

ASSIGNED

Name Floyd E. Duncan
By Rt. 1, Box 78
Address Baker, OR 97814

Application No. 51989

Permit No. 39167

Certificate No. 82612 82612

Stream Index, Page No. 9-18

FEES PAID

Date	Amount	Receipt No.
<u>5-28-74</u>	<u>41.80</u>	<u>40340</u>
<u>4-17-75</u>	<u>72.20</u>	<u>46346</u>
<u>2-11-2002</u>	<u>25.00</u>	<u>50894</u>

\$1 Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

Date filed May 28, 1974
Priority February 7, 1975
Action suspended until SUR

Return to applicant
Date of approval DEC 22 1975

CONSTRUCTION

Date for beginning DEC 22 1976
Date for completion OCT 1 1977
Extended to

Date for application of water OCT 1 1978
Extended to

PROSECUTION OF WORK

Form "A" filed
Form "B" filed completed
Form "C" filed January 19, 1976

FINAL PROOF

Blank mailed
Proof received
Date certificate issued 11/03/2006

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>10-4-82</u>	<u>Harrell Hereford Ranch</u>	<u>Rt. 1, Box 51, Baker, Or. 97814</u>	<u>6</u>	<u>1067</u>
<u>2/11/62</u>	<u>Harrell Land & Cattle Co.</u>	<u>42590 Salmon Creek Rd, Baker City, OR 97814</u>		
<u>and</u>	<u>Floyd E. Duncan</u>	<u>15450 Duncan Ln Baker City, OR 97814</u>		

REMARKS

Form C

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. 51989
39167

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Floyd E. Duncan, the holder of Permit No. 39167

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1 day of June, 1974.

Remarks: water has been used for this land many years;
under this permit for date above

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of Jan, 1976.

Floyd E. Duncan
(Signature of Applicant)

Rt 1 Box 78 - Baker, Ore 97814
(Address)

RECEIVED

JAN 19 1976
WATER RESOURCES DEPT.
SALEM OREGON

OK
B-6

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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRELL LAND AND CATTLE L.L.C.
42590 SALMON CREEK ROAD
BAKER CITY, OREGON 97814

FLOYD E DUNCAN
15450 DUNCAN LN
BAKER CITY, OREGON 97814

confirms the right to use the waters of ELEVEN SPRINGS, tributaries of GOODRICH CREEK, for IRRIGATION OF 138.3 ACRES, SUPPLEMENTAL IRRIGATION OF 187.7 ACRES and DOMESTIC USE FOR TWO HOUSEHOLDS.

This right was perfected under Permit 39167. The date of priority is FEBRUARY 7, 1975. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.01 CUBIC FOOT PER SECOND (CFS), BEING 3.36 CFS FOR PRIMARY IRRIGATION, 4.64 CFS FOR SUPPLEMENTAL IRRIGATION, AND 0.01 CFS FROM SPRING # 11 FOR DOMESTIC USE FOR TWO HOUSEHOLDS, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SPRING # 1: SE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 669 FEET NORTH AND 836 FEET WEST FROM SE CORNER, SECTION 36.

SPRING # 2: SW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 73 FEET NORTH AND 187 FEET EAST FROM SW CORNER, SECTION 31.

SPRING # 3: SW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 1175 FEET NORTH AND 826 FEET EAST FROM SW CORNER, SECTION 31.

SPRING # 4 SE 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 196 FEET NORTH AND 2086 FEET EAST FROM SW CORNER, SECTION 31.

SPRING # 5: SW 1/4 SE 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 537 FEET NORTH AND 1677 FEET WEST FROM SE CORNER, SECTION 31.

SPRING # 6: NE 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 305 FEET SOUTH AND 22 FEET WEST FROM C 1/4 CORNER, SECTION 31.

SPRING # 7: NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 77 FEET SOUTH AND 1005 FEET EAST FROM W 1/4 CORNER, SECTION 31.

SPRING # 8: NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 2315 FEET NORTH AND 986 FEET WEST FROM SE CORNER, SECTION 36.

SPRING # 9: NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1971 FEET NORTH AND 660 FEET WEST FROM SE CORNER, SECTION 36.

SPRING # 10: NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1443 FEET NORTH AND 405 FEET WEST FROM SE CORNER, SECTION 36.

SPRING # 11: NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 937 FEET SOUTH AND 860 FEET EAST FROM W 1/4 CORNER, SECTION 31.

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 per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

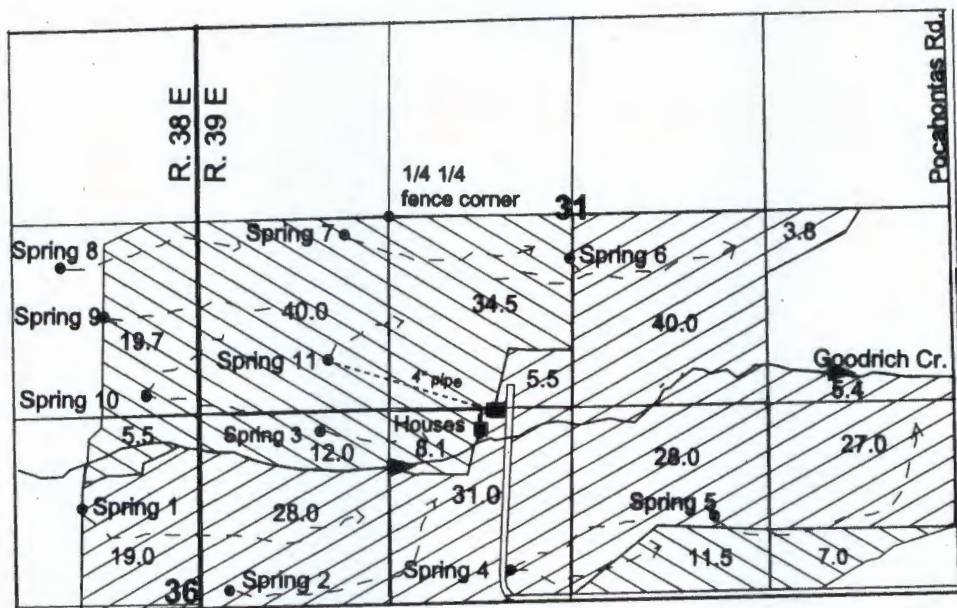
A description of the place of use to which this right is appurtenant is as follows:

	PRIMARY	SUPPLEMENTAL
NE 1/4 SE 1/4	19.7 ACRES	
SE 1/4 SE 1/4	5.5 ACRES	19.0 ACRES
SECTION 36		
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.		
NE 1/4 SW 1/4	34.5 ACRES	5.5 ACRES
NW 1/4 SW 1/4	40.0 ACRES	
SW 1/4 SW 1/4	12.0 ACRES	28.0 ACRES
SE 1/4 SW 1/4	8.1 ACRES	31.0 ACRES & DOMESTIC USE FOR TWO HOUSEHOLDS
NE 1/4 SE 1/4		9.2 ACRES
NW 1/4 SE 1/4		40.0 ACRES
SW 1/4 SE 1/4	11.5 ACRES	28.0 ACRES
SE 1/4 SE 1/4	7.0 ACRES	27.0 ACRES

SECTION 31
TOWNSHIP 8 SOUTH, RANGE 39 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.

T. 8 S., R 38. & 39 E., W. M.



Primary Irrigation



Supp'l Irrigation.
Primary under C # 68123

LOCATION OF DIVERSIONS FROM SPRINGS

- Spring # 1 - 669' N. and 836' W. from the SE Corner of Section 36.
- Spring # 2 - 73' N. and 187' E. from the SW Corner of Section 31.
- Spring # 3 - 1175' N. and 826' E. from the SW Corner of Section 31.
- Spring # 4 - 196' N. and 2086' E. from the SW Corner of Section 31.
- Spring # 5 - 537' N. and 1677' W. from the SE Corner of Section 31.
- Spring # 6 - 305' S. and 22' W. from the Center Corner of Section 31.
- Spring # 7 - 77' S. and 1005' E. from the W. Corner of Section 31.
- Spring # 8 - 2315' N. and 986' W. from the SE Corner of Section 36.
- Spring # 9 - 1971' N. and 660' W. from the SE Corner of Section 36.
- Spring # 10 - 1443' N. and 405' W. from the SE Corner of Section 36.
- Spring # 11 - 937' S. and 860' E. from the W. Corner of Section 31.

FINAL PROOF SURVEY UNDER

Application No. 51989 Permit No. 39167

IN THE NAME OF
HARRELL LAND AND CATTLE L.L.C.
Surveyed 10-04-2001, by J. Miller

Mailing List for Certificate

Mailing Date:

Application S-51989
Permit S-39167
Certificate 82612

Permit/Certificate Holder: (include copy of map)

HARRELL LAND AND CATTLE L.L.C. ✓
42590 SALMON CREEK ROAD
BAKER CITY, OREGON 97814

FLOYD E DUNCAN ✓
15450 DUNCAN LN
BAKER CITY, OREGON 97814

Copies Mailed

By: Connie Wade
(SUPPORT STAFF)

on: 11/03/2006
(DATE)

Other persons to receive copies: (Include map)

Copies (of final certificate) to be sent to:

1. Watermaster #8 (include copy of map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

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STATE OF OREGON

COUNTY OF BAKER

PROPOSED

CERTIFICATE OF WATER RIGHT

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42590 SALMON CREEK ROAD
BAKER CITY, OREGON 97814

FLOYD E DUNCAN
15450 DUNCAN LN
BAKER CITY, OREGON 97814

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S-51989.JWG

Certificate Number

82612

PROPOSED

PAGE TWO

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WITNESS the signature of the Water Resources Director, affixed .

PROPOSED

Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered .

S-51989.JWG

Mailing List for Proposed Certificate

Mailing Date:

Application **S-51989**
Permit **S-39167**
Certificate **PROPOSED**

Permit/Certificate Holder: (include copy of map)

HARRELL LAND AND CATTLE L.L.C.
42590 SALMON CREEK ROAD
BAKER CITY, OREGON 97814

FLOYD E DUNCAN
15450 DUNCAN LN
BAKER CITY, OREGON 97814

Copies Mailed

By: *Connie Vance*
(SUPPORT STAFF)

on: *6/23/2006*
(DATE)

Other persons to receive copies: (Include map)

Copies (of final certificate) to be sent to:

1. Watermaster #8 (include copy of map)
2. Data Center
3. Water Availability
4. Vault
5. File



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

DATE MAILED: June 23, 2006

NOTICE

Reference: Permit S-39167 Application S-51989

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to the permittee.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Administrator
Water Rights Division

October 4, 2001

FINAL PROOF SURVEY REPORT 39167

Harrell Land and Cattle LLC are the land owners of the property described under the permit.

Bob Harrell, Jr. showed me the springs and explained the irrigation system.

Address is Harrell Land and Cattle LLC

42590 Salmon Creek Road

Baker City, OR 97814

Phone home # 541-523-4322

office # 541-523-4401

Sp. # 1, spring is in bog area, ditch system to the northeast and southeast divert water from the spring. They have a concrete headgate on the ditch that is 2 ½ wide on the gate and 2' high. Irrigation is by flooding.

Spr. # 2 , another bog area with a ditch that heads up in the spring area. Water is ditched out from the spring to the east. Floods from the ditch. Ditch is 3' wide on the bottom, 4' wide on the top and 2 1/2' deep.

Spr. # 3 -A ditch system at the spring head carries water to the east and south. Ditch 2 ½ ft. wide on the bottom, 1 ½ ft. deep and 3 ½ft wide on the top.

Spring # 4 - Spring originates in a low spot on the east side of the driveway. A ditch constructed to the east is at the spring head. Ditch is 2 1/2' wide on the bottom, 2' deep and 3 1/2' wide on the top.

Spring # 5 - Spring is a bog area and there is 14" steel culvert delivering into a ditch system on the south end of the spring area that delivers to a "bulge in the system" irrigation pond 20 feet to the south of the spring. The pond is 20' wide by 30' long, approx 6' deep max. The pond overflow is on the east end through a ditch that is constructed to the east for 1000' and turns to the north continuing another 2000'.

Spring # 6 - The spring is in a forested area, subs up in an area about 200' all around. Spring water is collected into a ditch that is constructed to the south of the spring area, ditch measures 2 1/2' across the top, 3/4 foot deep and 2 feet on the bottom, and continues south 150' emptying into the main ditch. Here they have a concrete head gate structure that is used to divert to the east, continuing down the ditch and to the south to a ditch system. The gate openings are 2 1/2' wide by 2' deep. Control of the water through the gates is with boards and tarps.

Spr. # 7, 8 and 10- springs are in wooded areas. Ditch systems heads up in the spring areas. Ditches from the springs are 1 1/2' wide on the bottom, 2' across the top and 3/4 foot deep. The ditches for these springs carries water to the east. Floods out of ditches through lateral ditches

directed to the northeast and southeast. Some of the land here is not level. The flood water would pool up in the low spots and the high spots would be wet, from the sub irrigation. It would be impossible to take out the high spots and show the low spots on a map. The northeast corner can not be irrigated.

Sp # 9 is in a bog area. The bog is about 200' by 300'. (Measured with scale across aerial photo) There is a ditch system that collects the spring water and is located on the east side of the bog. The ditch is constructed to the east and irrigation is by flooding from cutouts on the ditch. The ditch is 1 1/2' on the bottom, 3/4' deep and 2 1/2' on the top.

Sp # 11 - They have perforated pipe buried in an area about 50' long by 20' wide collecting water in this spring area and then empties into a cistern. The cistern is a 42" CMP standing on end buried in the ground 15'. From the cistern they have 4" PVC laid to the house sites. There are two homes that use this spring for the domestic portion of this permit. The overflow from the cistern is through a 4" pipe into a ditch constructed north from of the cistern. The flood irrigate from the ditch.

The average fall is 1' in 100' horizontal distance.

The springs were not flowing much water this day. Mr. Harrel said all the springs were good spring, some flowing 1 CFS some as much as 2 CFS.

Goodrich Creek is also delivered through some of the irrigation ditches used under this permit. This is the primary source, under decreed rights, for the supplemental portion filed

Use: Irrigation of pasture grass and grass hay.

June Miller, Field Inspector

Comments: Talked with Rick Lusk, watermaster in Baker County. He said the spring are real good spring and they do probably flow 1 to 2 CFS in the spring.

Need to send Harrell an assignment form.

June

11--27-2001 I sent Bob Harrell an assignment form today. June

June

2813

Certificate No.

Hurrell Land
& Cattle LLC.

Baker, OR 97814

42590 Salmon Creek Bog HAZEL
Baker City 97814

Domestic use for two families, irrigation and supp'l irrigation

Baker Co.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE[illegible]

Remarks: Limitations: 1/40th c.f.s., 3½ a/f., Supp'l limitations apply

Willingville, Lind
Salem Peak

Wing: 1 1/2

11/29/01

Basin 9, Volume 1

Item #4 described as Point of Diversion:

- #1; 600 ft S & 850 ft W from NE cor., SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.36, being within SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.36, T.8 S., R.38 E., W.M.; Baker County.
- #2; 920 ft S & 300 ft E from NW cor., SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, being within SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, T.8 S., R.39 E., W.M.; Baker County.
- #3; 200 ft S & 750 ft E from NW cor., SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, being within SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #4; 200 ft N & 500 ft W from SE cor., SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, being within SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #5; 700 ft N & 850 ft E from SW cor., SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec.31, being within SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #6; 350 ft S & 100 ft W from NE cor., NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, being within NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #7; 150 ft S & 400 ft W from NE cor., NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, being within NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #8; 300 ft S & 700 ft W from NE cor., NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.36, being within NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.36, T.8 S., R.38 E., W.M.; Baker County
- #9; 450 ft S & 700 ft W from NE cor., NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.36, being within NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.36, T.8 S., R.38 E., W.M.; Baker County
- #10; 850 ft S & 700 ft W from NE cor., NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.36, being within NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.36, T.8 S., R.38 E., W.M.; Baker County
- #11; 600 ft N & 100 ft W from SE cor., NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, being within NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec.31, T.8 S., R.39 E., W.M.; Baker County

R 39 E

51

RECEIVED

FLOYD DUNCAN, APPLICANT
SCALE 1" = 660'

APR 17 1978
STATE ENGINEER
SALE - 1000000

Sp #2
ditch system
3' X 4' X 2 1/2'

Sp #4
trads up at fence
line on east
side rd goes
through homestead
field w/ spot for
ditch system
at sphere
to flood in.

good sp 2 cts

PH 39167
Sp #6 connects
head gate
structure
ditch collector
system
drains to E & S
ditch.

drains east + picks
up again
2' X 2' ditch

#7 Sp Area
collects into
ditch system.

floods to ditch
2' X 10 1/2' X 3'

sp falls into
ditch channels
Good ditch flows
#3 connects headgate
drains to NE
into ditch.
1 1/2 cts estimated
Spuff pipe in
area.

Sp #10 drains
w/ tanks into
ditch line @
Sp head drains to
NE & SE floods area.

Sp #15
on lot
South end
of pond

14" culvert feeds
pond
North end

$$\begin{array}{r} 3 \overline{) 35} \\ 35 \overline{) 2000} \\ 175 \\ \hline 11250 \end{array}$$

4"

perforated pipe
collects to
system.

4" PVC to
2 house -

$$\begin{array}{r} 35 \overline{) 2000} \\ 175 \\ \hline 1250 \end{array}$$

NO 11

by 42" comp
@ Copter

28' stand on
end has
perf pipe for collect
system to send
to the well

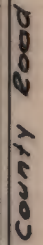
9

PDP@ sp head
spread out rock
tamps -

EG

Sp #1 Box
collects into
ditch system
N. to South -
East &
North

R 39 E

RECEIVED

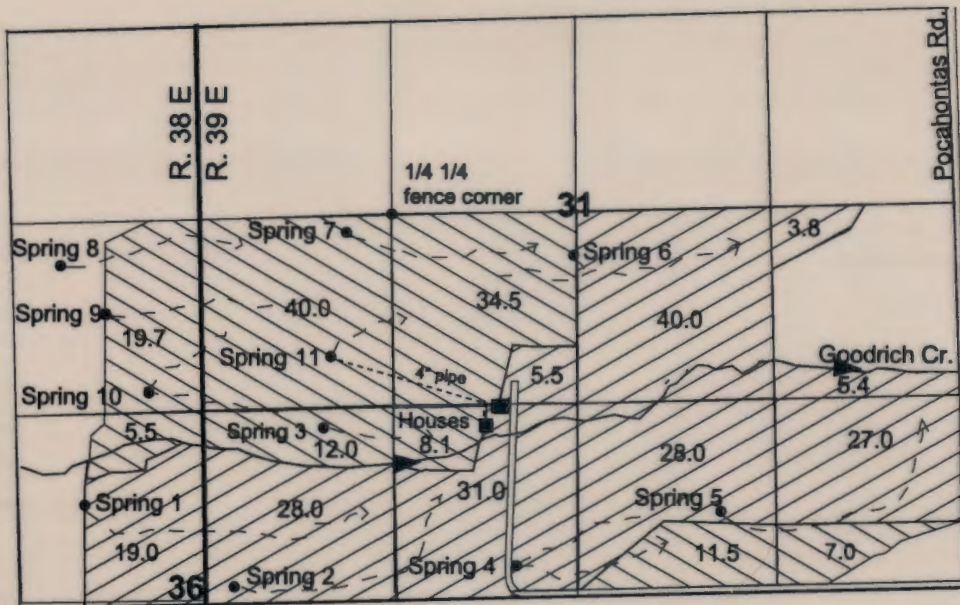
RECEIVED
APR 17 1975
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAY 28 1974
STATE ENGINEER
SALEM, OREGON

RECEIVED
FEB 7 1975
STATE ENGINEER
SALEM, OREGON

Application No. 51989
Permit No. 39167

T. 8 S., R 38. & 39 E., W. M.



1" = 1320'

LOCATION OF DIVERSIONS FROM SPRINGS

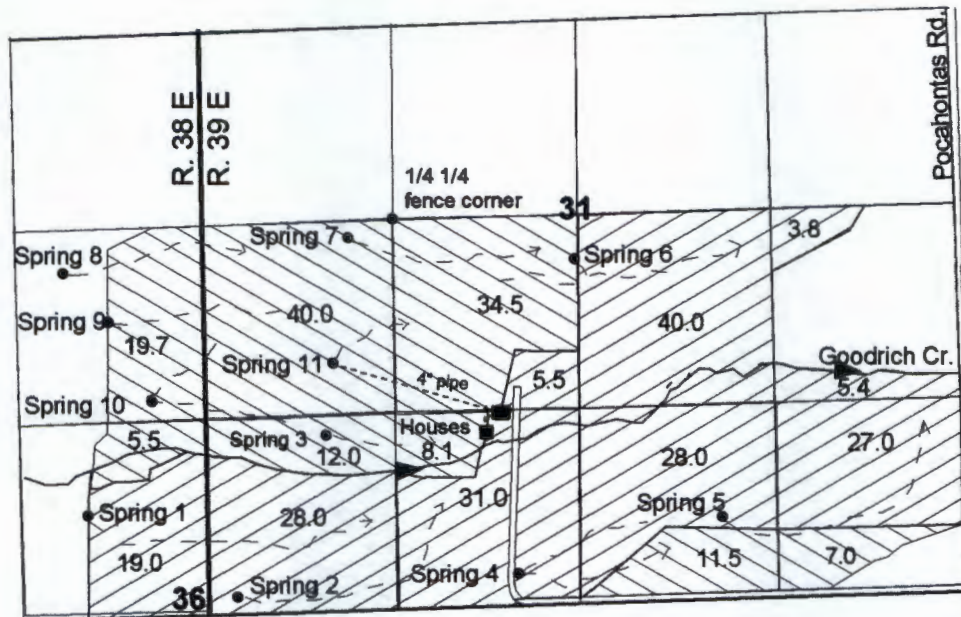
- Spring # 1 - 669' N. and 836' W. from the SE Corner of Section 36.
- Spring # 2 - 73' N. and 187' E. from the SW Corner of Section 31.
- Spring # 3 - 1175' N. and 826' E. from the SW Corner of Section 31.
- Spring # 4 - 196' N. and 2086' E. from the SW Corner of Section 31.
- Spring # 5 - 537' N. and 1677' W. from the SE Corner of Section 31.
- Spring # 6 - 305' S. and 22' W. from the Center Corner of Section 31.
- Spring # 7 - 77' S. and 1005' E. from the W. Corner of Section 31.
- Spring # 8 - 2315' N. and 986' W. from the SE Corner of Section 36.
- Spring # 9 - 1971' N. and 660' W. from the SE Corner of Section 36.
- Spring #10 - 1443' N. and 405' W. from the SE Corner of Section 36.
- Spring #11 - 937' S. and 860' E. from the W. Corner of Section 31.

FINAL PROOF SURVEY UNDER

Application No. 51989 Permit No. 39167

IN THE NAME OF
HARRELL LAND AND CATTLE L.L.C.
Surveyed 10-04-2001, by J. Miller

T. 8 S., R 38. & 39 E., W. M.



1" = 1320'



Primary Irrigation



Suppl Irrigation.
Primary under C # 68123

LOCATION OF DIVERSIONS FROM SPRINGS

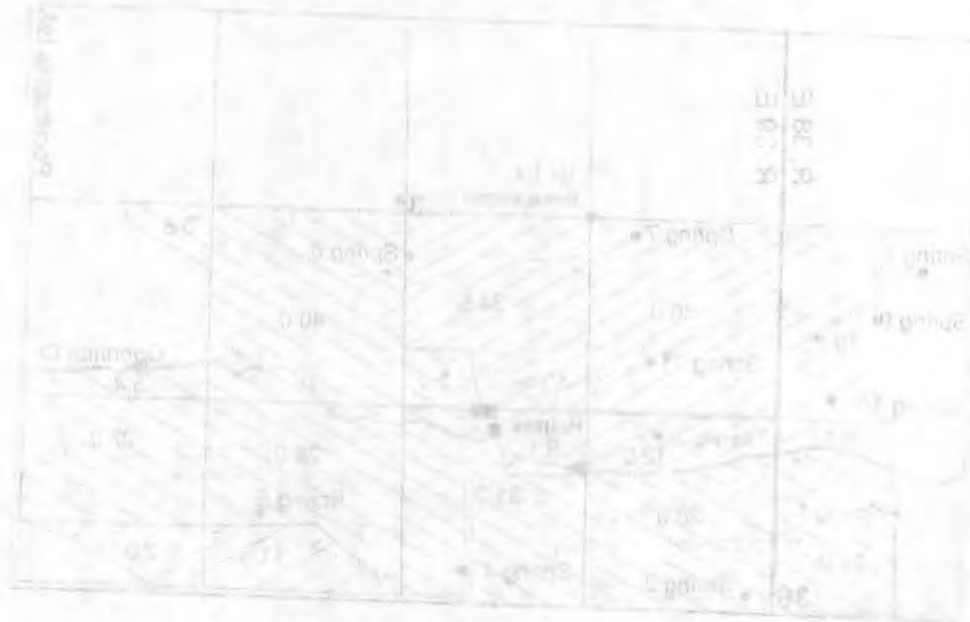
- Spring # 1 - 669' N. and 836' W. from the SE Corner of Section 36.
- Spring # 2 - 73' N. and 187' E. from the SW Corner of Section 31.
- Spring # 3 - 1175' N. and 826' E. from the SW Corner of Section 31.
- Spring # 4 - 196' N. and 2086' E. from the SW Corner of Section 31.
- Spring # 5 - 537' N. and 1677' W. from the SE Corner of Section 31.
- Spring # 6 - 305' S. and 22' W. from the Center Corner of Section 31.
- Spring # 7 - 77' S. and 1005' E. from the W. Corner of Section 31.
- Spring # 8 - 2315' N. and 986' W. from the SE Corner of Section 36.
- Spring # 9 - 1971' N. and 660' W. from the SE Corner of Section 36.
- Spring #10 - 1443' N. and 405' W. from the SE Corner of Section 36.
- Spring #11 - 937' S. and 860' E. from the W. Corner of Section 31.

FINAL PROOF SURVEY UNDER

Application No. 51989 Permit No. 39167

IN THE NAME OF
HARRELL LAND AND CATTLE L.L.C.
Surveyed 10-04-2001, by J. Miller

T. 8 S., R. 38. & 39 E., W. M.



Supply Subsection
Primary Section

LOCATION OF DIVERSIONS FROM SPRINGS

- Spring # 1 - 682' N. and 838' W. from the SE Corner of Section 36.
- Spring # 2 - 72' N. and 187' E. from the SW Corner of Section 31.
- Spring # 3 - 172' N. and 828' E. from the SW Corner of Section 31.
- Spring # 4 - 180' N. and 208' E. from the SW Corner of Section 31.
- Spring # 5 - 587' N. and 187' W. from the SE Corner of Section 31.
- Spring # 6 - 302' S. and 32' W. from the Center Corner of Section 31.
- Spring # 7 - 77' S. and 100' E. from the W. Corner of Section 31.
- Spring # 8 - 231' N. and 886' W. from the SE Corner of Section 36.
- Spring # 9 - 197' N. and 880' W. from the SE Corner of Section 36.
- Spring # 10 - 144' N. and 402' W. from the SE Corner of Section 36.
- Spring # 11 - 637' S. and 880' E. from the W. Corner of Section 31.

FINAL PROOF SURVEY

UNDER

Application No. 61288, Permit No. 30787

IN THE NAME OF

WYATT, LAND AND CATTLE, L.C.

Surveyed 15-16-2004, by J. Miller

RECEIVED

MAY 28 1974

STATE ENGINEER
SALEM, OREGON

Permit No. 39167

*APPLICATION FOR PERMIT

ASSIGNED. See Misc. Rec., Vol. 6 Page 1067

To Appropriate the Public Waters of the State of Oregon

I, Floyd E. Duncan (Name of applicant)
 of Route 1 Box 7B (Mailing address), Baker (City)
 State of Oregon (Zip Code), do hereby make application for a permit to appropriate the
 following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Spring No. 1 through No. 11 (Name of stream)

, a tributary of Goodrich Creek & Powder River

2. The amount of water which the applicant intends to apply to beneficial use is 16 17 gpm
Spring No. 1 = 3 cfs No. 3 = 1.5 cfs No. 5 = 1.5 cfs No. 7 = 1 cfs
No. 2 = 2 No. 4 = 1.5 cfs No. 6 = 1 cfs No. 8 = 1.5 cfs
No. 9 = 1.5 cfs
 cubic feet per second (If water is to be used from more than one source, give quantity from each)

3. The use to which the water is to be applied is irrigation Nos. 1-10 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)
and also, domestic use for No. 11 No. 10 = 1.5 cfs
 No. 11 = 1 cfs

4. The point of diversion is located _____ ft. _____ and _____ ft. _____ from the
 corner of See tabulation under Remarks (N. or S.) (E. or W.)
 (Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the _____ of Sec. _____, Tp. _____
 (Give smallest legal subdivision) (N. or S.)

R. _____, W. M., in the county of Baker
 (E. or W.)

5. The main ditch (Main ditch, canal or pipe line) to be _____ (Miles or feet)
 in length, terminating in the NW 1/4 Sec 31 (Smallest legal subdivision) of Sec. 31, Tp. 8 S
 (N. or S.)

R. 39 E (E. or W.), W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works— None, except for domestic use

6. (a) Height of dam 4 feet, length on top 6 feet, length at bottom
4 feet; material to be used and character of construction concrete
 (Loose rock, concrete, masonry,
 rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate 4 steel pipe
 (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description _____
 (Size and type of pump)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

Canal System or Pipe Line— None, except domestic

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use Supplemental & Primary

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
8S	38E	36	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21 P
"	"	36	SE $\frac{1}{4}$ SE $\frac{1}{4}$	26 = 7 P & 19 S.
8S	39	31	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 P
"	"	"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 = 34.5 P & 5 S.
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 = 9 P & 31 S.
"	"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40 = 12 P & 28 S.
"	"	"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40 S
"	"	"	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 = 12 P & 28 S.
"	"	"	SE $\frac{1}{4}$ SE $\frac{1}{4}$	39 = 12 P & 27 S
"	"	"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Domestic use
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Domestic "

(If more space required, attach separate sheet)

(a) Character of soil Sandy loam(b) Kind of crops raised Hay & pasture

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.

(Legal subdivision)

Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(f) Is water to be returned to any stream?

(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

Springs No. 1 through No. 10 have been developed by ditching from the spring source. Ditches are about 1.0 feet wide on bottom, 2.0 feet on top, and 1.5 feet deep, and flow constantly, in varying amounts. Diversions from these ditches are made by temporary plastic and earth dams to fill laterals for irrigating.

Diversion works for Spring No. 11 is described in Item No. 6.

W. J. L. L. L.

RECEIVED
F. L. L.
JUL 10 1966

Application No. 51789
Permit No. 39167

(Name of)

(b) If for domestic use state number of families to be supplied 2

(Answer questions 11, 12, 13, and 14 in all cases)

14. The water will be completely applied to the proposed use on or before June 1, 1974

Floyd E. Duncan
(Signature of applicant)

Remarks:

Points of diversion, spring locations:

No.	1	2	3	4	5	6	7	8	9	10	11
1	600 ft S	850 ft W	NE	con	SE $\frac{1}{2}$ Sec 36	T8S R38E W1/2					
2	920 S	300 E	NW		SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31	T8S R39E W1/2					
3	200 S	750 E	NW		SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31	T8S R39E W1/2					
4	200 N	500 W	SE		SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31	"	"				
5	700 N	850 E	SW		SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 31	"	"				
6	350 S	100 W	NE		NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31	"	"				
7	150 S	400 W	NE		NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31	"	"				
8	300 S	700 W	NE		NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 36	T8S R38E W1/2					
9	450 S	700 W	NE		NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 36	"	"				
10	850 S	700 W	NE		NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 36	"	"				
11	600 N	100 W	SE		NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31	T8S R39E W1/2					

STATE OF OREGON, } ss.
County of Marion, }

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion

In order to retain its priority, this application must be returned to the State Engineer, with

ENGINEER	DATE	REVISIONS	DATE	REVISIONS
		corrections on or before	September 16,	19.74
			November 18,	74
			February 11,	75
			May 1	75

WITNESS my hand this 10th day of July, 1994.

18th
12th
3rd

RECEIVED

SEP 1 2 1974

September
December
March

STATE ENGINEER CHRIS L. WHEELER
SALEM, OREGON

STATE ENGINEER

By Wayne J. Overcash
Wayne J. Overcash

ASSISTANT

RECEIVED
NOV 18 1974

FEB 27 1975
STATE ENGINEER
STATE ENGINEER SALEM, OREGON

RECEIVED

APR 17 1975

STATE ENGINEER
SALEM, OREGON

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 8.01 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from 11 springs, being 0.01 c.f.s. for domestic and 8.0 c.f.s. for irrigation

The use to which this water is to be applied is domestic use for two families, irrigation, and supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is February 7, 1975

Actual construction work shall begin on or before December 22, 1976 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1977

Complete application of the water to the proposed use shall be made on or before October 1, 1978

WITNESS my hand this 22nd day of December, 1975

[Signature]
WATER RESOURCES DIRECTOR

Application No. 51982
Permit No. 39167

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 28th day of May,
1974, at 8:00 o'clock A M.

Returned to applicant:

Approved:

Recorded in book No. 39167 of
Permits on page

STATE ENGINEER

Drainage Basin No. 2 page 18

Fees

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE EBELL
BAKER CITY, OREGON 97814

confirms the right to use the waters of GOODRICH CREEK and MILL CREEK, tributaries of the Powder River for IRRIGATION OF 233.59 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 8, at Page 291. The dates of priority are: 1863 for 30.0 ACRES, 1865 for 10.00 ACRES, 1874 for 34.5 ACRES, 1880 for 80.00 ACRES, 1881 for 54.09 ACRES and 1884 for 15.0 ACRES.

The point of diversion is the EBELL DITCH.

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 one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.00 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.00 ACRES

SECTION 36

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.50 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28.00 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.00 ACRES

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.09 ACRES

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.00 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28.00 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 27.00 ACRES

SECTION 31

TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

This certificate describes that portion of the water right confirmed by the certificate recorded at Page 4122, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on January 29, 1993 canceling a portion of said water right.

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 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 all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed
JANUARY 29, 1993.

/s/ MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68123.

4122.VC/WFG

F. A. Harmon, Secy &
Gen. Mgr.

Baker, Oregon
(Finding #28 & 22)

4121

Ebell, Chas.
Baker, Oregon

(Finding #85)

Powder Cl. #

47

2045 THP
1810 DHP

1891

92

Irrigation

Ebell
#1

Sutton
Creek

20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
32 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 24
T 10 S. R. 40 E. W. M.

1872

114.5

Irrigation

#2,3,4,5 (E. Sutton
Creek)

25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 19
15 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
25.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
24 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 30
T 10 S. R. 41 E. W. M.

Rem. Pt. C. # 68123 (V. I. Goodrich. Cr.)

4122 cancelled Sp. Ord. V. 47 pg. 124

Ebell, George
Baker, Oregon

1863

30

Irrigation

Ebell

Goodrich
Creek

5.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ *
28 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ *
31 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ *
40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ *
40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ *
28 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ *
12 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ *

1865

10

1874

34.5

1880

80

1881

65

219.5

*

See Supreme Court judgement on
mandate dated 9-25-31. See
also watermaster file 8-2-56
Powder river, Frank Ebell vs.
City of Baker

1884

15

Irrigation

Mill Creek
Ditch

Mill
Creek

Section 31
T 8 S. R. 39 E. W. M.
9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ *
26 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ *
219.5 Section 36
T 8 S. R. 38 E. W. M.
15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 31
T 8 S. R. 39 E. W. M.

* indicates location of
USE OF 80" or 200" OF
OLDEST RIGHT ON CREEK
(PRIOR TO CITY OF BAKER)

C 4119

① By order of state engineer dated
May 9, 1925, an 1869 water right
was transferred to: 10 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ +
30 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 9

which transfer in effect voids a like
number of acres with an 1887 priority

POWDER RIVER -91-



Examined June 6/1912

pg 1 cat on ditches

calculations for open ditch

Permit # 4 39167

POD # 1 spring # 1

Top width 2.5 ft
Bottom width 2.5 ft
Depth 2 ft
n-value 0.04
Slope 0.01 ft/ft

OK / verified
jms
6/16/06

Calculations: DO NOT ENTER DATA BELOW

Adjacent length 0
Sidewall length 2 ft
Ditch Area 5 sqft
Wetted Per. 6.5 ft
Hyd. Radius 0.769231 ft
Velocity 3.12726 ft/sec

Max Flow 15.6363 cfs

POD Sp # 2

Top width 4 ft
Bottom width 3 ft
Depth 2.5 ft
n-value 0.04
Slope 0.01 ft/ft

OK / verified
jms
6/16/06

Calculations: DO NOT ENTER DATA BELOW

Adjacent length 0.5 ft
Sidewall length 2.54951 ft
Ditch Area 8.75 sqft
Wetted Per. 8.09902 ft
Hyd. Radius 1.080378 ft
Velocity 3.922022 ft/sec

Max Flow 34.31769 cfs

Spr. # 3 POD

Top width 3.5 ft
Bottom width 2.5 ft
Depth 1.5 ft
n-value 0.04
Slope 0.01 ft/ft

OK / verified
jms
6/16/06

Calculations: DO NOT ENTER DATA BELOW

Adjacent length 0.5 ft
Sidewall length 1.581139 ft
Ditch Area 4.5 sqft
Wetted Per. 5.662278 ft
Hyd. Radius 0.794733 ft
Velocity 3.196003 ft/sec

Max Flow 14.38201 cfs

POD Sp # 4

Top width 3.5 ft
Bottom width 2.5 ft
Depth 2 ft
n-value 0.04
Slope 0.01 ft/ft

OK / verified
JWS
6/16/26

Calculations: DO NOT ENTER DATA BELOW

Adjacent length 0.5 ft
Sidewall length 2.061553 ft
Ditch Area 6 sqft
Wetted Per. 6.623106 ft
Hyd. Radius 0.905919 ft
Velocity 3.487541 ft/sec

Max Flow 20.92525 cfs

POD # 5 culvert 14" (no water flowing on the day of the survey)

Top width
Bottom width
Depth
n-value
Slope

Calculations: DO NOT ENTER DATA BELOW

Adjacent length 0
Sidewall length 0
Ditch Area 0
Wetted Per. 0
Hyd. Radius ERR ERR
Velocity ERR ERR

Max Flow ERR ERR

Spr. # 6

Top width 2.5 ft
Bottom width 2 ft
Depth 0.75 ft
n-value 0.04
Slope 0.01 ft/ft

Calculations: DO NOT ENTER DATA BELOW

Adjacent length 0.25 ft
Sidewall length 0.790569 ft
Ditch Area 1.6875 sqft
Wetted Per. 3.581139 ft
Hyd. Radius 0.471219 ft
Velocity 2.255665 ft/sec

Max Flow 3.806435 cfs

Spr div 7, 8 and 10

Top width 2 ft
Bottom width 1.5 ft
Depth 0.75 ft
n-value 0.04
Slope 0.01 ft/ft

Calculations: DO NOT ENTER DATA BELOW

Adjacent length 0.25 ft
Sidewall length 0.790569 ft
Ditch Area 1.3125 sqft
Wetted Per. 3.081139 ft
Hyd. Radius 0.425979 ft
Velocity 2.108879 ft/sec

Max Flow 2.767904 cfs for spring delivery systems 7, 8 and 10

Sp div # 9

Top width 2.5 ft
Bottom width 1.5 ft
Depth 0.75 ft
n-value 0.04
Slope 0.01 ft/ft

Calculations: DO NOT ENTER DATA BELOW

Adjacent length 0.5 ft
Sidewall length 0.901388 ft
Ditch Area 1.5 sqft
Wetted Per. 3.302776 ft

pg 3

verified
OK
7/28
6/16/06

verified
6/16/06
7/28

verified
6/16/06
7/28

958

P 4

Hyd. Radius 0.454163 ft
Velocity 2.200904 ft/sec

Max Flow 3.301356 cfs

calc. on pipe system.

Pipe flow calculations **Permit 39167**
(Larger than 2-inch and less than 10 fps)

POD # 11

Pipe Diameter	4 inches	
Water Depth	4 inches	Note: use diameter if full pipe
Elev. Difference	0.25 ft	
Pipe Length	1200 ft	
n-value	0.024	

Calculations: DO NOT ENTER DATA BELOW

Slope	0.000208 ft/ft
Pipe Area	0.087266 sqft
Wetted Per.	1.047198 ft
Hyd. Radius	0.083333 ft
Velocity	0.170962 ft/sec

Max Flow 0.014919 cfs

Pipe flow calculations
(Larger than 2-inch and less than 10 fps)

POD # 5

Pipe Diameter	14 inches	
Water Depth	10 inches	Note: use diameter if full pipe
Elev. Difference	0.25 ft	
Pipe Length	10 ft	
n-value	0.024	

Calculations: DO NOT ENTER DATA BELOW

Slope	0.025 ft/ft
Pipe Area	0.763582 sqft
Wetted Per.	2.617994 ft
Hyd. Radius	0.291667 ft
Velocity	4.317207 ft/sec

Max Flow 3.29654 cfs

Calculations for Quantity

A# 51989 P# 39167

Pod # 1	max capacity	15.6 cfs
Pod # 2	" "	34.32
# 3		14.38
# 4		20.93
# 5		3.30
# 6		3.8
# 7		2.77
# 8		2.77
# 9		3.30
# 10		2.77
# 11		0.15

104.09 Total Capacity

Acres. 138.3 Primary
187.7 Suppl
326. Total acres.

allow 3.36 cfs for Primary + as 1/40th per A allows.
4.64 cfs for Suppl.
0.01 for domestic use for 2 families.

Jane Miller
Field Inspector

pt 39147

Primary

Supplemental

~~3.8~~

9.2

NESE

11.5

28.0

SWSE

~~40.0~~

40.0

NWSE

7.0

27.0

SESE

Sw 31

34.5

5.5

NESW

T8. R29

40.0

—

NW SW

12.0

28.0

SW SW

8.1

31.0

SE SW

19.7

—

NESE

Sw 36

5.5

19.0

SESE

T8S R28

~~142.8~~

~~128.5~~ 187.7

138.3

~~8.25~~

~~326.0~~

~~320.6~~

5.4

138.3 Primary

3.36

138.3

= 42% of 8 cts.

187.7 Suppl.

4.64

187.7

58% of 8

326.0 total area

8.00 cts

8

3.36

4.64

8.0

Platcard Report

Township 8S Range 38E Section 36

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	- -	<u>4122</u>	Powder River	CN															9.0 IR CN	26.0 IR CN		
i	- 12/31/1901	<u>4155</u>	Powder River													22.0 IR						
i	- 12/31/1899	<u>4541</u>	Powder River							30.0 IR												
i	- -	<u>68123</u>	Powder River																9.0 IR	26.0 IR		
i	- 07/08/1926	<u>S7439</u> -		xfr#: T5038	20.0 IR	20.0 IR		20.0 IR														
i	- 07/08/1926	<u>S7439</u> <u>51316</u>		xfr#: T5038	20.0 IR	20.0 IR																
i	G6518 05/01/1974	<u>G6130</u> <u>56976</u>			11.6 IS (s)																	
i	G15772 05/30/2002	<u>G15399</u> -					40.0 IR	8.0 IR														
	05/30/2002				20.0 IS (s)	20.0 IS (s)		32.0 IS (s)														
i	P78422 12/16/1994	-						LV														

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Platcard Report

Township 8S Range 38E Section 36

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	R38489 03/08/1963	R3230 35101													FI							
i	S3892 09/09/1914	S2212 1293						5.0 IR														
i	S7063 02/09/1920	S4426 3745			11.0 IR	14.0 IR																
i	S7404 07/10/1920	S4686 3775													20.0 IR							
i	S10829 07/08/1926	S7439 7359		CN	40.0 IR CN	40.0 IR CN		20.0 IR CN														
i	S29190 05/24/1954	S23235 26650							9.6 IR													
i	S38180 10/16/1962	S28630 35102													DO							
	10/16/1962														FI							
	10/16/1962														0.2 IR							
i	S38749 05/13/1963	S28839 38405													1.5 IR							

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Platcard Report

Township 8S Range 38E Section 36

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	S38749 05/13/1963	S28839 38405														18.7 IS (s)						
i	S42637 08/15/1966	S31846 38196														0.3 IR						
	08/15/1966															1.7 IS (s)						
i	S45001 05/29/1968	S33631 37675						7.0 IR														
i	S51989 02/07/1975	S39167 -															21.0 IR			7.0 IR		
	02/07/1975																			19.0 IS (s)		

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Platcard Report

Township 8S Range 39E Section 31

					NE				NW				SW				SE				Govt Lot	DLC
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	- -	<u>4122</u>	Powder River	CN									5.5 IR CN		28.0 IR CN	31.0 IR CN	40.0 IR CN	40.0 IR CN	28.0 IR CN	27.0 IR CN		
i	- 12/31/1899	<u>4288</u>	Powder River							16.0 IR												
i	- 12/31/1904	<u>4458</u>	Powder River	CN	40.0 IR CN	40.0 IR CN	39.5 IR CN	40.0 IR CN														
i	- 12/31/1904	<u>51317</u>	Powder River	CN xfr#: T5081	9.2 IR CN	2.0 IR CN		3.8 IR CN														
i	- 12/31/1904	<u>63782</u>	Powder River	xfr#: T5081			39.5 IR	36.2 IR														
i	- 12/31/1904	<u>63783</u>	Powder River	xfr#: T5081	30.8 IR	38.0 IR																
i	- -	<u>68123</u>	Powder River										5.5 IR		28.0 IR	31.0 IR	39.09 IR	40.0 IR	28.0 IR	27.0 IR		
i	- 12/31/1904	<u>68413</u>	Powder River		8.29 IR	2.0 IR		2.89 IR														
i	- 06/03/1909	<u>S40</u> <u>63780</u>		xfr#: T5072					15.0 IR			25.0 IR										
i	- 06/03/1909	<u>S40</u> <u>63781</u>		xfr#: T5072						10.0 IR	10.0 IR											

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Platcard Report

Township 8S Range 39E Section 31

					NE				NW				SW				SE				Govt Lot	DLC
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	S46 04/26/1909	S240 471			40.0 IR	37.5 IR	15.0 IR	40.0 IR														
i	S123 06/03/1909	S40 3887		CN					15.0 IR CN	10.0 IR CN	10.0 IR CN	25.0 IR CN										
i	S11530 06/01/1927	S7997 7595		CN		2.0 I* CN			12.0 I* CN													
i	S11530 06/01/1927	S7997 47985				2.0 I*																
i	S51989 02/07/1975	S39167 -											DO		DO							
	02/07/1975												34.5 IR	40.0 IR	12.0 IR	9.0 IR			12.0 IR	12.0 IR		
	02/07/1975												5.5 IS (s)		28.0 IS (s)	31.0 IS (s)			40.0 IS (s)	28.0 IS (s)	27.0 IS (s)	
i	S52720 01/16/1975	S39831 54726							9.9 IR			9.5 IR										
	01/16/1975						40.0 IS (s)	35.9 IS (s)	15.0 IS (s)			25.0 IS (s)										
i	S57139 03/07/1978	S43008 -		CN					10.1 IR CN													

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Platcard Report

Township 8S Range 39E Section 31

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
	S58761 06/11/1978	S44275 -		CN					10.1 IR CN													

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STATE OF OREGON

COUNTY OF BAKER

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRELL LAND AND CATTLE L.L.C. (LAND OWNERS AT THE TIME OF THE FPS)
42590 SALMON CREEK ROAD
BAKER CITY, OREGON 97814

confirms the right to use the waters of ELEVEN SPRINGS, tributaries of GOODRICH CREEK, for IRRIGATION OF 138.3 ACRES, SUPPLEMENTAL IRRIGATION OF 187.7 ACRES and DOMESTIC USE FOR TWO FAMILIES.

This right was perfected under Permit 39167. The date of priority is FEBRUARY 7, 1975. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.01 CUBIC FOOT PER SECOND, BEING 3.36 CFS FOR PRIMARY IRRIGATION, 4.64 CFS FOR SUPPLEMENTAL IRRIGATION AND 0.01 CFS from SPRING # 11 FOR DOMESTIC USE FOR TWO FAMILIES; or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SPRING # 1 - SE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.;
669 FEET NORTH AND 836 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF
SECTION 36.

SPRING # 2 - SW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
73 FEET NORTH AND 187 FEET EAST FROM THE SOUTHWEST 1/4 CORNER OF
SECTION 31.

SPRING # 3 - SW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
1175 FEET NORTH AND 826 FEET EAST FROM THE SOUTHWEST 1/4 CORNER OF
SECTION 31.

SPRING # 4 - SE 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
196 FEET NORTH AND 2086 FEET EAST FROM THE SOUTHWEST 1/4 CORNER OF
SECTION 31.

SPRING # 5 - SW 1/4 SE 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
537 FEET NORTH AND 1677 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF
SECTION 31.

SPRING # 6 - NE 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
305 FEET SOUTH AND 22 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION
31.

SPRING # 7 - NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
77 FEET SOUTH AND 1005 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION
31.

SPRING # 8 - NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.;
2315 FEET NORTH AND 986 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF
SECTION 36.

SPRING # 9 - NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1971 FEET NORTH AND 660 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

SPRING # 10 - NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1443 FEET NORTH AND 405 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

SPRING # 11 - NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 937 FEET SOUTH AND 860 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 31.

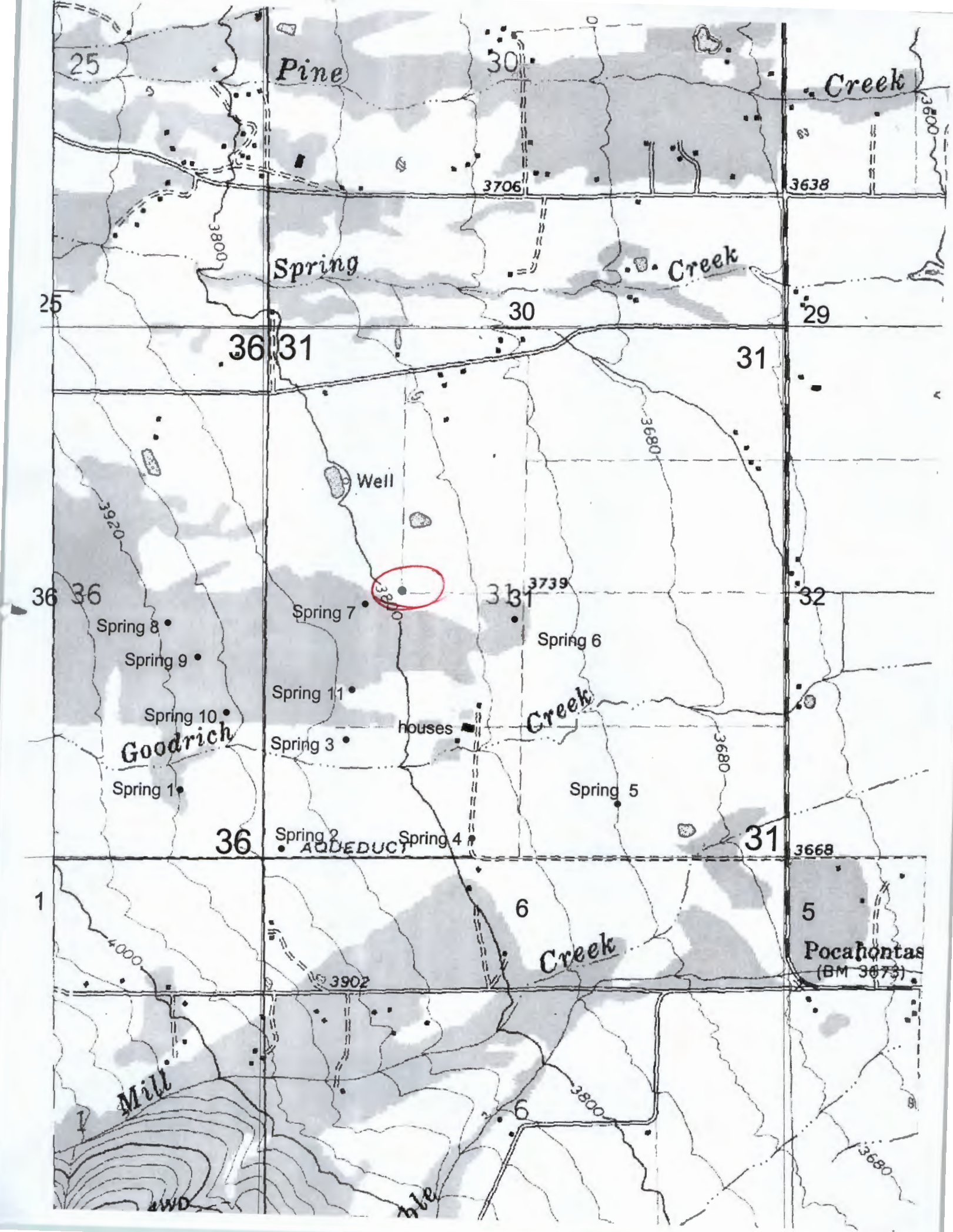
The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

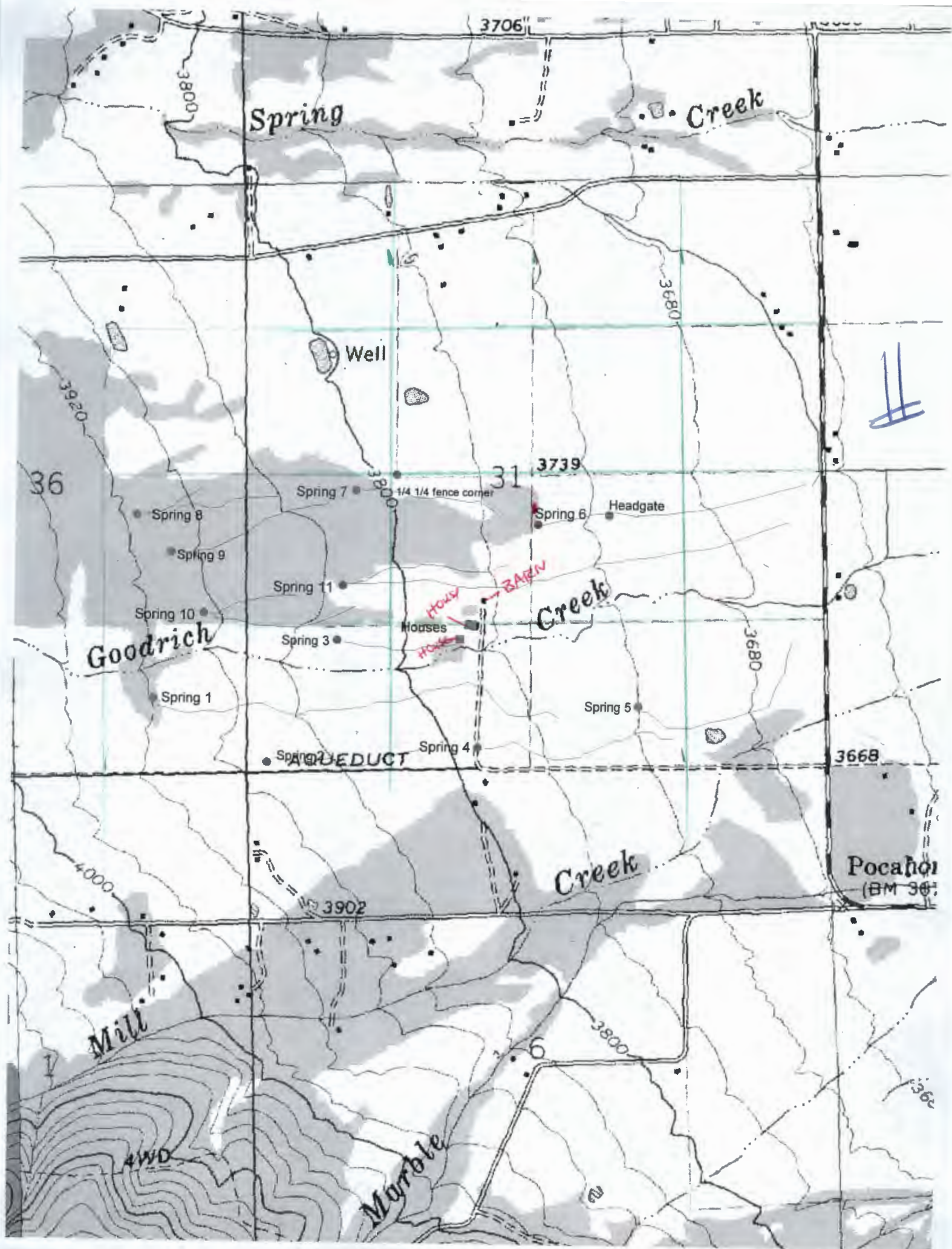
The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

	PRIMARY	SUPPLEMENTAL	
NE 1/4 SE 1/4	19.7 ACRES		
SE 1/4 SE 1/4	5.5 ACRES	19.0 ACRES	
SECTION 36			
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.			
NE 1/4 SE 1/4		9.2 ACRES	
NW 1/4 SE 1/4		40.0 ACRES	
SW 1/4 SE 1/4	11.5 ACRES	28.0 ACRES	
SE 1/4 SE 1/4	7.0 ACRES	27.0 ACRES	
NE 1/4 SW 1/4	34.5 ACRES	5.5 ACRES	
NW 1/4 SW 1/4	40.0 ACRES		
SW 1/4 SW 1/4	12.0 ACRES	28.0 ACRES	
SE 1/4 SW 1/4	8.1 ACRES	31.0 ACRES	DOMESTIC USE FOR TWO FAMILIES
SECTION 31			
TOWNSHIP 8 SOUTH, RANGE 39 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.





TOWNSHIP 8 S RANGE 39 E W. M. Card # 1 SECTION 31

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
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																		
T-5081				Cancelled Sp. Or. Vol. 36 Pg. 477								See Card #2					4458	
40 40 39 40												Goodrich & Misc. 46				240	471	
40 37 15 40												Goodrich						
(2)				12				Canc. Sp. Or. Vol. 32 p. 5				Goodrich				4497	4590	
15 10 10 25				T-5072				Cancelled Sp. Or. Vol. 36 Pg. 477				Goodrich				40	3887	
				16													4288	
Cancelled Sp. Or. Vol. 47 p. 124				52				28 31				40 40 28 27					4122	
15				Elev. Springs Feb. 7, 1975				5.5 34.5 40 12 9				40 21 27 12 12				20799	16277	
40 35 15				9.5 25				5.5 34.5 40 12 9				40 21 27 12 12				51989	39167	
				Cancelled Vol. 32 pg. 508				Pink CRIMISC.				52720				39831	54726	
2				10				V-1 Goodrich 1927				Sp. Or. Vol. 32 p. 5				57139	43008	
				10				V-1 Goodrich Misc. 1978				Remaining rights					47985	
				Canc. Sp. Or. Vol. 38 p. 161				58761				44275						

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 8 S RANGE 39 E W. M. Card # 2 SECTION 31

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																		
15				25				(Goodrich & Misc.)				Sp. Or. Vol. 36 Pg. 370				75072	63780	
39 36 2								(Goodrich & Misc.)				Sp. Or. Vol. 36 Pg. 477				T-5081	63782	
92 2				32				SP GC Vol. 48 (P. 2) Misc. 1901				Sp. Or. Vol. 36 Pg. 477				51317		
				10 10				(Goodrich C. & Misc.)				Sp. Or. Vol. 36 Pg. 370				T-5072	63781	
30 38								(Goodrich C. & Misc.)				Sp. Or. Vol. 36 Pg. 477				T-5081	63783	
Goodrich Co.				52				28 31 39 40 28				Sp. Or. Vol. 47 p. 124				601422	18123	
8.29 2				2.89								Goodrich Misc. 1921				So. Vol. 48 Pg. 304	68413	
				Pond								R-74096				113-2107		

3909

44582

2315 FEET NORTH AND 986 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

PAGE 1 OF 2

PAGE 2 OF 2

SPRING # 9 - NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1971 FEET NORTH AND 660 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

SPRING # 10 - NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1443 FEET NORTH AND 405 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

SPRING # 11 - NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 937 FEET SOUTH AND 860 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 31.

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 per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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	SUPPLEMENTAL
NE 1/4 SE 1/4	19.7 ACRES	
SE 1/4 SE 1/4	5.5 ACRES	19.0 ACRES

SECTION 36

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 SE 1/4		9.2 ACRES
NW 1/4 SE 1/4		40.0 ACRES
SW 1/4 SE 1/4	11.5 ACRES	28.0 ACRES
SE 1/4 SE 1/4	7.0 ACRES	27.0 ACRES
NE 1/4 SW 1/4	34.5 ACRES	5.5 ACRES
NW 1/4 SW 1/4	40.0 ACRES	
SW 1/4 SW 1/4	12.0 ACRES	28.0 ACRES
SE 1/4 SW 1/4	8.1 ACRES	31.0 ACRES

DOMESTIC USE FOR
TWO FAMILIES

SECTION 31

TOWNSHIP 8 SOUTH, RANGE 39 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



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Watermaster
Grant County Courthouse
201 S. Humbolt St., Suite 180
Canyon City, OR 97820
(541) 575-0119

November 28, 2001

Harrell Land and Cattle LLC.
Attn: Bob Harrell, Jr.
42590 Salmon Creek Road
Baker City, OR 97814

Reference: Water Right Permit 39167

Dear Mr. Harrell,

First off, I want to thank you for taking the time in taking Vickie and I around and showing us the springs under the above referenced water right.

As you are aware, the water right permit is still in the name of Floyd Duncan. The permit should be assigned to you. An assignment would put the water right in your name, or in the name of Harrell Land and Cattle LLC .

I have enclosed a couple of assignment forms. One is to be used if the permit holder, in this case Mr. Duncan, is available to sign his interest in the water right to you. The other form is to be used if Mr. Duncan is not available to sign off his interest in the right to you. The instructions and fee information is on the bottom of the forms.

Also, for your information, I have enclosed copies of the water right permit and application map.

If you have any questions please call me, or staff in the Baker County Watermaster's office, located in the County courthouse, could help you.

Sincerely,

June Miller, Field Inspector

portion of permit 39167
 8/39/31 tax lot
 1100 - Duncan, Floyd & Elizabeth
 1300 - Duncan Floyd
 1700 - Duncan/Hanell ref. 8691
 1200 - Hanell, Bob Jr & Betsy. ref. 8689
 1600 - " " " ref. 8691
 1500 - Hanell Hereford Inc. et al ref. 8693

Hanell Hereford Inc.
 42590 Salmon Cr.
 Baker City
 97844

Port of P# 39167
 tax lot 900
 T8S - 38E Sec 36

Duncan, Floyd & Elizabeth.
 Hanell Hereford. Ref 7743
 42590 Salmon Cr. Rd.
 Baker City

Sweet's
 Hanells
 Bob Jr. - 523-4322
~~Salt Lake 523-4401~~
 office 523-4401

owner - Floyd Duncan - Elizabeth
 contact - Hanell Hereford
 42590 Salmon Cr. Rd. Spc
 Baker City.
 tax lot
 08S, R38 Sec 36 tax lot 1000

all to
 Hanell But
 9/10/4
 gm
 11/28/88
 info.
 Portion of
 P# 39167

Bob Hanell Rt/ 3x5
 Post-It "routing request pad 7664"

ROUTING - REQUEST

Please 523 - 4322
☐ READ To _____
☐ HANDLE
☐ APPROVE
 and
☐ FORWARD
☐ RETURN
☐ KEEP OR DISCARD
☐ REVIEW WITH ME

Date _____ From _____

Floyd Duncan Sold all
 523-4011 but Spc
 and has
 Sp. for home
 9/10/4
 gm Sold to Hanell
 per Floyd Duncan

STATE OF OREGON

COUNTY OF BAKER

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRELL LAND AND CATTLE L.L.C. (LAND OWNERS AT THE TIME OF THE FPS)
42590 SALMON CREEK ROAD
BAKER CITY, OREGON 97814

confirms the right to use the waters of ELEVEN SPRINGS, tributaries of GOODRICH CREEK, for IRRIGATION OF 138.3 ACRES, SUPPLEMENTAL IRRIGATION OF 187.7 ACRES and DOMESTIC USE FOR TWO FAMILIES.

This right was perfected under Permit 39167. The date of priority is FEBRUARY 7, 1975. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.01 CUBIC FOOT PER SECOND, BEING 3.36 CFS FOR PRIMARY IRRIGATION, 4.64 CFS FOR SUPPLEMENTAL IRRIGATION AND 0.01 CFS from SPRING # 11 FOR DOMESTIC USE FOR TWO FAMILIES; or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SPRING # 1 - SE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.;
669 FEET NORTH AND 836 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

SPRING # 2 - SW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
73 FEET NORTH AND 187 FEET EAST FROM THE SOUTHWEST 1/4 CORNER OF SECTION 31.

SPRING # 3 - SW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
1175 FEET NORTH AND 826 FEET EAST FROM THE SOUTHWEST 1/4 CORNER OF SECTION 31.

SPRING # 4 - SE 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
196 FEET NORTH AND 2086 FEET EAST FROM THE SOUTHWEST 1/4 CORNER OF SECTION 31.

SPRING # 5 - SW 1/4 SE 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
537 FEET NORTH AND 1677 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 31.

SPRING # 6 - NE 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
305 FEET SOUTH AND 22 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 31.

SPRING # 7 - NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.;
77 FEET SOUTH AND 1005 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 31.

SPRING # 8 - NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.;

2315 FEET NORTH AND 986 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

PAGE 1 OF 2

PAGE 2 OF 2

SPRING # 9 - NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1971 FEET NORTH AND 660 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

SPRING # 10 - NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1443 FEET NORTH AND 405 FEET WEST FROM THE SOUTHEAST 1/4 CORNER OF SECTION 36.

SPRING # 11 - NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 937 FEET SOUTH AND 860 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 31.

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 per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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	SUPPLEMENTAL
NE 1/4 SE 1/4	19.7 ACRES	
SE 1/4 SE 1/4	5.5 ACRES	19.0 ACRES

SECTION 36

TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 SE 1/4		9.2 ACRES
NW 1/4 SE 1/4		40.0 ACRES
SW 1/4 SE 1/4	11.5 ACRES	28.0 ACRES
SE 1/4 SE 1/4	7.0 ACRES	27.0 ACRES
NE 1/4 SW 1/4	34.5 ACRES	5.5 ACRES
NW 1/4 SW 1/4	40.0 ACRES	
SW 1/4 SW 1/4	12.0 ACRES	28.0 ACRES
SE 1/4 SW 1/4	8.1 ACRES	31.0 ACRES

DOMESTIC USE FOR
TWO FAMILIES

SECTION 31

TOWNSHIP 8 SOUTH, RANGE 39 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.

51989.JM

Draft



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

October 15, 2002 - ASSIGNMENT SUMMARY

Application File Number(s): S-51989 Permit Number(s): S-39167

Application file in name of:

FLOYD E DUNCAN
15450 DUCAN LN
BAKER CITY, OR 97814

PARTIAL ASSIGNMENT TO:

HARRELL LAND & CATTLE LLC
42590 SALMON CREEK RD
BAKER CITY, OR 97814

Original Request for Assignment returned to originator who paid fee \$25.00
with original receipt # 50894

cc: Watermaster District # 8
WRD Data Center
File # S-51989

REQUEST FOR ASSIGNMENT

RECEIVED

FEB 11 2002

WATER RESOURCES DEPT.
SALEM, OREGON

I. Floyd E. Duncan
(Name of Applicant / Permit Holder)

15450 Duncan Lane Baker City Oregon 97814 541/523-4011
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

☐ ...hereby assign all my interest in and to application/permit;

☒ ...hereby assign all my interest in and to a portion of application/permit;
(You must include a map showing the portion of the application/permit to be assigned.)

☐ ...hereby assign a portion of my interest in and to the entire application/permit;

Application # 51989, Permit # 39167;
-OR-

GR Statement # _____, GR Certificate of Registration # _____

as filed in the office of the Water Resources Director, to:

Harrell Land + Cattle LLC by Bob Harrell
(Name of New Owner)

42590 Salmon Ck Rd Baker City 97814 541/523-4401
(mailing address) (City) (State) (Zip) (Phone #)

NOTE:

If there are other owners of the property described in this Application, Permit or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 1 day of February, 2002.

Applicant/Permit holder Floyd E. Duncan

Applicant/Permit holder Bob Harrell

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 50874
- For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
- ◆ \$5 for each additional page.
[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **50894**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Harrell Hereford Ranch
BY: _____

APPLICATION	51989
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 34-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 25.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

66111

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE (IDENTIFY) _____

\$ 25.00

(Now) TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

RECORD FEE

0203 GROUND WATER

\$

0202 \$

0205 TRANSFER

\$

0204 \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

LICENSE FEE

LANDOWNER'S PERMIT

\$

0206 \$

OTHER (IDENTIFY) _____

0219 \$

0220 \$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **50894**

DATED: 2/11/02 BY: C. Vance

MEMO / Harrell Hereford Ranch

Baker, Oregon



Dear Sir,

Mr Duncan would like to transfer interest in all springs to Harrell Land + Cattle LLC. Except for spring #4, he would like to share interest for domestic use between he and Harrell Land + Cattle on spring #4 only. Thanks for your help in this matter.

RECEIVED

FEB 11 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Sincerely

Bob Harrell

MISCELLANEOUS ROUTE SLIP

HERB MOSGAR

☐ *Left message*

ROGER WRIGHT

☐

DWIGHT FRENCH

☐ *with Deacons*

LISA JUUL

☐

RENEE MOULUN

☐ *they will call
and let me know*

CORY ENGEL

☐

RUSS KLASSEN

☐ *who they*

ANITA HUFFMAN

☐

JONNINE FUSS

☐ *talked with*

DIANNA GUTHRIE

☐

JERRY SAUTER

☒ *here.*

KERRY LEFEVER

☐

JERRY GAINNEY

☐

TERI HRANAC

☐

GERRY CLARK

☐

STEVE BROWN

☐

DOROTHY PEDERSEN

☐

Basin 9, Volume 1

Item #4 described as Point of Diversion:

- #1; 600 ft S & 850 ft W from NE cor., SE $\frac{1}{2}$ SE $\frac{1}{2}$ sec.36, being within SE $\frac{1}{2}$ SE $\frac{1}{2}$ sec.36, T.8 S., R.38 E., W.M.; Baker County.
- #2; 920 ft S & 300 ft E from NW cor., SW $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, being within SW $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, T.8 S., R.39 E., W.M.; Baker County.
- #3; 200 ft S & 750 ft E from NW cor., SW $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, being within SW $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #4; 200 ft N & 500 ft W from SE cor., SE $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, being within SE $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #5; 700 ft N & 850 ft E from SW cor., SW $\frac{1}{2}$ SE $\frac{1}{2}$ sec.31, being within SW $\frac{1}{2}$ SE $\frac{1}{2}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #6; 350 ft S & 100 ft W from NE cor., NE $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, being within NE $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #7; 150 ft S & 400 ft W from NE cor., NW $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, being within NW $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, T.8 S., R.39 E., W.M.; Baker County
- #8; 300 ft S & 700 ft W from NE cor., NE $\frac{1}{2}$ SE $\frac{1}{2}$ sec.36, being within NE $\frac{1}{2}$ SE $\frac{1}{2}$ sec.36, T.8 S., R.38 E., W.M.; Baker County
- #9; 450 ft S & 700 ft W from NE cor., NE $\frac{1}{2}$ SE $\frac{1}{2}$ sec.36, being within NE $\frac{1}{2}$ SE $\frac{1}{2}$ sec.36, T.8 S., R.38 E., W.M.; Baker County
- #10; 850 ft S & 700 ft W from NE cor., NE $\frac{1}{2}$ SE $\frac{1}{2}$ sec.36, being within NE $\frac{1}{2}$ SE $\frac{1}{2}$ sec.36, T.8 S., R.38 E., W.M.; Baker County
- #11; 600 ft N & 100 ft W from SE cor., NW $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, being within NW $\frac{1}{2}$ SW $\frac{1}{2}$ sec.31, T.8 S., R.39 E., W.M.; Baker County

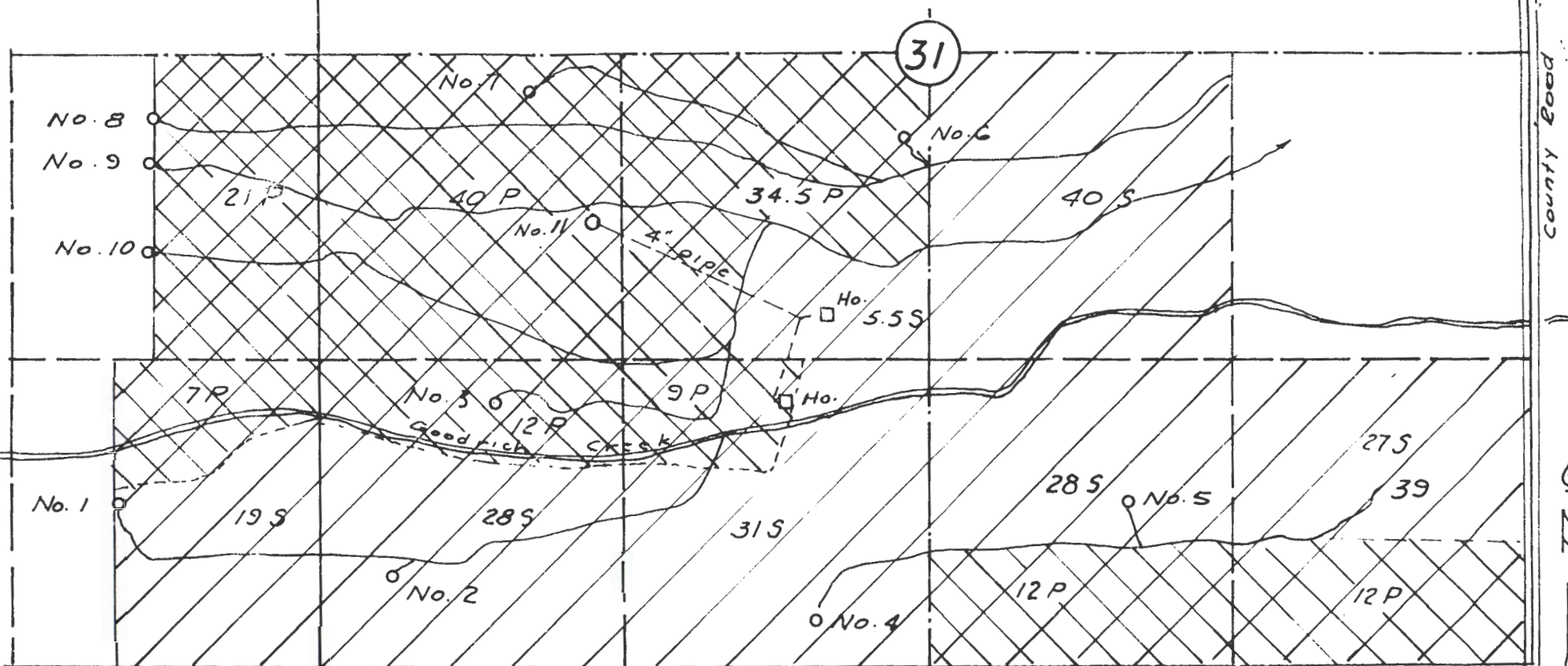
RECEIVED

FEB 11 2002

WATER RESOURCES DEPT.
SALEM, OREGON

R 38 E

R 39 E



SPRING NO.												
1	=	600 ft.	S.	850 ft.	W. of	NE cor.	SE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec. 36			
2	=	920 "	S.	300 "	E.	NW. "	SW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec. 31			
3	=	200 "	S.	750 "	E.	" "	" "	" "	" "			
4	=	200 "	N.	500 "	W.	SE "	SE $\frac{1}{4}$	SW $\frac{1}{4}$	" "			
5	=	700 "	N.	850 "	E.	SW "	SW $\frac{1}{4}$	SE $\frac{1}{4}$	" "			
6	=	350 "	S.	100 "	W.	NE "	NE $\frac{1}{4}$	SW $\frac{1}{4}$	" "			
7	=	150 "	S.	400 "	W.	NE "	NW $\frac{1}{4}$	SW $\frac{1}{4}$	" "			
8	=	300 "	S.	700 "	W.	NE "	NE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec. 36			
9	=	450 "	S.	700 "	W.	NE "	NE $\frac{1}{4}$	SE $\frac{1}{4}$	" "			
10	=	850 "	S.	700 "	W.	NE "	NE $\frac{1}{4}$	SE $\frac{1}{4}$	" "			
11	=	600 "	N.	100 "	W.	SE "	NW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec. 31			

MAP TO ACCOMPANY APPLICATION
FOR WATER PERMIT

FLOYD DUNCAN, APPLICANT

RECEIVED
FEB 11 2002
WATER RESOURCES DEPT.
SALEM, OREGON

51989

3007

County Road

HARRELL HEREFORD RANCH

REGISTERED HEREFORDS

42590 Salmon Creek Road • Baker City, Oregon 97814

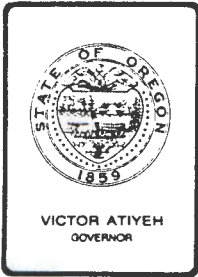


Water Resource Dept
158 12th St. N.E.
Salem, OR

97301-4172

97301+4172 09





Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508
1-800-452-7813
(message line)

October 6, 1982

Harrell Hereford Ranch
Route 1, Box 51,
Baker, Oregon 97814

Gentlemen:

REFERENCE: File Number 51989

The assignment of Permit Number 39167 from Floyd E. Duncan to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our Receipt Number 33126 covering the recording fee of \$3 you submitted.

Sincerely,

Thomas E. Shook
Senior Water Rights Examiner

TES/jw

Enclosure

cc: V. Kent Searles, Watermaster
Floyd E. Duncan

The completed assignment must be submitted to the Water Resources Department, 1178
Chemeketa St, N.E. Salem, Oregon 97310, together with a recording fee of \$2.00.

#300

RECEIVED

OCT 4 1982

**WATER RESOURCES DEPT.
SALEM, OREGON**

8:15 am

10-4-82
\$3.00
#33126

Spring # 1

RECEIVED

NOV 18 1974

STATE ENGINEER

SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 1350 gpm
(Gallons per minute or
cubic feet per second)
What is the minimum flow? 800 gpm
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of the stream or other body of water into which water from the spring flows. Goodrich Creek
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks On both sides of Goodrich Ck.
there is a large area of seepage - #1
located on lower end of seepage area

Floyd E Duncan
Signature of Applicant

by James D. Harley Engr

Spring # 2

NOV 18 1974

STATE ENGINEER
SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 900 gpm
(Gallons per minute or
_____ cubic feet per second)
What is the minimum flow? 450 gpm
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? no
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of the stream or other body of water into which water from the spring flows. Goodrich Creek
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks _____

Floyd E. Duncan
Signature of Applicant

by James D. Houlley, Engr.

Spring #3

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 675 gpm
(Gallons per minute or
_____ cubic feet per second)
- What is the minimum flow? 350 gpm
- Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? no
7. Does the water flow off the lands on which it first arises? no
8. Give the name of the stream or other body of water into which water from the spring flows. _____
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks _____

Floyd E. Duncan
Signature of Applicant
by James D. Hawley, Engr.

Spring # 4

NOV 18 1974
STATE ENGINEER
SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 675 gpm
(Gallons per minute or
_____ cubic feet per second)
- What is the minimum flow? 400 gpm
- Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? no
8. Give the name of the stream or other body of water into which water from the spring flows. NA none
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
Ends in SE⁴ SE⁴ Sec. 31 (1/2 mile ±)
10. Remarks _____

Floyd E. Duncan

Signature of Applicant

by James D. Hanley, Engr.

Spring #5

RECEIVED

NOV 18 1974

STATE ENGINEER

SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 675 gpm
(Gallons per minute or
_____ cubic feet per second)
What is the minimum flow? 350 gpm
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? no
8. Give the name of the stream or other body of water into which water from the spring flows. _____
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks See # 4

Floyd E. Duncan

Signature of Applicant

by James C. Hanley, engr.

Spring #6

NOV 18 1974
STATE ENGINEER
SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 450 gpm
(Gallons per minute or
cubic feet per second)
What is the minimum flow? 200 gpm
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? No - will be developed
7. Does the water flow off the lands on which it first arises? no
8. Give the name of the stream or other body of water into which water from the spring flows. No name (water from #157 & 8)
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks _____

Floyd E Dunbar
Signature of Applicant
by James D. Housley, Engr.

Spring # 7

NOV 18 1974
STATE ENGINEER
SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 450 gpm
(Gallons per minute or
cubic feet per second)
What is the minimum flow? 75 gpm
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? yes, in spring only.
8. Give the name of the stream or other body of water into which water from the spring flows. None
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks Close to north property line
(30 ft). ⁺ South

Floyd E. Duncan
Signature of Applicant
by James O. Hawley, Engr.

Spring # 8

NOV 18 1974
STATE ENGINEER
SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 675 gpm
(Gallons per minute or
_____ cubic feet per second)
- What is the minimum flow? 350 gpm
- Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? possibly in spring
8. Give the name of the stream or other body of water into which water from the spring flows. none
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
about 1 mile ±.
10. Remarks _____

Floyd E. Duncan
Signature of Applicant
by James H. Hawley, Engr.

Spring #9

NOV 18 1974
STATE ENGINEER
SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 675 gpm
(Gallons per minute or
_____ cubic feet per second)
- What is the minimum flow? 400 gpm
- Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of the stream or other body of water into which water from the spring flows. none
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
about 1 1/2 miles
10. Remarks _____

Floyd E. Duncan
Signature of Applicant
by James D. Hawley, Engr.

Spring #10

RECEIVED

NOV 18 1974

STATE ENGINEER
SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 675 gpm
(Gallons per minute or
cubic feet per second)
- What is the minimum flow? 400 gpm
- Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of the stream or other body of water into which water from the spring flows. none
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
about 1 1/2 miles
10. Remarks _____

Floyd E. Duncan
Signature of Applicant
by James D. Healey, Engineer

Spring #11

NOV 18 1974
STATE ENGINEER
SALEM, OREGON

Application No. 51989

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 450 gpm
(Gallons per minute or
cubic feet per second)
- What is the minimum flow? 200 gpm
- Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? Flows into natural channel.
7. Does the water flow off the lands on which it first arises? partly
8. Give the name of the stream or other body of water into which water from the spring flows. none
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
about 1 mile
10. Remarks This spring is piped to two houses for domestic use, in addition to irrigation use.

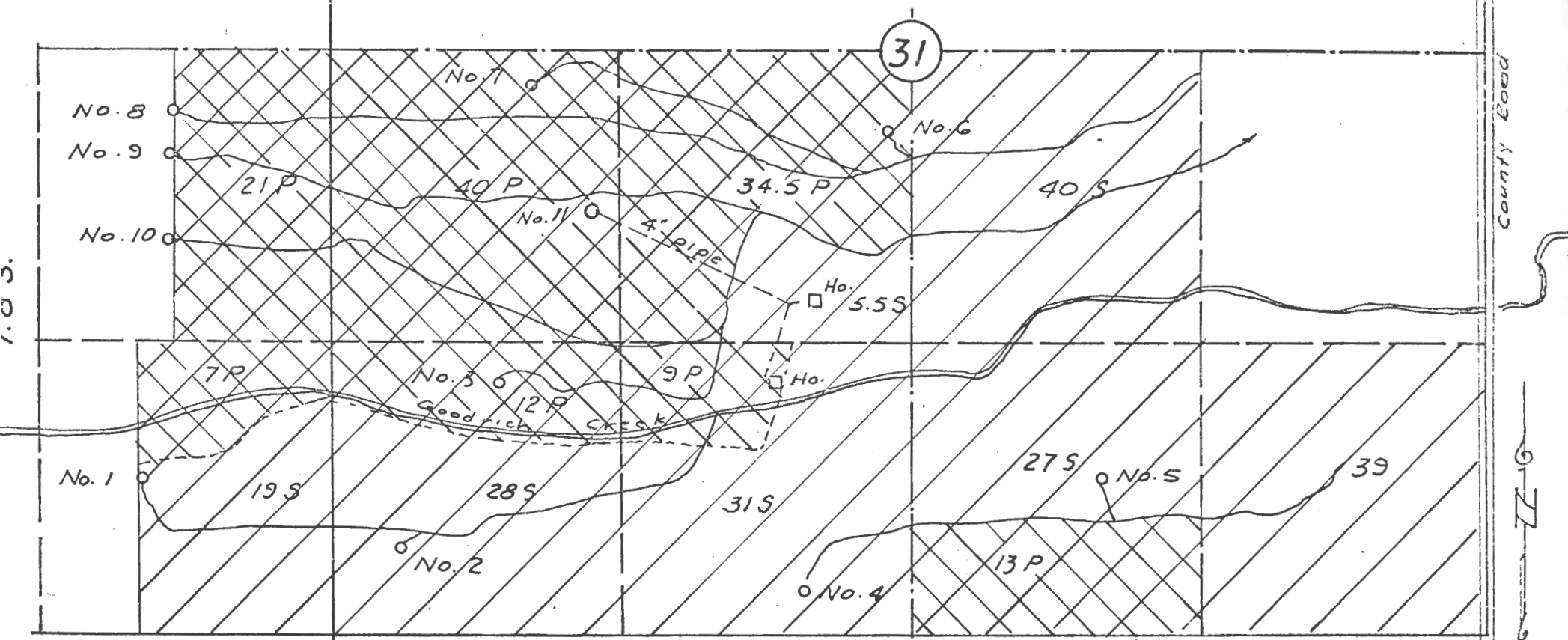
Floyd E Duncan

Signature of Applicant

by James D. Hawley, Engr.

R 38 E

R 39 E



SPRING NO.	1	2	3	4	5	6	7	8	9	10	11
	=	=	=	=	=	=	=	=	=	=	=
	600	920	200	200	700	350	150	300	450	850	600
	ft.	"	"	"	"	"	"	"	"	"	"
	S.	S.	S.	N.	N.	S.	S.	S.	S.	S.	N.
	850	300	750	500	850	100	400	700	700	700	100
	ft.	"	"	"	"	"	"	"	"	"	"
	W. of	E.	E.	W.	E.	W.	W.	W.	W.	W.	W.
	NE cor.	NW.	"	SE	SW	NE	NE	NE	NE	NE	SE
	SE $\frac{1}{4}$	SW $\frac{1}{4}$	"	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	NE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$
	SE $\frac{1}{4}$	SW $\frac{1}{4}$	"	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SE $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$
	Sec. 36	Sec. 31	"	"	"	"	"	Sec. 36	"	"	Sec. 31

MAP TO ACCOMPANY APPLICATION

FOR WATER PERMIT

FLOYD DUNCAN, APPLICANT

SCALE 1" = 660'

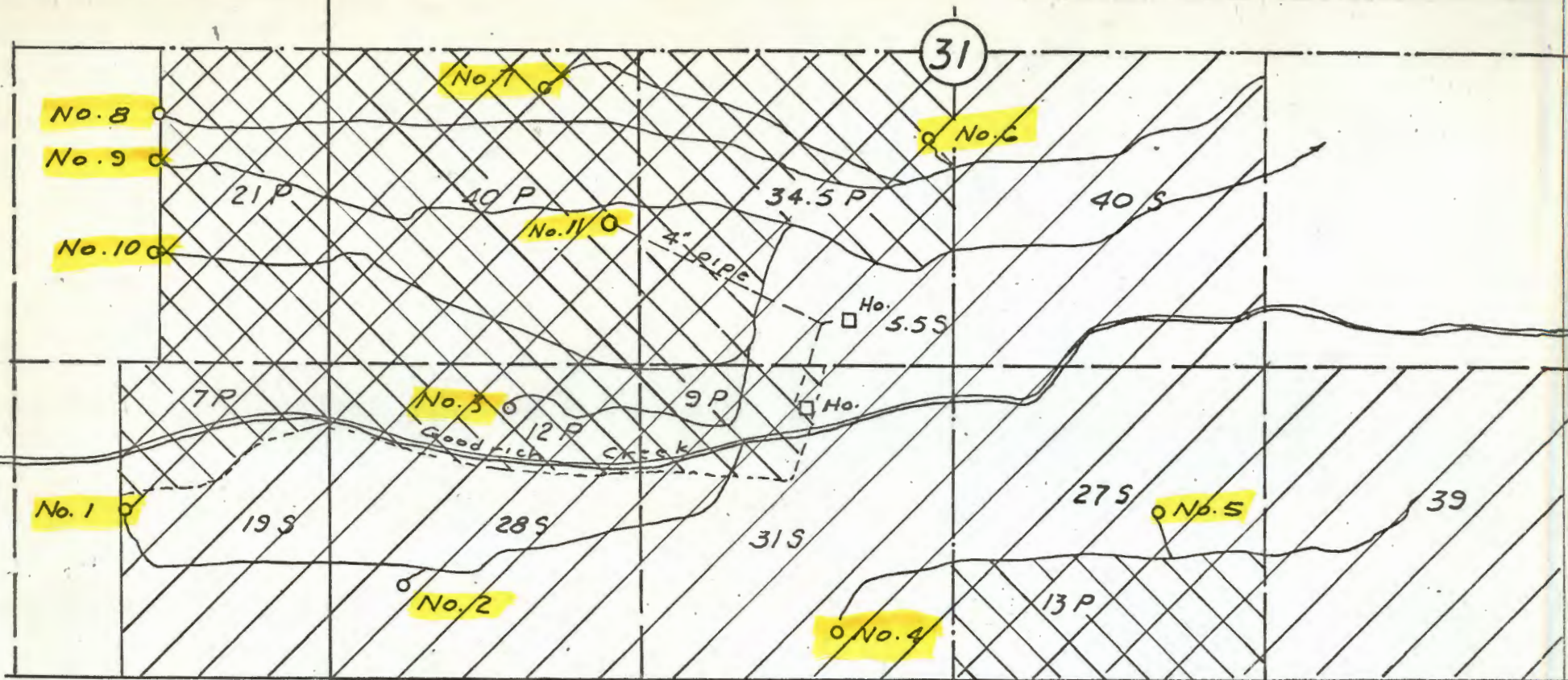
Application No. 51989
Permit No.

RECEIVED
NOV 18 1974
STATE ENGINEER
SALEM, OREGON

County Road

R 38 E

R 39 E



SPRING NO.	1	2	3	4	5	6	7	8	9	10	11
	=	=	=	=	=	=	=	=	=	=	=
	600	920	200	200	700	350	150	300	450	850	600
	ft.	"	"	"	"	"	"	"	"	"	"
	S.	S.	S.	N.	N.	S.	S.	S.	S.	S.	N.
	4	300	750	500	850	100	400	700	700	700	100
	ft.	"	"	"	"	"	"	"	"	"	"
	W. of	E.	E.	W.	E.	W.	W.	W.	W.	W.	W.
	NE cor.	NW.	"	SE	SW	NE	NE	NE	NE	NE	SE
		"	"	"	"	"	"	"	"	"	"
		SE $\frac{1}{4}$	SE $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	NE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$
		SW $\frac{1}{4}$	SW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SE $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$
		Sec. 36	Sec. 31	"	"	"	"	Sec. 36	"	"	Sec. 31

MAP TO ACCOMPANY APPLICATION

FOR WATER PERMIT

FLOYD DUNCAN, APPLICANT

SCALE 1" = 660'

Application No. 51989
Permit No.

RECEIVED

MAY 28 1974

STATE ENGINEER
SALEM, OREGONNOV 18 1974
STATE ENGINEER
SALEM, OREGON

RECEIVED

County Road

Floyd E. Duncan
Rt. 1, Box 78
Baker, OR 97814

January 6, 1976

51989

39167 with map

May 28, 1975

51989

Floyd E. Duncan
Rt. 1 Box 78
Baker, OR 97814

Dear Sir:

This will acknowledge return of your completed application No. 51989 and map along with the additional fees of \$72.20.

Your application is now in satisfactory form for approval by the issuance of a permit.

Applications will be accepted and permits issued for water from the Powder River and its tributaries with the understanding that there will probably be no water available for appropriation during the latter part of the irrigation season.

Very truly yours,

Wayne J. Overcash
Assistant

WJ:db
Encl: Receipt No. 46346

ROBERT W. STRAUB
XXXXXXXXXX

March 3, 1975

51989

Floyd E. Duncan
Rt. 1 Box 78
Baker, OR 97814

Dear Sir:

This will acknowledge return of your application No. 51989 and the map along with a separate sheet describing the facilities to be utilized from each spring. The application now describes the proposed use of water from springs No. 1 through No. 10 for irrigation and supplemental irrigation of 326.0 acres and the use of water from spring No. 11 for domestic supplies for an unspecified number of families. The use of water from spring No. 11 for domestic supplies, which has been added to your application, has received a date of priority as of February 7, 1975 when the application was received.

If you wish to include the use of water from spring No. 11, spring No. 11 must be included as a source in Item No. 1 of the application.

It will be necessary for you to list the place of use of water for domestic purposes in Item No. 8 of the application and state the number of families to be supplied water in Item No. 10 (b) of the application. Item No. 8 may be completed by listing the domestic use under the column headed "Number acres to be irrigated" with respect to the proper quarter-quarter section.

It will be necessary for you to further complete Item No. 4 on the application by listing the location of each point of diversion with respect to the proper quarter-quarter section.

The application, as now prepared, requires an examination fee of \$15.00, an irrigation recording fee for the 326.0 acres of \$84.00, and a domestic recording fee of \$15.00. Therefore, an additional \$72.20 is required.

I am returning your application and map for completion. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before May 1, 1975.

Very truly yours,

Wayne J. Overcash
Assistant

WO:db
Enclosures

December 12, 1974

51989

Floyd E. Duncan
Rt. 1 Box 78
Baker, OR 97814

Dear Sir:

This will acknowledge return of your application No. 51989 along with the reproducible map and two prints of the map. The eleven description of spring sheets were also received. The 1.0 cubic foot of water per second from Spring No. 11 added to your application has received a date of priority of November 18, 1974.

As mentioned in my previous correspondence, it will be necessary for you to supply additional information on the type of facilities to be installed at each spring for diverting the water. Also, information on the main ditches or pipelines for distributing the water from each spring must also be given. In order to perfect a water right, water must be diverted from the source in a measurable amount for some beneficial purpose.

A permit, approving your application as it is now prepared, would not provide for the use of water for domestic purposes. If you intend to establish a water right for domestic purposes, you may include on your application the project relating to the household uses of water.

According to our records, there are existing primary rights to the use of water for the irrigation of 28.0 acres in the SW¼ SE¼ and 27.0 acres in the SE¼ SE¼ of Section 31 as mentioned in my previous correspondence. If the existing rights are still valid and you wish to retain them as a primary right, it will be necessary for you to amend Item No. 8. Also, acreage to receive a supplemental supply of water can not exceed the number of acres covered by the existing primary right.

I am returning your application and the reproducible map for correction and completion. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before February 11, 1975.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WO:db
cc: James D. Hanley
Enclosures

September 19, 1974

51989

James D. Hanley
Engineer - Mineral Surveyor
Baker, OR 97418

Dear Mr. Hanley:

This will acknowledge the application numbered 51989 you re-submitted for Floyd E. Duncan for the purpose of being re-endorsed for additional time.

The certificate of water right issued to George Ebell, recorded at page 4122, State Record of Water Right Certificates, evidences the right to the use of water from Mill Creek for the irrigation of 15.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 8 South, Range 39 East, W.M. and evidences the right to the use of water from Goodrich Creek for the irrigation of 5.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 28.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 31.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 28.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 12.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 8 South, Range 39 East, W.M., and 9.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 26.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 8 South, Range 38 East, W.M.

I am returning the application for correction and completion. The application is endorsed so that in order to retain its date of priority, it must be received in this office on or before November 18, 1974.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:mmn
encl
cc: Floyd E. Duncan

JAMES D. HANLEY
Engineer - Mineral Surveyor
BAKER, OREGON
September 13, 1974

RECEIVED

SEP 16 1974
STATE ENGINEER
SALEM, OREGON

Chris L. Wheeler
State Engineer
Salem, Oregon
Attention: Wayne Overcash

Dear Sir:

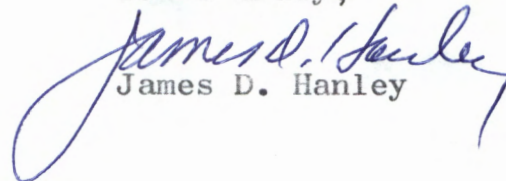
Mr. Floyd Duncan has asked me to prepare and deliver to you that information requested in regards to Application No. 51989, in your letter of July 16.

Please furnish me with a transcript of the existing water rights in E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 36, T. 8 S., R. 38 E., W.M. and in the S $\frac{1}{2}$ Sec. 31, T. 8 S., R. 39 E., W.M.

I am returning his application so that you may endorse it for an additional 30 days.

Thank you.

Yours truly,


James D. Hanley

July 16, 1974

51989

Mr. Floyd E. Duncan
Rt. 1, Box 78
Baker, OR 97814

Dear Mr. Duncan:

This will acknowledge your application for a permit to appropriate 16 cubic feet of water per second from 10 springs for the supplemental and primary irrigation of 326 acres, being 3.0 cubic foot of water per second from spring No. 1, 2.0 cubic feet of water per second from spring No. 2, 1.5 cubic foot of water per second from spring No. 3, 1.5 cubic foot of water per second from spring No. 4, 1.5 cubic foot of water per second from spring No. 5, 1.0 cubic foot of water per second from spring No. 6, 1.0 cubic foot of water per second from spring No. 7, 1.5 cubic foot of water per second from spring No. 8, 1.5 cubic foot of water per second from spring No. 9, and 1.5 cubic foot of water per second from spring No. 10.

The reproducible map and four prints of the map along with fees in the amount of \$41.80 were also received. Your application has been filed as No. 51989.

You have indicated in items No. 6 and 7 that there will be no diversion work, canal system or pipelines. In order to perfect a water right, it is necessary to divert a measurable amount of water from a source or sources for some beneficial purpose. Therefore, we will need additional information on the type of facilities to be installed at each spring for diverting the water. Also, information from the main ditches or pipelines should be given. Since there is insufficient space in the application, you may give the required information on a separate sheet.

It will be necessary for you to further list in item No. 8 the acreage to receive a supplemental supply of water and the acreage to receive a primary supply in each quarter quarter section.

Mr. Floyd E. Duncan

July 16, 1974

No. 51989

It will be necessary for you to further illustrate on your supporting map the acreage to receive a primary supply in a different manner than those acreages to receive a supplemental supply. This may be accomplished by cross-hatching the area to receive a primary supply of water. Also, the number of acres to receive a primary supply and the number of acres to receive a supplemental supply in each quarter quarter must be noted on the map and be in agreement with the information to be supplied in item No. 8.

If separate lands will be irrigated from each spring the acreage to be irrigated from each spring must be noted in item No. 8 and illustrated on your map in some manner.

I am enclosing 10 description of spring forms, one of which must be completed and submitted for each of the springs.

I am returning your application and the reproducible map for correction and completion. Your application is endorsed so that in order to retain its date of priority, it must be received in this office on or before September 16, 1974.

Very truly yours,

WAYNE OVERCASH
Assistant

WO:jg
Encs
Receipt No. 40340

41001-179-281R

Baker Co.

PH 3.9.67

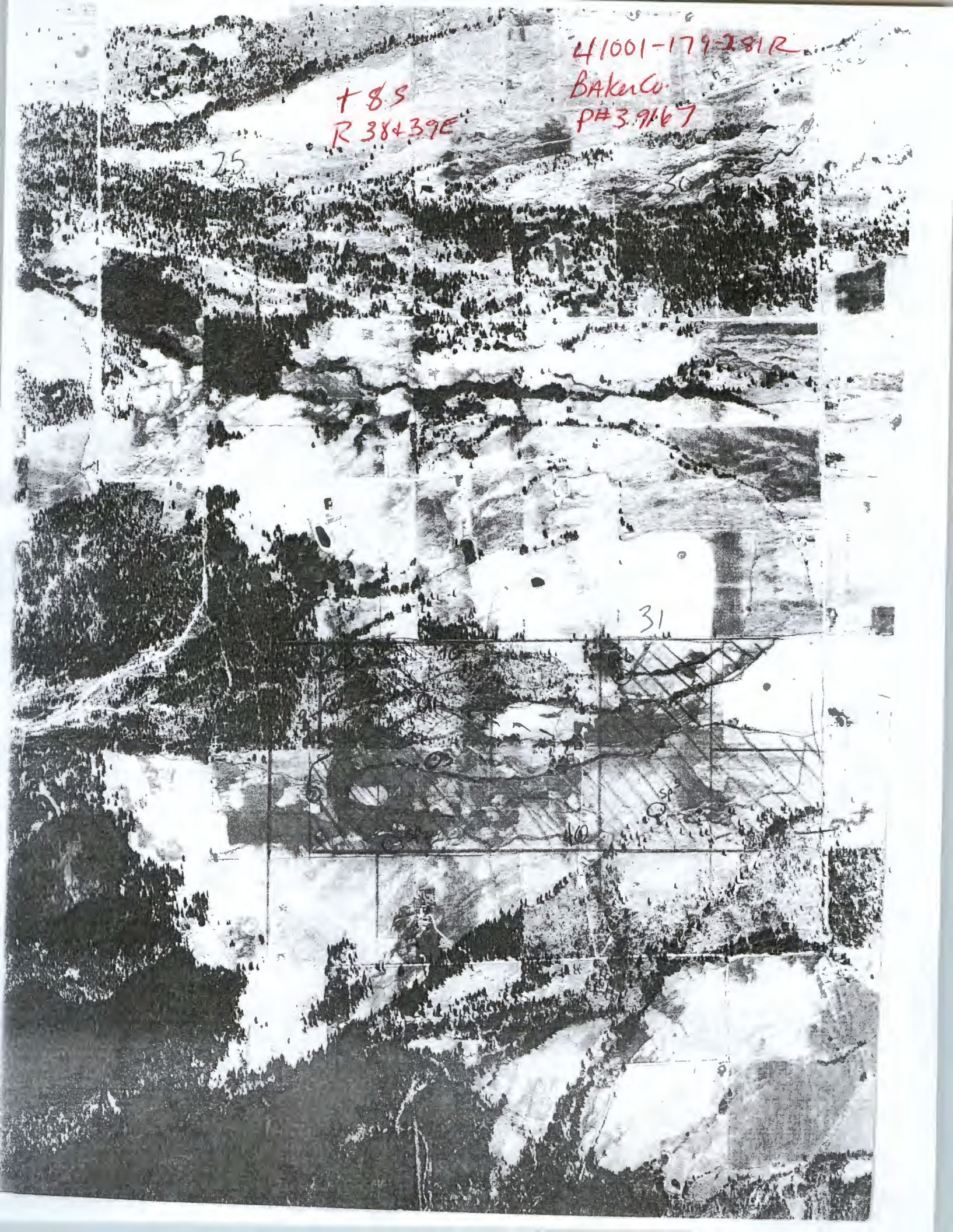
+ 8 S

R 38439E

25

30

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SEE CS 8-38-1

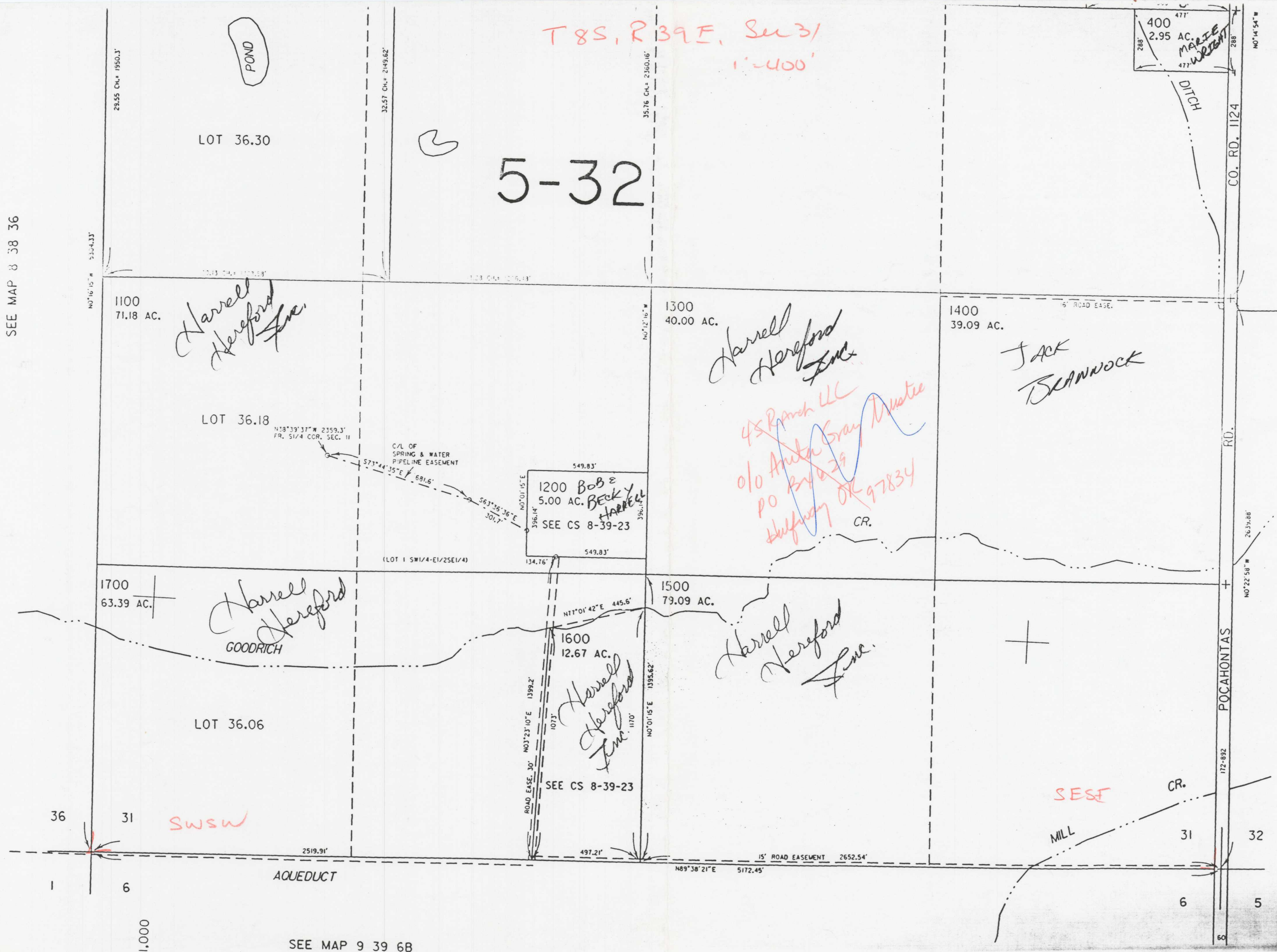
5-31

SEE MAP 8 39 31

REVISED 3



SEE MAP 8 38 36



SEE MAP 8 39 32

SEE MAP 9 39 68