

2732

2732

STATUS OF APPLICATION

Change in Place of Use
 Date filed Nov 9, 1972
 Date of hearing _____
 Place of hearing _____
 Date of order 3-24-73 Vol. 23, page 12
 Date for application of water October 1, 1973
 Proof mailed _____
 Proof received _____
 Certificate issued JUN 7 1983 Vol. 46, page 51599

DESCRIPTION OF WATER RIGHT

Name of stream McKenzie River
 Trib. of _____ County of Linn
 Use Irrigation
 Quantity of water _____ No. of acres 400
 Name of ditch _____
 Date of priority Feb. 9, 1939
 In name of Muddy Creeks Irr. Project
 _____ Adjudication, Vol. _____, page _____
 App. No. 17802 Per. No. 17510 Cert. No. 36644
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-9-72</u>	<u>21.50</u>	<u>31385</u>
TOTAL . . .		
<u>11-9-72</u>	<u>3.00</u> Cert. Fee	<u>31386</u>

FEES REFUNDED

Date	Amount	Check No.

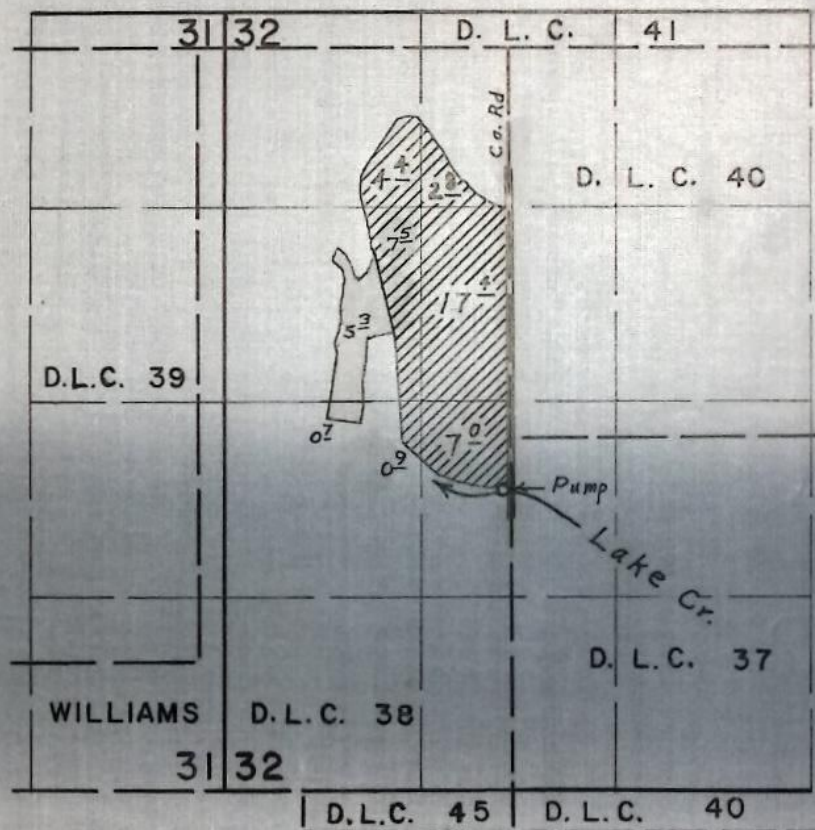
REMARKS

Issue certificate confirming any other changes (none to date 2-8-79)

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

Muddy Creeks
 SP-70822-119
WAC

T.13 S. R.4 W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. _____ Transfer No. 2732
Permit No. _____
IN NAME OF

MUDDY CREEKS IRRIGATION PROJECT

Surveyed Oct. 14, 1974, by Larry M. Toll

STATE OF OREGON

COUNTY OF LANE and LINN

CERTIFICATE OF WATER RIGHT

This Is To Certify, That MUDDY CREEKS IRRIGATION PROJECT

of Harrisburg, 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 Muddy Creek, McKenzie River, Lake Creek, Dry Muddy Creek, Little Muddy Creek a tributary of Willamette River for the purpose of irrigation of 3,675.8 acres and supplemental irrigation of 188.4 acres under Permit No. 17510 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 February 9, 1939

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 48.30 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 Location of points of diversion and Diversion points located below:

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 3 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:

PRIMARY IRRIGATION

McKenzie River and Muddy Creek

1.7 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Brattain DLC 42
4.0 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Brattain DLC 42

Section 33

T. 12 S., R. 4 W., W. M.

5.7 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Brattain DLC 66
10.0 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Brattain DLC 66

Section 4

8.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Smith DLC 55
24.4 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Smith DLC 55
2.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Smith DLC 55
0.1 acre	NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Yarborough DLC 72
1.1 acres	Lot 1 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
2.4 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Yarborough DLC 72
25.4 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Smith DLC 55

Section 27

T. 13 S., R. 4 W., W. M.

PRIMARY IRRIGATION

McKenzie River and Muddy Creek

1.2 acres Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
 10.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Smith DLC 55
 3.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Smith DLC 55
 Section 34

2.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Morris DLC 73
 7.5 acres Lot 1 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
 28.4 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 35

T. 13 S., R. 4 W., W. M.

4.1 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 1.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 2.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 30

T. 14 S., R. 3 W., W. M.

7.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 14

~~5.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$~~

~~Section 24~~

~~22.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$~~

~~12.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$~~

10.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 25

8.3 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 17.4 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 30.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 12.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 22.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 24.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 17.7 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 4.6 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 16.3 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 31.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 24.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 32.4 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 26

1.8 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 14.8 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 28.7 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 16.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 37.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 33.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 21.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 24.1 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 0.2 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$
 6.9 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35

6.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 4.8 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 36

T. 14 S., R. 4 W., W. M.

2.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 13.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 5

6.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 7.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 8

12.6 acres Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)

Section 18

T. 15 S., R. 3 W., W. M.

SUPPLEMENTAL IRRIGATION

McKenzie River

7.8 acres	Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	Section 13
11.6 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	
13.2 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 26
1.3 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	
5.4 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	
16.3 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	
8.2 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 35
	T. 15 S., R. 4 W., W. M.	
2.2 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Ingraham DLC 56	Section 1
13.5 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cochran DLC 52	
1.5 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Cochran DLC 52	
10.4 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Ingraham DLC 56	Section 2
8.4 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Ingraham DLC 56	
18.1 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Ingraham DLC 56	
12.2 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Hays DLC 53	
8.4 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Hays DLC 53	
13.8 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Hays DLC 53	Section 11
0.2 acre	NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Ingraham DLC 56	
0.5 acre	NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Ingraham DLC 56	
7.8 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Hays DLC 53	
1.3 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Hays DLC 53	
26.3 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Rowe DLC 54	Section 12
	T. 16 S., R. 4 W., W. M.	

Location of points of diversion:

McKenzie River - NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Spores DLC 38, Section 9,
T. 17 S., R. 3 W., W. M.

Lake Creek - SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Parks DLC 41, Section 5; SE $\frac{1}{4}$ NE $\frac{1}{4}$,
as projected within Bond DLC 42, Section 17, T. 14 S., R. 4 W.,
W. M.

Dry Muddy Creek - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T. 15 S., R. 4 W., W. M.; SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 6, T. 16 S., R. 3 W., W. M.

Little Muddy Creek - NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, T. 14 S., R. 3 W., W. M.; SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 14; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24; T. 14 S., R. 4 W., W. M.

Muddy Creek - NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Brattain DLC 42, Section 4;
NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Smith DLC 55, Section 27; NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 35; T. 13 S., R. 4 W., W. M.; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14;
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26; NW $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36; T. 14 S., R. 4 W.,
W. M.; NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19; NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within
Maxwell DLC 54, Section 29; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30;
SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Greenwood DLC 64, Section 32;
T. 15 S., R. 3 W., W. M.; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within
McDaniel DLC 50, SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within McDaniel DLC 50,
Section 1; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2; SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within
Fountain DLC 48, Section 12; SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within
Schooling DLC 46, Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 13; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section
24; T. 15 S., R. 4 W., W. M.; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec-

Muddy Creek, continued:

tion 5; NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Smith DLC 53, Section 16; SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Davis DLC 41, Lot 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21; NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Swearingen DLC 37, Section 34; T. 16 S., R. 3 W., W. M.

Diversion points located:

McKenzie River - 4440 feet South and 5250 feet East from SE Corner, Mansfield DLC 79, Section 5, T. 17 S., R. 3 W., W. M.

Lake Creek - 260 feet South and 860 feet East from NW Corner, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5; 1350 feet South and 20 feet West from NE Corner, Section 17; T. 14 S., R. 4 W., W. M.

Dry Muddy Creek - 1460 feet North and 1410 feet West from SE Corner, Section 24, T. 15 S., R. 4 W., W. M., 1740 feet South and 2150 feet East from NW Corner, Section 6, T. 16 S., R. 3 W., W. M.

Little Muddy Creek - 2570 feet North and 1060 feet West from SE Corner, Section 30, T. 14 S., R. 3 W., W. M.; 1770 feet South and 300 feet West from E $\frac{1}{4}$ Corner, Section 14, T. 14 S., R. 4 W., W. M.; 500 feet North and 670 feet West from SE Corner, Section 24, T. 14 S., R. 4 W., W. M.

Muddy Creek - 670 feet North and 2990 feet West from NE Corner, Coon DLC 49, Section 4; 2800 feet North and 670 feet West from SE Corner, Smith DLC 55, Section 27; 780 feet North and 1120 feet East from SE Corner, Allingham DLC 54, Section 35; T. 13 S., R. 4 W., W. M. 420 feet South and 2460 feet West from NE Corner, Section 14; 1510 feet South and 260 feet West from NE Corner, Section 26; 3330 feet North and 2160 feet West; 3160 feet North and 1110 feet West; 2090 feet North and 2650 feet West; 760 feet North and 1320 feet West; 80 feet North and 1490 feet West; All from SE Corner, Section 26, T. 14 S., R. 4 W., W. M. 1280 feet South and 2520 feet West; 3150 feet South and 1610 feet West; 2600 feet South and 710 feet East; All from NE Corner, Section 35, T. 14 S., R. 4 W., W. M. 1580 feet North and 1690 feet East from SW Corner, Section 19; 2130 feet South and 520 feet West from NW Corner, Snodgrass DLC 62, Section 29; 3830 feet North and 1900 feet West; 1350 feet North and 490 feet West; Both from NW Corner, Greenwood DLC 64, Section 30; 2810 feet North and 2090 feet West from SE Corner, Section 32, T. 15 S., R. 3 W., W. M. 1310 feet North and 2850 feet West; 860 feet North and 2950 feet West; 620 feet North and 2030 feet West; 1900 feet South and 680 feet West; All from NE Corner, McDaniel DLC 50, Section 1; 1670 feet South and 1680 feet East from NW Corner, McDaniel DLC 50, Section 2, 860 feet South and 2180 feet East from NW Corner, Fountain DLC 48, Section 11; 1910 feet North and 2590 feet East from NE Corner, Roach DLC 52, Section 13; 1090 feet North and 250 feet West; 1880 feet South and 1530 feet West; Both from NE Corner, Section 24; T. 15 S., R. 4 W., W. M. 910 feet South and 1940 feet West from NE Corner, Section 5; 2110 feet North and 2620 feet East; 3500 feet East; Both from SW Corner, Section 5; 960 feet South and 710 feet West from NW Corner, Wilkins DLC 52, Section 16; 4190 feet North and 2190 feet East from NE Corner, Brown DLC 58, Section 29; 3900 feet South and 550 feet East from NE Corner, Davis DLC 41, Section 21; 2800 feet South and 1940 feet East from SE Corner, Van Dyne DLC 61, Section 33; T. 16 S., R. 3 W., W. M.

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 30th day of March, 1970.

CHRIS L. WHEELER

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF LEE W. AND LUCILE C. FOSTER)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM MCKENZIE)
RIVER)

ORDER APPROVING
TRANSFER NO. 2732

On November 9, 1972, Lee W. and Lucile C. Foster filed an application in the office of the State Engineer for the approval of a change in place of use of water from the McKenzie River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Muddy Creek Irrigation Project and recorded at page 36644, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.5 cubic feet per second of waters of McKenzie River for the irrigation of 5.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, 22.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 14 South, Range 4 West, W.M., with a date of priority of February 9, 1939.

The applicant herein, owner of the lands above described, proposes to transfer the water right for the use of water from McKenzie River, without loss of priority, to 3.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 17.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 13 South, Range 4 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.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, and 22.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 14 South, Range 4 West, W.M., with a date of priority of February 9, 1939, be severed therefrom and simultaneously and without loss of priority, transferred to 3.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 17.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 13 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right will be issued to the Muddy Creek Irrigation Project confirming this and other changes within the District.

Dated at Salem, Oregon, this 21st day of March, 1973.

/s/ CHRIS L. WHEELER
State Engineer