

SP-44048-110

UNIONSKIN
100% COTTON FIBER

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF W. WILLIAM AND EVA A. LEWIS)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
OWL CREEK)

ORDER APPROVING
TRANSFER NO. 2464

On November 19, 1970, W. William and Eva A. Lewis filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Owl Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Harry T. Rutherford and recorded at page 11978, Volume 11, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.16 cubic foot per second of water from Owl Creek for the irrigation of, among other lands, 1.5 acres in Lot 8 (NW¼ SW¼) and 3.55 acres in Lot 1 (SW¼ SW¼), Section 32, Township 11 South, Range 4 West, W.M., with a date of priority of February 26, 1935. These lands are irrigated from a point of diversion located 750 feet south and 200 feet east from the SW corner of DLC No. 68 being within Lot 1 (SW¼ SW¼, Section 32, Township 11 South, Range 4 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 10 feet north and 75 feet east from the SW corner of NW¼ SW¼ being within the NW¼ SW¼ of Section 32, Township 11 South, Range 4 West, W.M.

Notice of publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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Mr. Vestal R. Garner, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Owl Creek, to-wit:

From a point located 750 feet south and 200 feet east from the SW corner of DLC No. 68 being within Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 32, Township 11 South, Range 4 West, W.M.

To a point to be located 10 feet north and 75 feet east from the SW corner of NW $\frac{1}{4}$ SW $\frac{1}{4}$ being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 11 South, Range 4 West, W.M.

for the irrigation of 1.5 acres in Lot 8 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and 3.55 acres in Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 32, Township 11 South, Range 4 West, W.M., with a date of priority of February 26, 1935, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1971.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.064 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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

That the type and plans of the measuring device be approved by the watermaster before the beginning

of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Harry T. Rutherford and recorded at page 11978, Volume 11, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to W. William and Eva A. Lewis confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of March, 1971.

/s/ CHRIS L. WHEELER
State Engineer

Superseded by

Cert. No. 20509Trs. Sp. Dr. 20509

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HARRY T. RUTHERFORD

of Route 3, Corvallis, 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 Owl Creek, a tributary of Colorado Lake, a tributary of Willamette River for the purpose of Irrigation of 7.55 acres under Permit No. 11595 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 February 26, 1935;

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 ~~0.18~~ cubic foot per second measured at the point of diversion from the stream, 0.096 ✓

or its equivalent in case of rotation.

The point of diversion is located in the Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 32, Township 11 South, Range 4 West, W. M.

Div. Pt. 100 ft. S & 200 ft. E. from SW Cor. Cushman DLC 68

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,

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:

0.1 acre in Lot 7 (SE $\frac{1}{4}$ SE $\frac{1}{4}$),
Section 31,
3.6 ~~5.6~~ acres in Lot 8 (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
3.85 ~~7.4~~ acres in Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
Section 32,
Township 11 South, Range 4 West, W. M.

Certificate of water right issued to Harry T. Rutherford and recorded at page 11978,

Volume 11, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 12.6 acres. A change in the right to the use of water subsequently, the point of diversion for the appurtenant to irrigation of 5.05 acres was approved changed by order of the State Engineer entered March 30, 1935.

This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to Harry T. Rutherford.

erty of the holder of this certificate, not taken over, as may be caused by the severance thereof, or the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 8th day of March, 1938

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 11978

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STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. WILLIAM LEWIS & EVA A. LEWIS
HARRY T. RUTHERFORD
 of 354 N.E. COLORADO LAKE DRIVE, 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
Owl Creek, a tributary of Colorado Lake
 a tributary of Willamette River for the purpose of
 Irrigation of ~~5.5~~ 5.05 acres
 under Permit No. 11595 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 February 26, 1935;

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
~~0.16~~ 0.064 cubic foot per second measured at the point of diversion from the stream,

or its equivalent in case of rotation.
 The point of diversion is located in the Lot 8 (NW₁SW₄), Section 32, Township 11 South,
 Range 4 West, W. M. 1400' W 9 70' E from the SW cor Sec 32

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,
2 1/2 c.f.

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:

0.1 acre in Lot 7 (SE₁SE₁),
~~Section 31,~~
1.50 ~~5.1~~ acres in Lot 8 (NW₁SW₄);
3.55 ~~7.4~~ acres in Lot 1 (SW₁SW₁),
 Section 32,
 Township 11 South, Range 4 West, W. M.

This certificate is issued to confirm a change in point of diversion approved
 by an order of the WRD entered MAR 30 1971 and together with certificate
 of water right recorded on Page 37493, Volume 29, SRWRC supersedes
 certificate of water right recorded on Page 11978, Volume 11, SRWRC.

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

writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to
 take over the dams, plants and other structures and all appurtenances thereto which have been con-
 structed for the purpose of devoting to beneficial use the water rights specified herein, upon condition
 that before taking possession the State or municipality shall pay not to exceed the fair value of the
 property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable prop-
 erty of the holder of this certificate, not taken over, as may be caused by the severance therefrom of
 the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 8th day of March, 1971

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 11978