

246

FEES PAID

Date	Amount	Receipt No.
11-13-70	\$ 20.00	21572
TOTAL . . .	\$1 Cert. Fee	21573

[illegible]

Loss of Right SpOr V 32, P 574

TO BE ENTERED WHERE CHECKED		INDEX CARDS:	Entered	Checked
		Name	<u>slw</u>	
		Stream	<u>slw</u>	
		Pt. of Div.		
		Calendar	<u>Survey</u>	
		CHECKED T. RECORDS:		
		Twp. & Range	<u>slw</u>	
		Decree		
		Decree		
		Cert. of Title	<u>slw</u>	
		Per. Folder	<u>slw</u>	
		Chainindex		
		Cross Ref.		
		Power Claim		
		Abstracts		

STATE OF OREGON

COUNTY OF

MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOSEPH SERRES

of 1840 E. Lincoln Rd., Hoodburn, State of Oregon, 97071, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of unnamed stream, Pudding River and reservoir constructed under Permit No. R-1009

a tributary of Pudding River & Willamette River for the purpose of irrigation of 162.4 acres

under Permit No. 19180 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 23, 1949 for 1.47 c.f.s. and October 28, 1949 for 0.47 c.f.s.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.94 cubic feet per second, being 0.54 c.f.s. from unnamed stream when available and 1.40 c.f.s. from Pudding River, any deficiency in supply in unnamed stream to be made up by diversion from Pudding River, providing total diversion does *

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Fitzgerald DLC 54, and NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Cooley DLC 42, Section 16; T. 5 S., R. 1 W., W. H.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-1009

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

* not exceed 1.94 c.f.s. from both streams,

10.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 As projected within Cooley DLC 42
 Section 8
 4.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 As projected within Cooley DLC 42
 Section 9
 15.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 9.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Both as projected within Cooley DLC 42
 12.0 acres Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
 0.4 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
 26.8 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 Both as projected within Fitzgerald DLC 54
 Section 16
 34.9 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 4.7 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 2.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 8.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 All as projected within Cooley DLC 42
 32.8 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 1.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Both as projected within Fitzgerald DLC 54
 Section 17
 T. 5 S., R. 1 W., W. M.

This certificate describes that portion of the water right confirmed by prior certificate 24376, NOT modified by the provisions of orders entered on February 12, 1971, and March 12, 1971 cancelling a portion of the right and approving transfer application No. 2461.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 28, 1977

_____ James E. Sexson _____
 Water Resources Director

Sub. No. 44989
 Cert. No. 44989
 Tr. Sp. Or. V. 20 p. 456

STATE OF OREGON
 COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOSEPH SERRES

of 1840 E. Lincoln Rd., Woodburn, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Unnamed stream, Pudding River & Reservoir constructed under Per. No. R-1009 a tributary of Pudding River & Willamette River for the purpose of irrigation of 173.6 acres under Permit No. 19180 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 23, 1949 for 1.57 cubic feet per second & October 28, 1949 for 0.50 cubic foot per second, that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.07 cubic feet per second, being 0.57 cubic foot per second from unnamed stream when available and 1.5 cubic feet per second from Pudding River, any deficiency in supply in unnamed stream to be made up by diversion from Pudding River, providing total diversion does not exceed 2.07 cubic feet per second from both streams,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Fitzgerald DLC #54, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Cooley DLC #42; Section 16; Township 5 South, Range 1 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-1009,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 10.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Cooley DLC #42
- Section 8
- 4.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Cooley DLC #42
- Section 9
- 15.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Cooley DLC #42
- 9.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Cooley DLC #42
- 12.0 acres Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
- 0.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Fitzgerald DLC #54
- 26.8 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Fitzgerald DLC #54
- Section 16
- 34.9 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Cooley DLC #42
- 4.7 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Cooley DLC #42
- 2.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Cooley DLC #42
- 18.7 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Cooley DLC #42
- 1.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Cooley DLC #42
- 32.8 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Fitzgerald DLC #54
- 1.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Fitzgerald DLC #54
- Section 17

Township 5 South, Range 1 West, W.M.
 The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 14th day of November, 1958.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24376

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

On January 18, 1971, Joseph Serres submitted an affidavit that he is the owner of a water right and the lands to which the right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 17, Page 24376, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.06 cubic foot of water per second under a priority date of June 23, 1949, and for the use of not to exceed 0.02 cubic foot of water per second under a priority date of October 28, 1949, from an unnamed stream, Pudding River, and reservoir constructed under permit number R-1009, being 0.02 cubic foot of water per second from the unnamed stream when available and 0.06 cubic foot of water per second from Pudding River and any deficiency in supply in the unnamed stream to be made up by diversion from Pudding River for the irrigation of 5.6 acres in the SE¼ NE¼, 1.0 acre in the NE¼ SE¼ of Section 17, Township 5 South, Range 1 West, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 1.51 cubic foot of water per second with a priority date of June 23, 1949, and 0.48 cubic foot of water per second with a priority date of October 28, 1949, being 0.55 cubic foot of water per second from an unnamed stream and 1.44 cubic foot of water per second from the Pudding River for the irrigation of:

10.8 acres in the SE¼ SE¼ as projected within Cooley DLC 42
Section 8

4.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Cooley DLC 42
 Section 9
 15.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Cooley DLC 42
 9.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Cooley DLC 42
 12.0 acres in Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
 0.4 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Fitzgerald DLC 54
 26.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Fitzgerald DLC 54
 Section 16
 34.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cooley DLC 42
 4.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cooley DLC 42
 2.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cooley DLC 42
 13.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cooley DLC 42
 32.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Fitzgerald DLC 54
 1.1 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Fitzgerald DLC 54
 Section 17

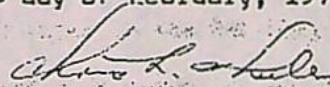
Township 5 South, Range 1 West, W.M.

is not in question.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancellation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of not to exceed 0.06 cubic foot of water per second under a priority date of June 23, 1949, and for the use of not to exceed 0.02 cubic foot of water per second under a priority date of October 28, 1949, from an unnamed stream, Pudding River, and reservoir constructed under permit number R-1009, being 0.02 cubic foot of water per second from the unnamed stream when available and 0.06 cubic foot of water per second from Pudding River and any deficiency in supply in the unnamed stream to be made up by diversion from Pudding River for the irrigation of 5.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 5 South, Range 1 West, W.M., is canceled.

Dated at Salem, Oregon, this 12th day of February, 1971.


 CHRIS L. WHEELER
 State Engineer

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOSEPH PERRES

of 1840 E. Lincoln Road, Woodburn, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
unnamed stream, tributary of Pudding River, appropriated under Application No.
23869, Permit No. 19180,

for the purposes of
irrigation

under Reservoir Permit No. R-1009 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from June 23, 1949,

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 10 acre-feet.

The reservoir is located in Section 16, Tp. 5 S., R. 1 W., W. M.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Cooley DLC #42
NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Cooley DLC #42
NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Fitzgerald DLC #54
Section 17,
SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cooley DLC #42
NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Cooley DLC #42
NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Fitzgerald DLC #54

WITNESS the signature of the State Engineer,
affixed this 14th day
of November, 1958.

LEWIS A. STANLEY
State Engineer.

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF JOSEPH SERRES FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM AN UNNAMED STREAM,)
PUDDING RIVER, AND RESERVOIR)

ORDER APPROVING
TRANSFER NO. 2461

On November 13, 1970, Joseph Serres filed an application in the office of the State Engineer for the approval of a change in place of use of water from an unnamed stream, Pudding River, and reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Joseph Serres and recorded at page 24376, Volume 17, State Record of Water Right Certificates, confirms a right to the use of 0.57 cubic foot per second of water from an unnamed stream when available and 1.5 cubic feet per second of water from Pudding River, any deficiency in supply in an unnamed stream to be made up by diversion from Pudding River for the irrigation of, among other lands, 4.6 acres in SE¼ NE¼, Section 17, Township 5 South, Range 1 West, W.M., with dates of priority of June 23, 1949, and October 28, 1949.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 4.6 acres in NE¼ SE¼, Section 17, Township 5 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in place of

use of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 4.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 5 South, Range 1 West, W.M., with dates of priority of June 23, 1949, and October 28, 1949, be severed therefrom and simultaneously and without loss of priority, transferred to 4.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 5 South, Range 1 West, W.M.

It is FURTHER ORDERED that no time need be fixed for completion as the change in place of use is completed.

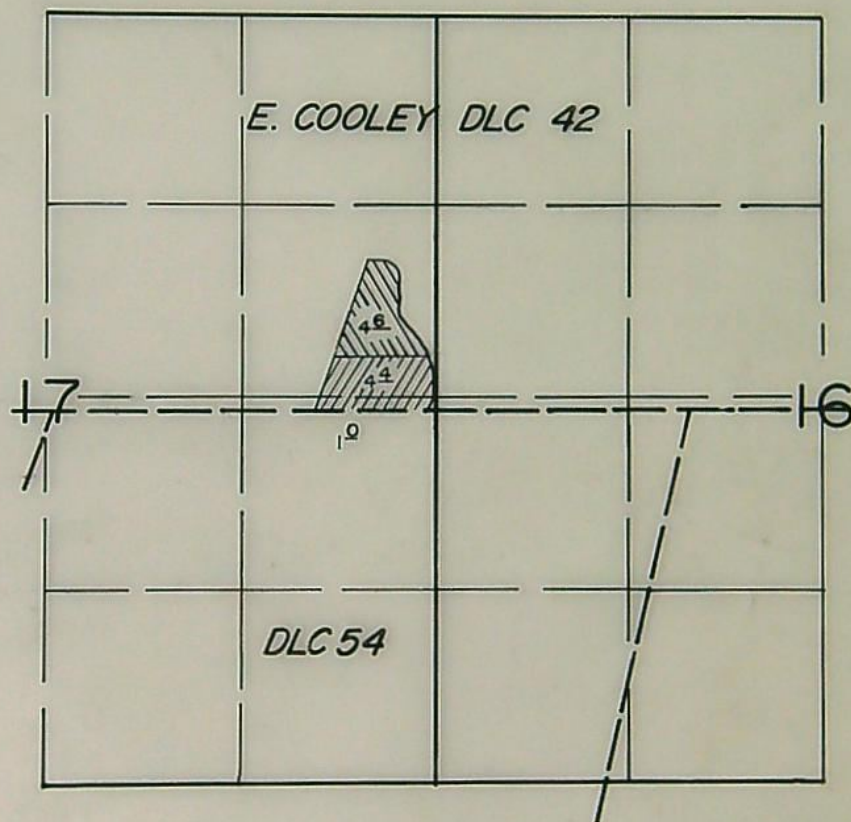
The right to the use of 0.08 cubic foot per second of water for the irrigation of ~~7.6~~^{4.6} acres being part of that described in the certificate recorded at page 24376 was canceled by an order of the State Engineer entered February 12, 1971.



It is FURTHER ORDERED that certificate of water right heretofore issued to Joseph Serres and recorded at page 24376, Volume 17, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Joseph Serres confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding and excluding that right canceled by the order entered February 12, 1971.

Dated at Salem, Oregon, this 12th day of March, 1971.

CHRIS L. WHEELER
State Engineer

T.5S. R.I.W. W.M.



 TR.- 2461
 CANCEL