

2973

STATUS OF APPLICATION

Change in use of water
Date filed 2-8-74
Date of hearing 2-1-77
Place of hearing Dallas
Date of order 2-15-77 Vol. 28, page 310
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued MAY 19 1978 Vol. 38, page 45
Vol. 42

FEB 25 1980

49080
49081

DESCRIPTION OF WATER RIGHT

Name of stream Glen Creek
Trib. of _____ County of Polk
Use irrigation + storage
Quantity of water _____ No. of acres 9.2
Name of ditch _____
Date of priority Dec. 9, 1954
In name of Bernard I. Koehler

App. No. R-29606 Per. No. R-1698 Cert. No. 26936
29607 23310 26935
Certificate cancelled _____
Notation made on record by _____

REMARKS

FEES PAID

Date	Amount	Receipt No.
2-8-74	30.00	38590
2-8-74	50.00 P.O.U.	38591
2-8-77	4.99	57988
TOTAL . . .		
2-8-77	\$2 Cert. Fee	57989

FEES REFUNDED

[illegible]

1-6-77
Trsf. FROM RECORDING FEES \$4.99
to P.O.N.
Total on Rec. # 38590
is - \$25.01

Paid Newspaper The Polk Co. Stricker - Oberm.
ch. # 1049 - 54.99

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<u>W/A</u>	Name	<u>✓</u>	
<u>W/A</u>	Stream	<u>✓</u>	
<u>W/A</u>	Pt. of Div.		
	Calendar	<u>✓</u>	
	CHECKED TO RECORDS:		
	Top. & Hqs.	<u>GLS</u>	<u>leg</u>
	Decree vault		
	Decree safe		
	Cat. of W.R.	<u>✓✓</u>	
	Per. Folder	<u>✓</u>	
	Chainfax		
	Cross Ref.		
	Power Claim		
	Abstracts	<u>✓</u>	

STATE OF OREGON

COUNTY OF POLK

SUPERSEDED

CERTIFICATE NO. 45700

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LARRY EPPING BUILDING COMPANY (GRANADA LAND CO)
~~2485 LANCASTER DRIVE NE~~ ~~BERNARD I. KOEHLER~~

of ~~Route 1, Box 44, Salem~~ ⁹⁷³⁰³, State of ~~Oregon~~ ^{Oregon}, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Glenn Cr. & res. Const. under Appl. No. R-29606, Per. No. R-1698
 a tributary of Willamette River for the purpose of
~~irrigation of 16.4 acres, RECREATION~~

under Permit No. 23310 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 December 9, 1954.

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
~~0.20~~ cubic foot per second,
 0.11

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 7 South, Range 3
 West, W.M. 2130 feet South and 160 feet West from the NE $\frac{1}{4}$ Corner
 Section 19

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-1698.

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:

~~8.0 acres~~ SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 19

~~8.4 acres~~ Lot 2 (SW $\frac{1}{4}$)
 Section 20

Township 7 South, Range 3 West, W.M.

character of use

This certificate is issued to confirm a change in point of ~~diversion~~ approved
 by an order of the WRD entered FEB. 15, 1977 together with certificate of water right
 recorded on Page 45700, Volume 38, SRWRC supersedes certificate of water
 right recorded on Page 26935, Volume 19, SRWRC.

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

this date. MAY 6 1960

J. EDWIN A. STANTON

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page

49081

T#2973

T - 2973

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That BERNARD I. KOEHLER

of Route 1, Box 44, Salem, 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 Glenn Cr. ~~res. const. under Appl. No. R-29606, Per. No. R-1698~~ a tributary of Willamette River for the purpose of ~~the~~ irrigation of ~~16.4~~ ^{7.2} acres,

under Permit No. 23310 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 December 9, 1954,

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 ~~0.20~~ cubic foot per second, ^{0.09}

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

The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 7 South, Range 3 West, W.M., ^{2125'S & 175'W from the NE cor Sec 19}

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-1698~~

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:

²⁴ ~~8.0~~ acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 19
⁴² ~~8.4~~ acres Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 20
Township 7 South, Range 3 West, W.M.

T#2973

~~56.00~~~~96.00~~~~72~~~~72~~

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 26935, Volume 19, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Feb 15, 1977, approving transfer application No. 2973.

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

this date. MAY 6 1960

T. J. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 26935

$$\frac{0.20}{16.4} = \frac{0.11}{9.2} = \frac{0.09}{7.2}$$

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION }
OF GRANADA LAND COMPANY FOR THE }
APPROVAL OF A CHANGE IN USE OF }
WATER FROM GLENN CREEK }

ORDER APPROVING
TRANSFER NO. 2973

On February 8, 1974, Granada Land Company filed an application in the office of the Water Resources Director for the approval of a change in use heretofore made of water from Glenn Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificates of water right recorded at Page 26935 and 26936, Volume 19, State Record of Water Right Certificates, in the name of Bernard I. Koehler, describe existing rights of record which include storage of 4.0 acre feet of water from Glenn Creek for irrigation use, by means of an in channel storage dam located 2125 feet South and 175 feet West from the North-east corner of Section 19, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 7 South, Range 3 West, W.M.; and appropriation of not to exceed 0.11 cubic foot per second from Glenn Creek and the reservoir at the said dam for irrigation of a certain 5.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and 3.6 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 20, Township 7 South, Range 3 West, W.M., all with a date of priority of December 9, 1954.

The applicant herein, owner of the reservoir and other lands above described, proposes to change, without loss of priority, the use heretofore made of the water and in lieu thereof to store 4.0 acre feet of water for use as a recreation pond within the said reservoir and to appropriate not to exceed 0.11 cubic foot per second from Glenn Creek to maintain the said recreation pond, all within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 7 South, Range 3 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of December 8, 15 and 22, 1976.

Mr. Benjamin E. Monroe, Watermaster of District No. 18, has filed a statement to the effect that the proposed change in use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in use of water heretofore made from Glenn Creek and reservoir described herein, without loss of priority, is approved.

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 0.11 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 said water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificates of water right heretofore issued to Bernard I. Koehler and recorded at Pages 26935 and 26936, Volume 19, State Record of Water Right Certificates, are canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Granada Land Company.

Dated at Salem, Oregon, this 15th day of February, 1977.

/s/ JAMES E. SEXSON
Director

Affidavit Of Publication

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 2973 FOR CHANGE IN USE OF WATER

Notice is given hereby that Granada Land Company has filed an application in the office of the Water Resources Director for the approval of changes in use heretofore made of water from Glenn Creek and reservoir.

Certificates of water right recorded at Page 26935 and 26936, Volume 19, State Record of Water Right Certificates, in the name of Bernard I. Koehler, describe existing rights of record which include storage of 4.0 acre feet of water from Glenn Creek for irrigation use, by means of an in channel storage dam located 2125 ft. S. and 175 ft. W. from the NE corner of Sec. 19, being within the SE 1/4 NE 1/4 of Sec. 19, T. 7 S., R. 3 W., W.M.; and appropriation of not to exceed 0.11 c.f.s. from Glenn Creek and the reservoir at the said dam for irrigation of a certain 5.6 acres in SE 1/4 NE 1/4 of Sec. 19, and 3.6 acres in SW 1/4 NW 1/4 of Sec. 20, T. 7 S., R. 3 W., W.M., all with a date of priority of December 9, 1954.

The applicant herein, owner of the reservoir and other lands above described, proposes to change, without loss of priority, the use heretofore made of the water and in lieu thereof to store 4.0 acre feet of water for use as a recreation pond within the said reservoir and to appropriate not to exceed 0.11 c.f.s. from Glenn Creek to maintain the said recreation pond, all within the SE 1/4 NE 1/4 of Sec. 19, T. 7 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Dallas, Oregon, on February 1, 1977, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Granada Land Co., 2485 Lancaster Drive N.E., Salem, Oregon 97303, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 1st day of December, 1976.

JAMES E. SEXSON
Director

(Dec. 8, 15, 22, 1976)

STATE OF OREGON, } ss.
County of Polk

I, Joseph W. Blaha, being
first duly sworn, depose and say I am the PUBLISHER
of the Polk County Itemizer-Observer, a newspaper of general circulation
as defined by ORS 193.010 and 193.020, printed and published at Dallas in
the aforesaid county and state; that the Water Right Transfer

....., a printed copy of which is hereto annexed,
was published in the entire issue of said newspaper for 3
successive and consecutive weeks in the following issues:

Dec. 8, 15, 22, 1976

Joseph W. Blaha
Subscribed and sworn to before me this 22 day of
Dec., 1976

Jakute A. Linn
Notary Public for Oregon.
(My Commission Expires 9/5/78)

OK
LMT

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LARRY EPPING BUILDING COMPANY (GRANADA LAND CO.)
2485 LANCASTER DRIVE NE ~~BE NARD I. KOHLER~~
 of ~~Route 1, Box 44, Salem~~, State of Oregon ⁹⁷³⁰³, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
 Glenn Creek, tributary of Willamette River, appropriated under ~~Application No.~~
~~27607~~, Permit No. 23310,

for the purposes of
~~irrigation, recreation~~
 under Reservoir Permit No. R-1698 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 December 9, 1954,

that the amount of water entitled to be stored each year under such right, for the purposes afore-
 said, shall not exceed 4.0 acre feet.

The reservoir is located in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 7 South, Range 3
 West, W.M.

character of use

This certificate is issued to confirm a change in ~~point of diversion~~ approved
 by an order of the WRD entered FEB. 15, 1977 and supersedes certificate of water right
 recorded on Page 26936, Volume 19, SRWRC.

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

WITNESS the signature of the State Engineer, affixed
 this date. MAY 6 1960

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page

49080

T#2973