17361

Routil Bat 232

Change in <u>place of use and point of diversion</u> Date filed7-1-74
Date of hearing $3-9-76$
Place of hearing
Date of order 4-14-76 Vol. 27, page 96
Date for application of water 10-1-77
Proof mailed
Certificate issued MAR 16 1979 40, page 47649

to survey 2/18

Name of stream Big Luchiamute K County of Bolk Trib. of ... Use irrigation Name of ditch Date of priority April 12, 1950 In name of Fred Aver & Sons Adjudication, Vol., page App. No. 24601 Per. No. 19649 Cert. No. 24306 Certificate cancelled Notation made on record by

DESCRIPTION OF WATER RIGHT

307

FEES PAID

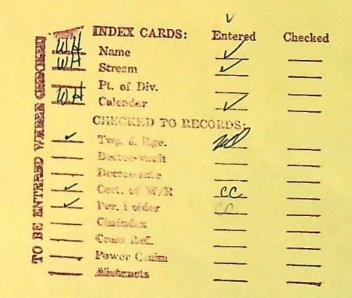
Date	Amount	Receipt No.		
7-1-74	40.00	41734		
7-1-74		41735		
4-1-76	4000 P.O.N. 5.92 PON.	522.42		
TOTAL	¢2 Cert. Fee	52261		

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Le	e T-3081		 	
	46612		 	
	24601			



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION) OF J. W. AUER FOR THE APPROVAL OF) A CHANGE IN PLACE OF USE AND POINT) OF DIVERSION OF WATER FROM LUCKIAMUTE) RIVER

ORDER APPROVING TRANSFER NO. 3080

On July 1, 1974, J. W. Auer filed an application in the office of the Water Resources Director for the approval of a change in place of use and 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 Fred Auer and Sons and recorded at Page 24306, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.37 cubic foot per second of water from Luckiamute River for the irrigation of 0.3 acre in SW¹/₂ SW¹/₂, Section 15, 1.7 acres in SW¹/₂ SE¹/₂, 12.4 acres in SE¹/₂ SE¹/₄, Section 16, 10.0 acres in NE¹/₄ NE¹/₂, 4.5 acres in NW¹/₂ NE¹/₄, Section 21, and 0.6 acre in NW¹/₄ NW¹/₄, Section 22, Township 9 South, Range 5 West, W.M., with a date of priority of April 12, 1950. These lands are irrigated from a point of diversion located 600 feet North and 500 feet West from the Southeast corner of Section 16, being within the SE¹/₄ SE¹/₄, Section 16, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use to 4.0 acres in NE¹/₄ NE¹/₄, 7.6 acres in NW¹/₄ NE¹/₄, Section 20, 1.6 acres in SW¹/₄ SE¹/₄ and 16.3 acres in SE¹/₄ SE¹/₄, Section 17, Township 9 South, Range 5 West, W.M., and to irrigate these lands from a point of diversion to be located 560 feet North and 1090 feet West from the Southeast corner of Section 17, being within the SE¹/₄ SE¹/₄, Section 17, Township 9 South, Range 5 West, W.M. MILLERS FALLS

2. Jack H.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in place of use and point of diversion of water, if any there were, namely: at the county courthouse in Dallas, Oregon, on March 9, 1976, at 9:30 a.m. The notice was published in the Polk Sun, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of January 14, 21 and 28, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Benjamin Monroe, Watermaster of District No. 18, has filed a report 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.

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 0.3 acre in SW_4^1 SW_4^1 of Section 15, 1.7 acres in SW_4^1 SE_4^1 , 12.4 acres in SE_4^1 SE_4^1 of Section 16, 10.0 acres in NE_4^1 NE_4^1 , 4.5 acres in NW_4^1 NE_4^1 , Section 21, and 0.6 acre in NW_4^1 NW_4^1 of Section 22, Township 9 South, Range 5 West, W.M., with a date of priority of April 12, 1950, be severed therefrom and simultaneously and without loss of priority transferred to 1.6 acres in SW_4^1 SE_4^1 , 16.3 acres in SE_4^1 SE_4^1 of Section 17, 4.0 acres in NE_4^1 NE_4^1 and 7.6 acres in NW_4^1 NE_4^1 of Section 20, Township 9 South, Range 5 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Luckianute River, to wit:

ALL COTTON

1 3 1 1

From a point located 600 feet North and 500 feet West from the Southeast corner of Section 16, being within the SET SET of Section 16, Township 9 South, Range 5 West, W.M.

find in her with

To a point to be located 560 feet North and 1090 feet West from the Southeast corner of Section 17, being within the SET SET of Section 17, Township 9 South, Range 5 West, W.M.

for the irrigation of 1.6 acres in SW_2^1 SE¹, 16.3 acres in SE¹ SE¹, Section 17, 4.0 acres in NE¹/₄ NE¹/₄ and 7.6 acres in NW¹/₄ NE¹/₄, Section 20, Township 9 South, Range 5 West, W.M., with a date of priority of April 12, 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, 1977.

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 0.37 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 the certificate of water right heretofore issued to Fred Auer and Sons and recorded at Page 24306, Volume 17, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to J. W. Auer confirming the extent to which water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 14th day of April, 1976.

JAMES E. SEXSON Director

State Print

STATE OF OREGON

COUNTY OF

PCLK /

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J. W. ALER. FRED AUER and SONS

13630 Simpson RD. At. 1, Box 232, Monmouth , has made proof , State of Cregon 97361 of to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Big Luckiamute River -

a tributary of Willamette River

irrigation of 29.5 acres -

for the purpose of

under Permit No. 19649 v 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 April 12, 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 0.37 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 SEL SEL as projected within the Section 16! Township 9 South, Range 5 West, W.M. 560'N. \$ 560' N. & 1090' W. from SE COR. SEC. 17.

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 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:

> 0p3 acres SW1 SW1 Section 15 1. acres SW SEL 12.4 acres SEL SEL Section 16 10.0 acres NET NET 4.5 acres NHA NEL Section 21 0.6 agres Nut NW Section 22

1.6 ac. Sw+ SE * 16.3 ac. SE+ SE+ SEC. 17 4.0 ac. NE+NE+ 7.6 ac. NW4 NE4 SEC. 20 ALL as prej. when SIMPSON DLC. 69

All as projected within Williams DLC #59 T.95., R.S.W., W.M. Township 9 South, Range 5 Nest, W.M.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the WRD entered April 14, 176 and supersedes certificate of water right recorded on page 24306 Volume 17, SRWRC.

this 10th

WITNESS the signature of the state Engineer, affacea

Cetober , 1958 .

LEATS A. STANLEY

day of

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17 , page 24306

Legal Notice

NOTICE OF FILING APPLICATIONS FOR CHANGES IN POINTS OF DIVERSION AND PLACES OF USE OF WATER

Notice is given hereby that J. W. Auer has filed applications for the approval of changes in points of diversion and places of use of water from Luckiamute River.

Certificate of water right issued to Fred Auer & Sons and recorded at page 24306. Volume 17, State Record of Water Right Certificates, confirms a right to the use of 0.37 cubic foot per second from Luckiamute River for the irrigation of 29.5 acres, with a date of priority of April 12, 1950. Water for this use is diverted from a point located 600 ft. N. and 500 ft. W. from the SE corner of Sec. 16, being within the SE1/4 SE1/4, Sec. 16, T. 9 S., R. 5 W., W.M. The applicant herein, owner of the land above described, proposes to change the place of use to the irrigation of 4.0 acres in NE¼ NE¼, 7.6 acres in NW1/4 NE1/4, Sec. 20, 1.6 acres in SW1/4 SE1/4 and 16.3 acres in SE¼ SE¼, Sec. 17, T. 9 S., R. 5 W., W.M., and to irrigate these lands from a point of diversion located 560 ft. N. and 1090 ft. W. from the SE corner of Sec. 17, being within the SE1/4 SE1/4, Sec. 17, T. 9 S., R. 5 W., W. M.

Certificate of water right issued to J. W. Auer and recorded at page 40693, Volume 32, State Record of Water Right Certificates, confirms a right to the use of 1.90 cubic feet per second from Luckiamute River for the irrigation of, among other lands, 29.5 acres, with a date of priority of April 30, 1970. The applicant herein, owner of the lands above described, proposes to change the place of use to the irrigation of 1.7 acres in SW1/4 SE1/4, 12.4 acres in SE¼ SE¼, Sec. 16, 0.3 acre in SW1/4 SW1/4, Sec. 15, 10.0 acres in NE¼ NE¼, 4.5 acres in NW1/4 NE1/4, Sec. 21, and 0.6 acre in NW1/4 NW1/4, Sec. 22, T. 9 S., R. 5 W., W. M., and to irrigate these lands from a point of diversion located 600 ft. N. and 500 ft. W. from the SE corner of Sec. 16, being within the SE1/4 SE14, Sec. 16, T. 9 S., R. 5 W., W. M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Dallas, Oregon, on March 9, 1976, 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 J. W. Auer, Route 1, Box Monmouth, Oregon 97361, and one copy filed with the Water Resources Department, Salem, Oregon, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objections are 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.

RECEIVED JAN 3 0 1976 WATER RESCURCES DEPT. SALEM, OREGON Affidavit Of Publication

STATE OF OREGON,)
) ss. County of Polk)
I,Frank Parchman, being
first duly sworn, depose and say I am the PUBLISHER
of the Sun-Enterprise, a newspaper of general circulation as defined by ORS
193.010 and 193.020, printed and published at Monmouth in the aforesaid county and
state; that the <u>Notice of filing</u>
<u>applications for changes - Diversion and</u>
places of water use, a printed copy of which is hereto annexed,
was published in the entire issue of said newspaper for Three
successive and consecutive weeks in the following issues:
Jan 14, 21, 28, 1976

Tyle P

Subscribed and sworn to before me this

1970

Notary Public for Oregon.

28

day of

(My Commission Expires

Suno 23, 1979

Commission

Dated at Salem, Oregon, this 30th day of December, 1975.

JAMES E. SEXSON Director Published Jan. 14, Jan. 21, Jan. 28, 1976.