

2781

2781
 No. 761
 Salem, Ore. 97304

2781

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed MARCH 28, 1973
 Date of hearing _____
 Place of hearing _____
 Date of order 4-14-78 Vol. 30, page 521
 Date for application of water completed
 Proof mailed MAY 14 1990
 Proof received _____
 Certificate issued AUG 13 1990 Vol. _____, page 64586

DESCRIPTION OF WATER RIGHT

Name of stream An Unnamed Stream
 Trib. of _____ County of Polk
 Use Irrigation
 Quantity of water _____ No. of acres 11¹/₂
 Name of ditch _____
 Date of priority MARCH 15, 1949
 In name of Theodore E. Burns
 _____ Adjudication, Vol. _____, page _____
 App. No. 23654 Per. No. 18874 Cert. No. 44022
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-28-73</u>	<u>25.00</u>	<u>33055</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

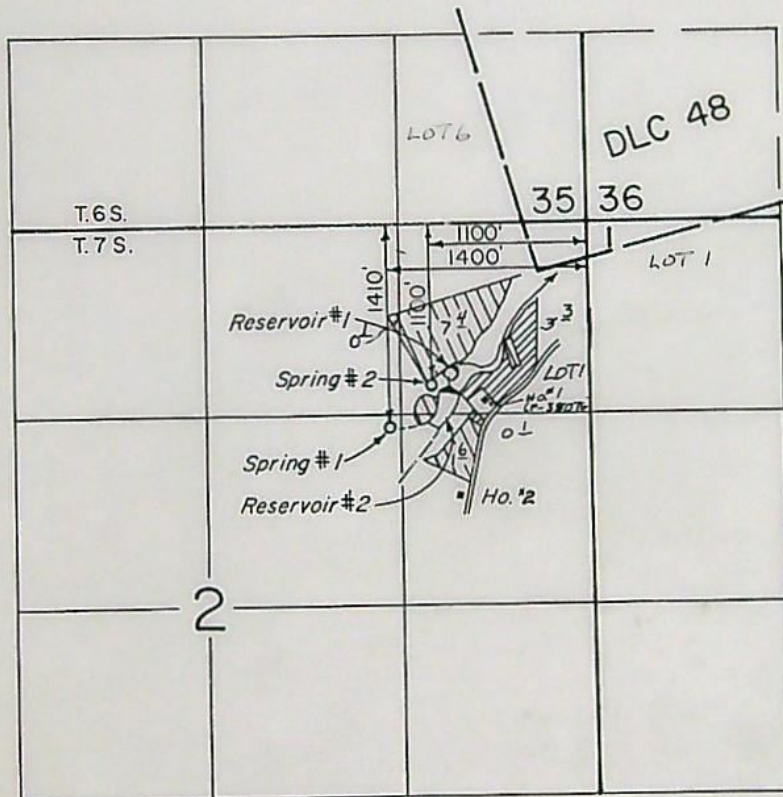
Date	Amount	Check No.

REMARKS

Partial Cancelled Vol 26 pg 65 Cert # 44022 (superseded)

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

T.6&7S.,R.4W.,W.M.



Reservoirs Located: #1- 1000' S. & 920' W.; #2- 1170' S. & 960' W.;
both from the NE corner Section 2

FINAL PROOF SURVEY

UNDER
TRANSFER NO. 2781

R-47400 R-6157
47937 38076

Application No. 55224 Permit No. 41617

IN NAME OF

W. J. KVARSTEN

Surveyed NOV. 4, 1981, by *[Signature]*

Revised: 4-27-90 *[Signature]*

DFP-2LL-181, DFP-2D-36, PTS-1981-B

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

W.J. KVARSTEN
4245 EAGLE CREST ROAD, N.W.
SALEM, OREGON 97304

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of the WILLAMETTE RIVER, for the purpose of IRRIGATING 9.1 ACRES.

This right has been perfected under Permit 18874. The date of priority is MARCH 15, 1949. This right is limited to 0.11 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 1 (NE 1/4 NE 1/4), SECTION 2, T 7 S, R 4 W, W.M.; 1000 FEET SOUTH AND 920 FEET WEST FROM THE NE CORNER OF SECTION 2.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the place of use under this right, and to which this right is appurtenant, is as follows:

LOT 1 (NE 1/4 NE 1/4)	7.4 ACRES
NW 1/4 NE 1/4	0.1 ACRE
SE 1/4 NE 1/4	1.6 ACRES
SECTION 2	
TOWNSHIP 7 SOUTH, RANGE 4 WEST, W.M.	

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered APRIL 14, 1978 and supersedes certificate 44022, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date AUGUST 13, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64586.

T-2781.JW

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF W. J. KVARSTEN FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM AN UNNAMED STREAM)

ORDER APPROVING
TRANSFER NO. 2781

On March 28, 1973, an application was filed in the office of the Water Resources Director by W. J. Kvarsten for approval of a change in point of diversion from an unnamed stream, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44022, Volume 36, State Record of Water Right Certificates, in the name of Theodore E. Burns, describes a right for the use of not to exceed 0.14 cubic foot per second from an unnamed stream for irrigation of 7.5 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 7 South, Range 4 West, W.M., with a date of priority of March 15, 1949.

The authorized point of diversion of water for the said right is located 1000 feet South and 600 feet West from the Northeast Corner of Section 2, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 2.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1100 feet South and 950 feet West from the Northeast Corner of Section 2, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 2.

Mr. Clayton Gardner, Watermaster, has filed a statement 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 requested change in point of diversion, as 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 under the subject right.

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

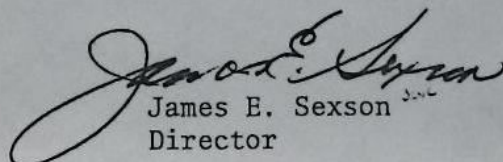
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the said certificate of water right recorded at page 44022, Volume 36, State Record of Water Right Certificates, is canceled, 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 the applicant herein.

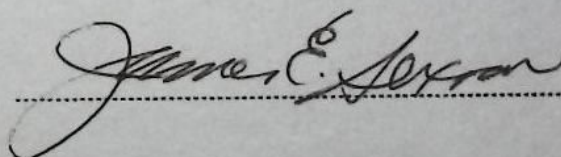
Dated at Salem, Oregon, this 14th day of April, 1978.


James E. Sexson
Director

STATE OF OREGON, }
County of Marion. } ss.

I, _____ James E. Sexson _____, Water Resources Director of the State of Oregon,
do hereby certify that the foregoing copy of _____ order entered April 14, 1978, and recorded
_____ at page 521, Volume 30, Special Order Record of the Water Resources Department
has been compared with the original and that it is a correct transcript therefrom and the whole of
such original _____ special order _____ as the same appears
_____ of record _____ in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ 14th _____ day of
_____ April _____, 1978 _____



Director

By _____

STATE OF OREGON

COUNTY OF

POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That THEODORE E. BURNS

of 2045 Wallace Rd., Salem, State of Oregon, 97304, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of an unnamed stream

a tributary of Willamette River for the purpose of irrigation of 11.3 acres

under Permit No. 18874 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 March 15, 1949

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 0.14 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 Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 2, T. 7 S., R. 4 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:

7.5 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
 0.1 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$
 3.7 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 2
 T. 7 S., R. 4 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 23994, Volume 17, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on September 3, 1975.

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. November 23, 1976

James E. Sexson
 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 44022

T#2781

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF W. J. KVARSTEN FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM AN UNNAMED STREAM)

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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 under the subject right.

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

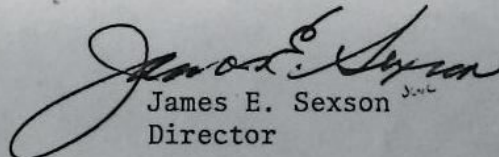
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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Dated at Salem, Oregon, this 14th day of April, 1978.


James E. Sexson
Director