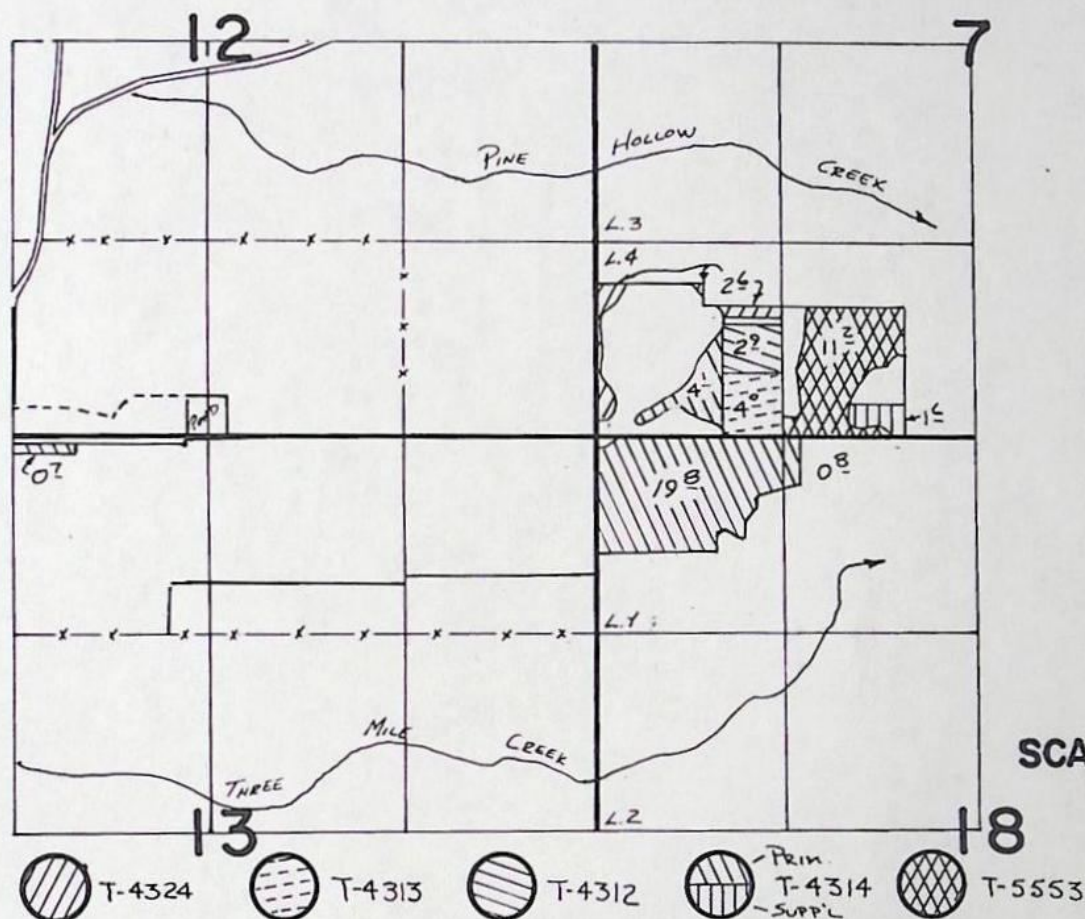
OCT 20 2006



Philip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Number 82338

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



FINAL PROOF SURVEY
UNDER

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

RAY A. BENZEL

Surveyed 10-13 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. 4324

On November 5, 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 South Fork Badger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46530, Volume 39, State Record of Water Right Certificates, in the name of Highland Ditch Company, describes a right which includes the use of not to exceed 0.065 cubic foot per second from South Fork Badger Creek for irrigation of a certain 2.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 4 South, Range 12 East, W. M., with a date of priority of August 8, 1914.

Water for the said right is diverted, through the Highland Ditch, from a point located North 65 degrees 21 minutes West 1938.2 feet from the East Quarter Corner of Section 32, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, 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 2.6 acres in the 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 the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

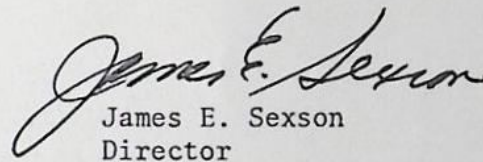
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate of water right recorded at page 46530, Volume 39, 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 27th day of November, 1979.


James E. Sexson
Director

SRA

179-220R

POD
POU
USE
Add'l POD

County Wasco

1. Name Irl Davis, Jr.

Address RT 1, Box 41 ID, Targh Valley, OR 97063

2. Source of Supply S. F. Badger Co., Trib of _____

3. Use irr / 24 ac

4. Amount of Water 0.065 cfs

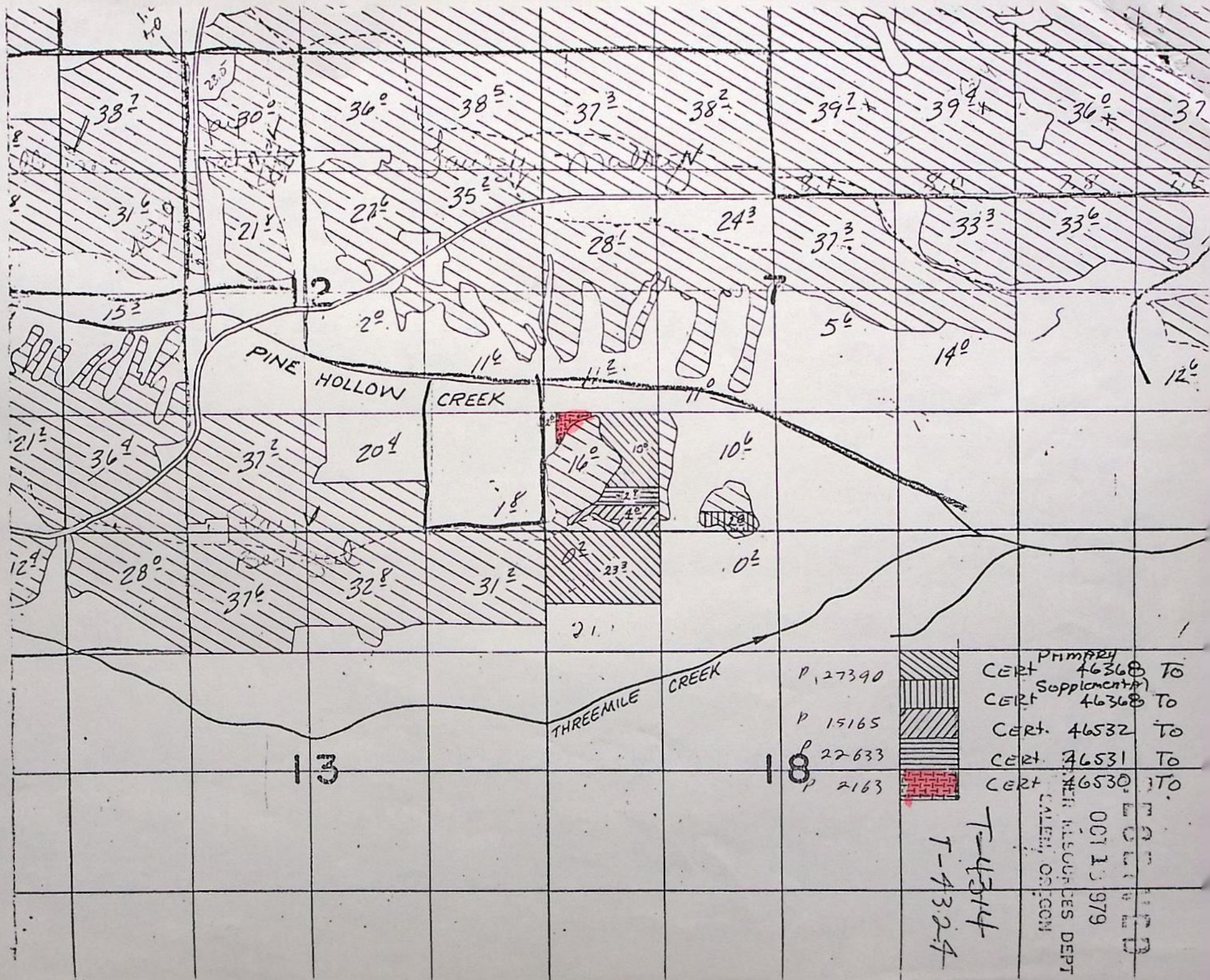
5. Priority Date 8-8-1914

6. Proposed Point of Diversion _____

7. Completion Date 10-1-81

8. Place of Use:

[illegible]



P 27390

P 15165

P 22633

P 2163

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

OCT 13 1979
 CALIF. RESOURCES DEPT
 CALIF. ORIGIN

T-4314
 T-4324

See T-4313 for report

10-18-88

V. Church R. F.

RECEIVED

NOV - 5 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-7324

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Irl Davis, Jr.

(Name of applicant)

of Rt. 1, Box 41 ID

(Mailing address)

Tygh Valley

(City)

State of Oregon

97063

(Zip Code)

544-2482

(Phone number)

do hereby make application for change

Change 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? Highland Ditch Company

(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 2163

Number of certificate 46530

A 3843

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 South Fork Badger Creek

5. What is the date of priority of your water right? August 8, 1914

N. 65 degrees 21 min. W. 1938.2 Ft.

6. The authorized point of diversion is located _____ ft. _____ and _____ ft. _____ from the E¹/₄

(N. or S.)

(E. or W.)

corner of Sec. 32 being within the SW 1/4 NE 1/4 of Section 32 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
(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	SW¼ NW¼	2.60 ✓

(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 ¼-¼ of Section	Number Acres To Be Irrigated
4 S	13 E	7	SW¼ SW¼	2.6 ✓

(If more space required, attach separate sheet)

T-4324 T-4312
4313
4314

TOWNSHIP <u>4 S</u> . RANGE <u>13 E</u> . W. M. <u>Card No. 1</u> SECTION <u>7</u>															
NE				NW				SW				SE			
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES															
1				37 ⁴²	37 ⁴⁹			37 ⁴²	38 ²³						
5															5385
2	10				1										5733
23	14				4			3	15			16			5771
24															5771
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100															5771

TOWNSHIP <u>4S</u> . RANGE <u>13E</u> . W. M. <u>Card No. 2</u> SECTION <u>7</u>																		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		

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, 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 31st day of October, 1979

Irl Davis, Jr.
(Name of applicant)

Subscribed and sworn to before me this 31st day of October, 1979

[Notarial Seal]

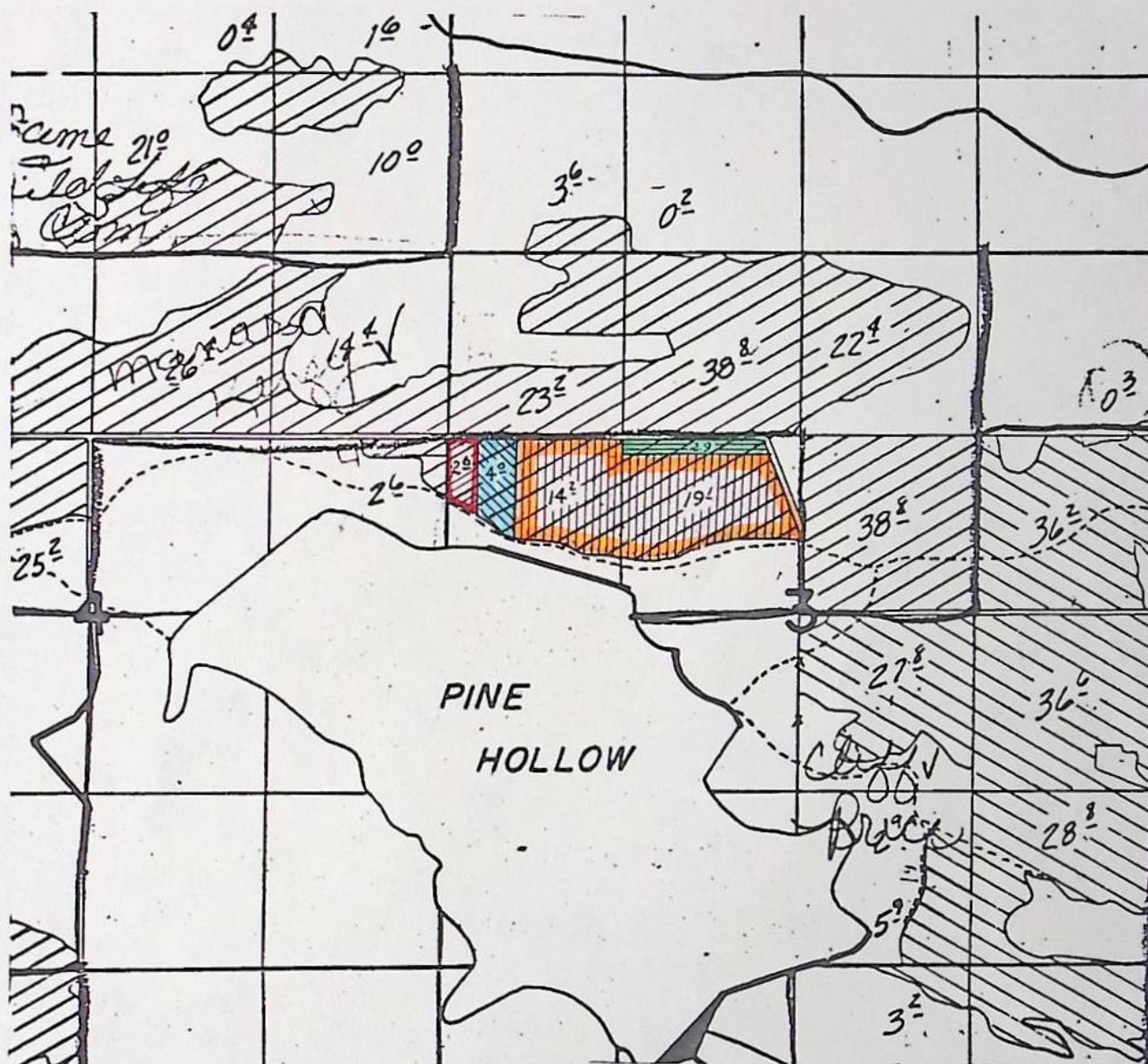


Thomas J. Paul
NOTARY PUBLIC FOR OREGON

My commission expires 3-18-80

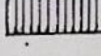
T-4324

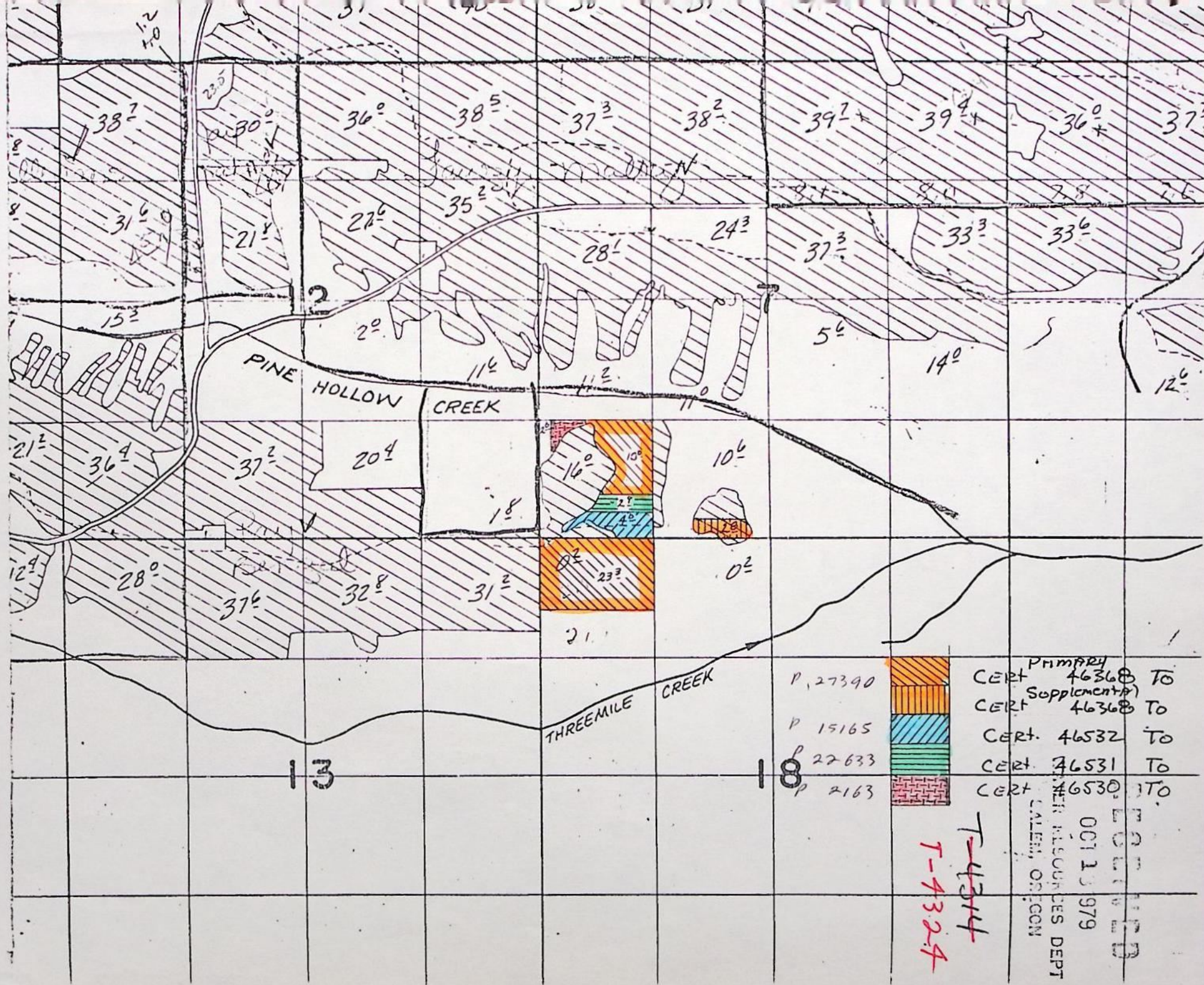
T. 4 S. R. 12 E W.M.



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

T-4324

	C ¹ 76530
	Permit 2163 2.6 AC.
	Permit 15165 4.0 AC.
	Permit 22633 2.9 AC.
	Permit 27390 33.3 AC.



P, 27390
 P 15165
 P 22633
 P 2163



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

U.S. GEOLOGICAL SURVEY
 WATER RESOURCES DEPT
 COLUMBIA, MISSOURI
 OCT 1 1979

S. F. BADGER CR

WRT-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. 1000043241 PERMIT NO. 002163 CERTIF. NO. 0046530
 ORIG. NO. 1000038431 PREV. NO. 100001351 SUPER. NO.

NAME: IRL DAVIS JR.

ADDRESS: RT1, Box 411D

CITY/STATE/ZIP/COUNTY: MGH 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--> 10 01 1981

YR. LAST USED-----> —

NEXT ACTION DUE--> —

PRIORITY-----> 08 08 1914

PUT TO USE-----> 10 01 1981

LAST TRANS. DATE--> —

LAST TRANS. TYPE--> —

APPLICATION-----> 11 05 1979

SURVEYED-----> —

EXAM. FEE-----> 20.00

RECORDING FEE-----> 11.20

PERMIT 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

0305 110E 32 A C 05 1980 0520 0060 030 -

0.065

V P

 ** REMARKS: - - - - -
 ** DATED-->

** POD: HIGHLAND DITCH, N 65°, 21' W,

** 1938.12' PM E 1/4 COR 3 32,

** CHANGES FOR PART OF C-46530

** BADGER IMP. DIST.

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

0405 130E 07 C C 33 1R 100 2.60

V P

**-----

**-----

**-----

V.R.I.S.

Assembled 4-3-85 by SPA

Entered _____ by _____

Verified _____ by _____



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

NOV - 8 1979
WATER RESOURCES DEPT
SALEM, OREGON

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.

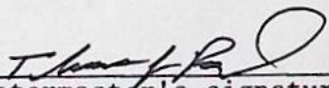
Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which
serves this right.

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