

2976 May Isabel
WEISENSE, R22, 2, 1974
Thompson, R. or 1975

2976

STATUS OF APPLICATION

Change in place of use and additional point of diversion
Date filed 2-13-74
Date of hearing _____
Place of hearing _____
Date of order 5-28-74 Vol. 24, page 452
Date for application of water 10-1-76
Proof mailed JUN 6 1979
Proof received _____
Certificate issued AUG 23 1979 Vol. 42, page 48484

REMARKS

Form 130 sent JUL 6 1979

DESCRIPTION OF WATER RIGHT

Name of stream Luckiamute R.
Trib. of _____ County of Polk
Use irrigation
Quantity of water _____ No. of acres 250
Name of ditch _____
Date of priority October 10, 1952
In name of Margaret W. O'Brien & Lloyd R. & Mary Isobel Weisense
_____ Adjudication, Vol. _____, page _____
App. No. 27728 Per. No. 21841 Cert. No. 26623
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-13-74</u>	<u>\$40.00</u>	<u>38636</u>
TOTAL . . .		
<u>2-13-74</u>	<u>\$1.50</u> Cert. Fee	<u>38637</u>

FEES REFUNDED

Date	Amount	Check No.

INDEX CARDS:

Entered

Checked

Name

✓

Stream

✓

Pt. of Div.

✓

Calendar

✓

CHECKED TO RECORDS:

Twp. & Rge.

✓

Decree-vault

Decree-sure

Cert. of W. R.

✓

Per. folder

✓

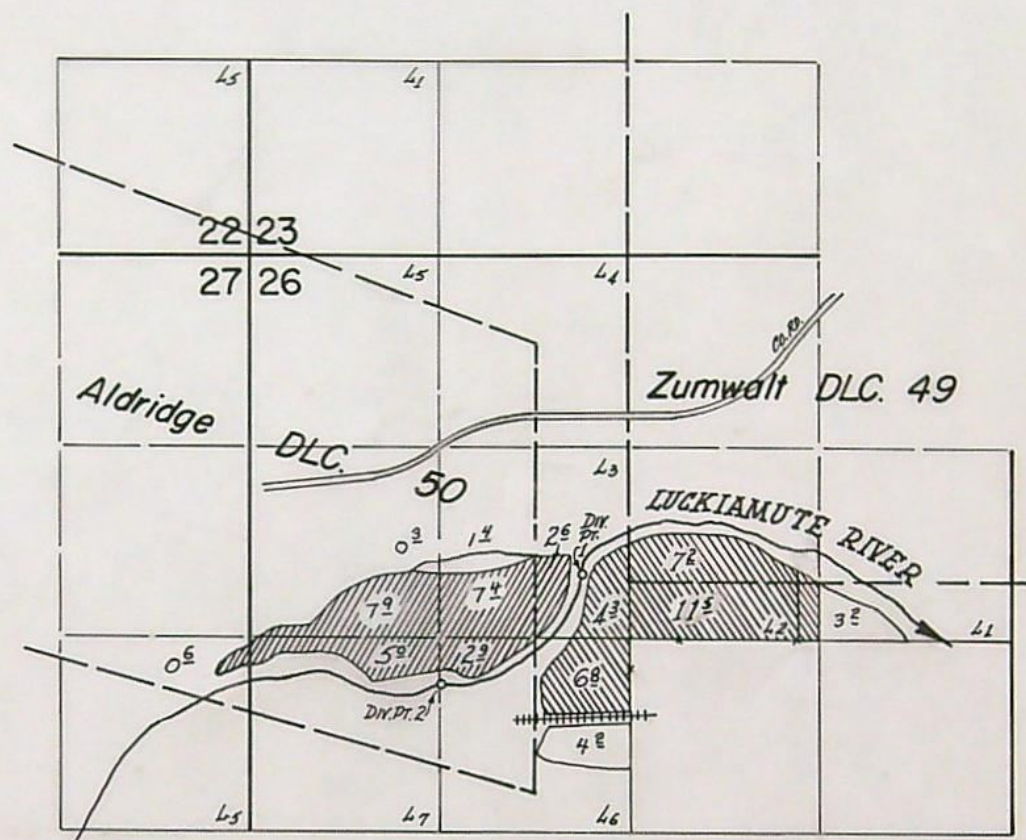
Chaindex

Cross Ref.

Power Claim

Abstracts

T9S.,R.6W.,W.M.



Div. Pt. 2, loc. 330' S. & 1300' W. from center of Sec. 26.

Div. Pt. 1, loc. 430' N. & 320' W. from center of Sec. 26.

FINAL PROOF SURVEY UNDER

Transfer No. 2976

Application No. _____ Permit No. _____

IN NAME OF

MARY ISABEL WEISENSEE

Surveyed July 6, 1911, by L.M. Toll

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION
OF MARY ISABEL WEISENSEE FOR THE
APPROVAL OF A CHANGE IN PLACE OF
USE AND AN ADDITIONAL POINT OF
DIVERSION OF WATER FROM LUCKIAMUTE
RIVER

ORDER APPROVING
TRANSFER NO. 2976

On February 13, 1974, Mary Isabel Weisensee filed an application in the office of the State Engineer for the approval of a change in place of use and an additional point of diversion of water from Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Lloyd R. and Mary Isabel Weisensee and Margaret W. O'Brien and recorded at page 26623, Volume 18, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.60 cubic foot per second of water from Luckiamute River for the irrigation of, among other lands, 4.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 18.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, and 0.6 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 6 West, W.M., with a date of priority of October 10, 1952. These lands are irrigated from a point of diversion located 2280 feet South and 340 feet West from the North $\frac{1}{4}$ corner of Section 26, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 9 South, Range 6 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right appurtenant to 4.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 14.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 3.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, without loss of priority to 11.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.7 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 9 South, Range 6 West, W.M., and to establish an additional point of diversion for irrigation of 7.9 acres in

SW $\frac{1}{4}$ NW $\frac{1}{4}$, 9.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, and 0.6 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 9 South, Range 6 West, W.M., from a point of diversion to be located 3000 feet South and 1200 feet East from the Northwest corner of Section 26, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 9 South, Range 6 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. Gene McGinnis, Watermaster of District No. 2, has filed a statement to the effect that the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

The Federal Land Bank, mortgage holder, has submitted written approval of the proposed change in place of use and point of diversion.

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

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 4.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 14.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 3.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 9 South, Range 6 West, W.M., with a date of priority of October 10, 1952, be severed therefrom and simultaneously and without loss of priority transferred to 11.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.7 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 9 South, Range 6 West, W.M.

It is FURTHER ORDERED that the applicant may maintain the following point of diversion of water from Luckiamute River, to wit:

Located 2280 feet South and 340 feet West from the North $\frac{1}{4}$ corner of Section 26, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 9 South, Range 6 West, W.M.

and may establish and maintain an additional point of diversion, to wit:

To be located 3000 feet South and 1200 feet East from the Northwest corner of Section 26, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 9 South, Range 6 West, W.M.

for the irrigation of 7.9 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 9.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, and 0.6 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, Township 9 South, Range 6 West, W.M., with a date of priority of October 10, 1952, is approved.

It is FURTHER ORDERED that water so transferred shall be applied to beneficial use and the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1970.

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 0.28 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 Lloyd R. and Mary Isabel Weisensee and Margaret W. O'Brien and recorded at page 26623, Volume 18, 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 and completion of the authorized change in point of diversion, a certificate of water right shall be issued

to Mary Isabel Weisensee confirming the extent to which the water has been applied beneficially and the change in additional point of diversion and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 28th day of May, 1974.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

May 504
~~17845 Maple Grove Rd~~
~~Route 2, Box 193, Monmouth~~
~~2715 SE Hixley Ave., Willamette 22~~
 of ~~17845 Maple Grove Rd~~, State of Oregon ⁹⁷³⁶¹, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Luckiamute River
 a tributary of Willamette River for the purpose of
 irrigation of 56.2 acres, ✓

under Permit No. 21841 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 October 10, 1952,

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
 0.60 cubic foot per second,

NESW w/m Aldridge DLC 50,
 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 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Section 26, Township 9 South,
 Range 6 West, W.M., Div. No. 1 - 430' N & 320' W, Div. No. 2 - 330' S & 1300' W
both from the center Sec 26

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 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.

Diversion Point No. 1¹⁰

7.2 acres SWNE w/m Zumwalt DLC49

11.5 Lot 2 (SWNE)

4.3 Lot 3 (SENE)

6.8 Lot 6 (NESW)

Sec 26

Diversion Points No. 1 & No. 2¹⁵

2.6 Lot 3 (SENE)

7.9 SWNW

7.4 SENE

2.9 NESW

5.0 NWSW

all w/m Aldridge DLC 50
Sec 260.6 NENE w/m Aldridge DLC 50
Sec 27

T9S R6W WM

*This cert describes that portion of the water right confirmed by the prior cert
 recorded at page 26623 Vol. 18, SRWRC, NOT modified by the provisions of an
 order of the WRD entered on May 28, 1974, approving transfer application No.
 2976 and is issued to confirm a change in place of use and an additional
 point of diversion approved by the same order and supersedes cert of water
 right rec 26623.*

The issuance etc

[Handwritten signature]

Superseded by

Dist. No.

Yrs. Rec. Or. V.

STATE OF OREGON

WATER DIVISION No. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That PHIL. MURPHY,
of R.F.D. 2, ^{MILTON-}Freewater, State of Oregon, 97862 has a right to the use of
the waters of SOUTH BRANCH OF MUD CREEK, a tributary of the Walla Walla River, in
Umatilla County, Oregon;

for the purpose of irrigation ^{of 7.0 acres} (from April 1st to October 1st of each year) —

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 117 ; that the priority of the right hereby confirmed dates from 1883; —

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose , and shall not exceed ^{0.12} ~~0.55~~ cubic feet per second.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

~~Thirteen (13) acres in NE 1/4 of SW 1/4, seven (7) acres in NW 1/4 of SW 1/4; Sec. 20, Tp. 6 N., R. 35 E., W. M., in Umatilla County, Oregon.~~

*ch pt. of div.
37 of July p. 284*

*7.0 acres NW 1/4 SW 1/4
SEC 20
T. 6. N., R. 35 E., W. M.*

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38, Volume 1, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on SEPT. 15, 1967, approving transfer application No. B-173.

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

M. B. Wann,

Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 38

48485

*P.O.D.: SW 1/4 SEC 20 T 6 N, R. 35 E, W. M.
340 ft N AND 50 ft W from SE Cor SW 1/4 SEC 20*