

2829

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed June 6, 1973
 Date of hearing _____
 Place of hearing _____
 Date of order July 11, 1973 Vol. 23, page 315
 Date for application of water 10-1-73
 Proof mailed _____
 Proof received _____
 Certificate issued FEB 26 1974 Vol. 31, page 39842
6-22-73 MAR 5 1975 33 41790

DESCRIPTION OF WATER RIGHT

Name of stream Pudding River
 Trib. of _____ County of Marion
 Use Irrigation
 Quantity of water _____ No. of acres 94
 Name of ditch _____
 Date of priority January 24, 1950
 In name of Clifford R. Nybakke
 _____ Adjudication, Vol. _____, page _____
 App. No. 24039 Per. No. 19193 Cert. No. 32011
 Certificate cancelled _____
 Notation made on record by _____

DVA

FEES PAID

Date	Amount	Receipt No.
<u>6/6/73</u>	<u>25.00</u>	<u>34294</u>
TOTAL . . .	<u>3.00</u>	
<u>7-10-73</u>	Cert. Fee	<u>35450</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>st</u>	
<input checked="" type="checkbox"/>	Stream		<u>st</u>	
<input checked="" type="checkbox"/>	Pt. of Div.			
<input checked="" type="checkbox"/>	Calendar		<u>st</u>	
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>WAC</u>	
<input checked="" type="checkbox"/>	Decree-vault			
<input checked="" type="checkbox"/>	Decree-safe			
<input checked="" type="checkbox"/>	Cert. of W/R		<u>WAC</u>	
<input checked="" type="checkbox"/>	Per. Folder		<u>WAC</u>	
<input checked="" type="checkbox"/>	Chainindex			
<input checked="" type="checkbox"/>	Cross Ref.			
<input checked="" type="checkbox"/>	Power Claim			
<input checked="" type="checkbox"/>	Abstracts			

R10 P 204

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

FILED
MARION COUNTY OREGON

1974 OCT 23 PM 2:16

T. HAROLD TOMLINSON
COUNTY CLERK

This Is to Certify, That CLIFFORD R. NYBAKKE

of Route 1, Box 43, Hubbard, State of Oregon, has made ^{DD}proof DEPUTY
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Pudding River

a tributary of Mollala River
irrigation of 8.0 acres

for the purpose of

under Permit No. 19193 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 24, 1950

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
0.10 cubic foot 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 $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within J. Bonney DLC No.
53, Section 36, T. 4 S., R. 1 W., 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 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:

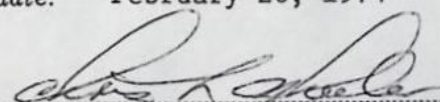
8.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
As projected within J. Bonney DLC 53
Section 36
T. 4 S., R. 1 W., W. M.

An order of the State Engineer entered July 11, 1973, approves a change in point
of diversion for the irrigation of 9.4 acres. This certificate is issued to confirm
the remaining right and supersedes the certificate of water right heretofore issued
to Clifford Nybakke and recorded at page 20111, State Record of Water Right
Certificates.

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 date. February 26, 1974



State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39842

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

Clifford R. Nybakke

STATE OF OREGON,

County of Marion } ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume R 10
of Record of Water Right Certificates, at
page 204 on the 23rd day
of October, 1974.

T. HAROLD TOMLINSON, County Clerk

By: Deloris Davis

Deputy

County Clerk

COMPL. CLERK
T. HAROLD TOMLINSON
BY OCT 23 AM 5 12
MARION COUNTY CLERK
FILED

OCT 24 1974

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That GERALD L. LARSON

of Route 1, Box 90, Hubbard, State of Oregon, 97032, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Pudding River

a tributary of Molalla River for the purpose of irrigation of 9.4 acres

under Permit No. 19193 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 24, 1950

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 0.12 cubic foot 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within J. Bonney DLC 53, Section 36, T. 4 S., R. 1 W., W. M., 940 feet North and 730 feet West from SE Corner, J. Bonney DLC 53.

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:

1.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
7.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Both as projected within J. Bonney DLC 53
Section 36
T. 4 S., R. 1 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered July 11, 1973, and together with the certificate recorded at page 39842, Volume 31, supersedes certificate of water right heretofore issued to Clifford R. Nybakke, and recorded at page 20111, Volume 14, State Record of Water Right Certificates.

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

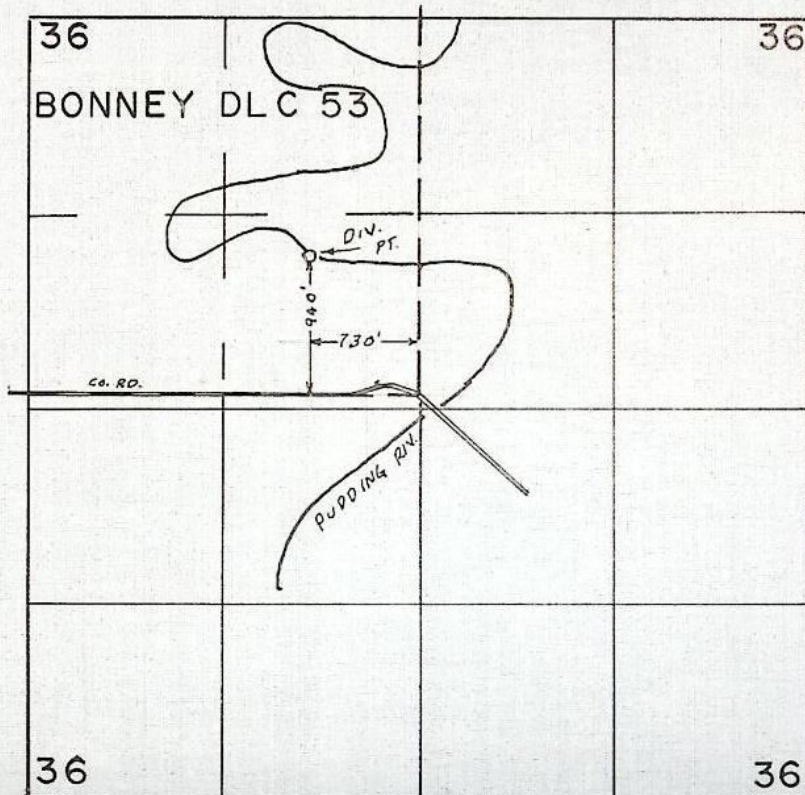
WITNESS the signature of the State Engineer, affixed

this date. March 5, 1975

Chris L. Wheeler
State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41790

T.4S.R.IW.W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 2829
Application No. _____ Permit No. _____
IN NAME OF

GERALD L. LARSON

Surveyed MAY 21 1974, by L.H. NUNN

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF GERALD L. LARSON FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM PUDDING)
RIVER)

ORDER APPROVING
TRANSFER NO. 2829

On June 6, 1973, Gerald L. Larson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Pudding River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Clifford R. Nybakke and recorded at page 20111, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.22 cubic feet per second of water from Pudding River for the irrigation of, among other lands, 1.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 7.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 4 South, Range 1 West, W.M., with a date of priority of January 24, 1950. These lands are irrigated from a point of diversion located 860 feet North and 2600 feet East from the SW corner of Bonney D.L.C. No. 53, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 4 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1010 feet North and 3450 feet East from the SW corner of Bonney D.L.C. No. 53, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 4 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 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.

Mr. Mike Ricks, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Pudding River, to-wit:

From a point located 860 feet North and 2600 feet East from the SW corner of Bonney D.L.C. No. 53, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 4 South, Range 1 West, W.M.

To a point to be located 1010 feet North and 3450 feet East from the SW corner of Bonney D.L.C. No. 53, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 4 South, Range 1 West, W.M.

for the irrigation of 1.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 7.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 4 South, Range 1 West, W.M., with a date of priority of January 24, 1950, 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, 1973.

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 0.12 cubic feet 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 Clifford R. Nybakke and recorded at page 20111, Volume 14, 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 Gerald L. Larson confirming the change in point of diversion.

Dated at Salem, Oregon, this 11th day of July, 1973.

/s/ CHRIS L. WHEELER
State Engineer