

2998

STATUS OF APPLICATION

Change in place of use
 Date filed 3-15-74
 Date of hearing _____
 Place of hearing _____
 Date of order 5-13-74 Vol. 24, page 351
 Date for application of water 10-1-75
 Proof mailed _____
 Proof received _____
 Certificate issued SEP 29 1978 Vol. 39, page 4662

Survey 12/75
10-23-78-TS

DESCRIPTION OF WATER RIGHT

Name of stream Little Luchiamute River
 Trib. of _____ County of Polk
 Use irrigation
 Quantity of water _____ No. of acres 6.6
 Name of ditch _____
 Date of priority Jan. 26, 1966
 In name of Clare Millhouser
 _____ Adjudication, Vol. _____, page _____
 App. No. 41817 Per. No. 31301 Cert. No. 37349
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-15-74</u>	<u>25.00</u>	<u>39069</u>
TOTAL . . .		
<u>9-20-78</u>	<u>2⁰⁰ Cert. Fee</u>	<u>6239</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

TO BE ENTERED WHEN CHECKED	INDEX CARDS:		Entered	Checked
	Name	Stream		
<u>WN</u>	Pt. of Div.	Calendar	<u>✓</u>	
<u>WN</u>	Twp. & Rge.	Decree-vault	<u>✓</u>	
<u>WN</u>	Decree-safe	Cert. of W/R	<u>✓</u>	
<u>WN</u>	Per. Folder	Chaindex	<u>✓</u>	
	Cross Ref.	Power Claim		
	Abstracts			

STATE OF OREGON

COUNTY OF

POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

CLARE MILLHOUSER

of 9220 Smith Road, Monmouth, State of Oregon, 97361, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Little Luckiamute River

a tributary of Luckiamute River
irrigation of 90.4 acres

for the purpose of

under Permit No. 31301 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 January 26, 1966

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 1.13 cubic feet per second

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 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 9, T. 9 S., R. 5 W., W. M., 4860 feet South and 1380 feet East from the SW Corner, Boone DLC 49

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,

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:

3.4 acres Lot 2 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)36.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.2 acres Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)18.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 8

2.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.6 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.2 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 9

T. 9 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 37349, Volume 29, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 13, 1974, approving transfer application No. 2998, as well as to confirm a change in place of use approved by the same order. 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. September 29, 1978

James E. Sexton
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 39, page 46617

App.
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2998

6.6
cf — ○ — Spon

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rrcert

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○

90.4 inch

cf, rr

728

STATE OF OREGON
COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CLARE MILLHOUSER

of Route 2, Box 220, Monmouth, 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 Little Luckiamute River

a tributary of Luckiamute River
irrigation of 90.4 acres

for the purpose of

under Permit No. 31301 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 January 26, 1966

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 1.13 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 9, T. 9 S., R. 5 W., W. M. ~~Diversion point located:~~ 4860 feet South and 1380 feet East from SW Corner, Boone DLC 49.

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,

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:

~~3.4~~ acres Lot 2 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
~~4.2~~ ~~1.0~~ acres Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 8

~~4.8~~ ~~7.0~~ acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
~~20.2~~ ~~24.6~~ acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
36.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
18.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
2.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
0.6 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 9

T. 9 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 37349, Volume 29, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 13, 1974, approving transfer application No. 2998, as well as to confirm a change in place of use approved by the same order.

WITNESS the signature of the State Engineer, affixed

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

CHRIS L. WHEELER

State Engineer

STATE OF OREGON

COUNTY OF

POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

CLARE MILLHOUSER

9220 Smith Road
 of ~~Rt. 2, Box 220, Monmouth~~, State of Oregon, 97361, has made
 proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
 Little Luckiamute River

a tributary of Luckiamute River
 irrigation of 90.4 acres

for the purpose of

under Permit No. 31301 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
 January 26, 1966
 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
 1.13 cubic feet per second

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 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 9, T. 9 S., R. 5 W.,
 W. M., 4860 feet South and 1380 feet East from the SW Corner, Boone DLC 49

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-eighth 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,

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:

3.4 acres Lot 2 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)4.2 acres Lot 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)

Section 8

4.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.2 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ 36.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.6 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 9

T. 9 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior
 certificate recorded at page 37349, Volume 29, State Record of Water Right
 Certificates, NOT modified by the provisions of an order of the Water Resources
 Director entered on May 13, 1974, approving transfer application No. 2998, as
 well as to confirm a change in place of use approved by the same order. 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. May 19, 1978

James E. Sexton
 Water Resources Director

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF CLARE MILLHOUSER FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM LITTLE LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 2998

On March 15, 1974, Clare Millhouser filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Clare Millhouser and recorded at page 37349, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.13 cubic feet per second of water from Little Luckiamute River for the irrigation of, among other lands, 2.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 4.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 9 South, Range 5 West, W.M., with a date of priority of January 26, 1966. These lands are irrigated from a point of diversion located 4860 feet South and 1380 feet East from the Southwest corner of Boone DIC 49, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 3.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 9 South, Range 5 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 of water may be made without injury to existing rights.

The Federal Land Bank, mortgagee, has submitted written approval of the proposed change in place of use.

No objections having been filed and it appearing that the proposed change in place of use 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 2.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 4.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 9 South, Range 5 West, W.M., with a date of priority of January 26, 1966, be served therefrom and simultaneously and without loss of priority transferred to 3.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 9 South, Range 5 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1975.

It is FURTHER ORDERED that certificate of water right heretofore issued to Clare Millhouser and recorded at page 37349, Volume 29, 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 Clare Millhouser confirming the extent to which the water has been applied beneficially and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 13th day of May, 1974.

CHRIS L. WHEELER
State Engineer