

Rt 1, Box 113 C
Philomath Or 97370

3035

STATUS OF APPLICATION

Change in point of diversion
Date filed 5-7-74
Date of hearing _____
Place of hearing _____
Date of order 10-30-75 Vol. 26, page 153
Date for application of water 10-1-76
Proof mailed _____
Proof received AUG 30 1976
Certificate issued Vol. 35, page 43542
Confirming APR 15 1977 Survey 2 11255

DESCRIPTION OF WATER RIGHT

Name of stream Luckiamute R.
Trib. of _____ County of Benton
Use irrigation
Quantity of water 0.13 No. of acres 10.3
Name of ditch _____
Date of priority June 26, 1948
In name of R. Schmelz
_____ Adjudication, Vol. _____, page _____
App. No. 23233 Per. No. 18347 Cert. No. 20658
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-7-74</u>	<u>30.00</u>	<u>39941</u>
TOTAL . . .	<u>3.00</u>	
<u>5-7-74</u>	Cert. Fee	<u>39942</u>

FEES REFUNDED

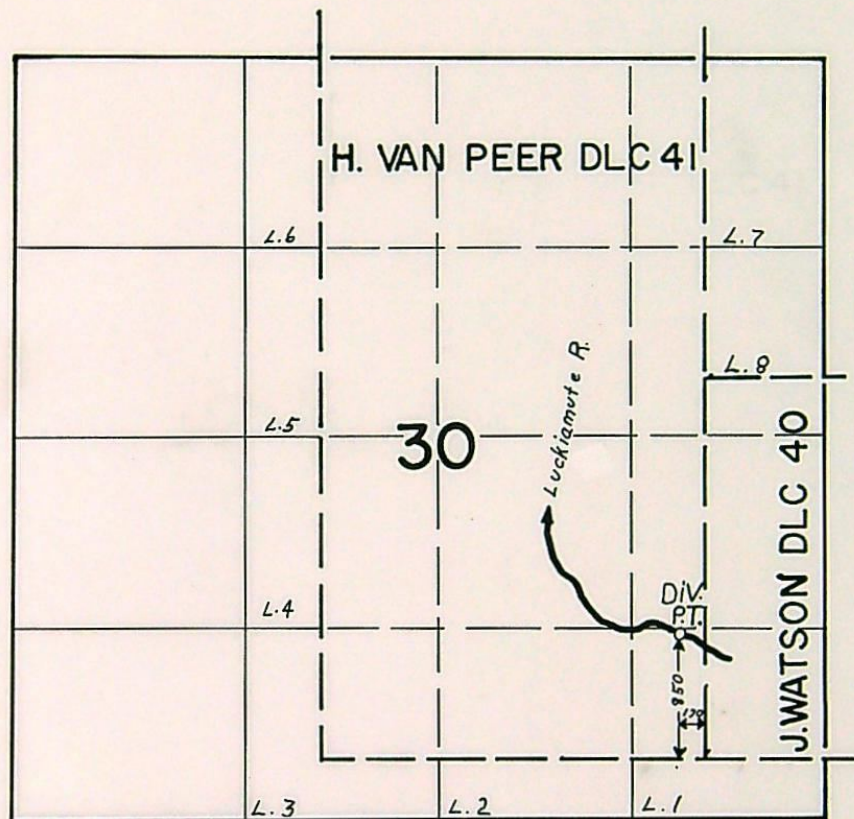
Date	Amount	Check No.

REMARKS

See 23233

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Stream	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Calendar	<u> </u>	<u> </u>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Decree-vault	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Decree-sale	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Per. & order	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Chaindex	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Cross Ref.	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Power Claim	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Abstracts	<u> </u>	<u> </u>

T.10S.R.6W.W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3035

Application No. Permit No.
IN NAME OF

JAMES H. JOHNSON

Surveyed MAR. 29. 1976., by C.R. KING

STATE OF OREGON

COUNTY OF

BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

R. SCHMELZ

of Hoskins, State of Oregon, 97353, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Luckiamute River

a tributary of Willamette River for the purpose of irrigation of 19.7 acres

under Permit No. 18347 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 June 21, 1948

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 0.25 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within H. Van Peer DLC 41, Section 30, T. 10 S., R. 6 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:

9.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 10.1 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Both projected within H. Van Peer DLC 41
 Section 30
 T. 10 S., R. 6 W., W. M.

An order of the Water Resources Director entered October 30, 1975 approved a change in point of diversion for the irrigation of 10.3 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to R. Schmeltz recorded at Page 20658, Volume 15, 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, 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. August 30, 1976

James E. Sexson

Water Resources Director

STATE OF OREGON

COUNTY OF

BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES H. JOHNSON

of Rt. 1, Box 113-C, Philomath, State of Oregon, 97370, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Luckiamute River

a tributary of Willamette River for the purpose of the irrigation of 10.3 acres

under Permit No. 18347 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 June 21, 1948

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 0.13 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 $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within H. Van Peer DLC 41, Section 30, T. 10 S., R. 6 W., W. M., 850 feet North and 170 feet West from the SE Corner, H. Van Peer DLC 41

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:

2.7 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$

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

Both as projected within H. Van Peer DLC 41

Section 30

T. 10 S., R. 6 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order entered October 30, 1975, and together with certificate 43542 supersedes certificate 20658.

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. April 15, 1977

James E. Sexson

Water Resources Director

STATE OF OREGON

COUNTY OF BENTON

43542
S. O. R. 26 p 153

CERTIFICATE OF WATER RIGHT

This Is To Certify, That James H. Johnson
Rt 1 Box 113C Philomath R. SCHMELZof ~~Hoskins~~ Philomath, State of Oregon 97370, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Luckiamute River, a tributary of Willamette River for the purpose ofthe irrigation 10.3 acresunder Permit No. 18347 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 June 21, 1948; 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 ~~0.38~~ 0.13 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 ~~NW 1/4~~ SE 1/4, as projected within H. Van Peer D.L.C. No. 41, Section 30, Township 10 South, Range 6 West, W. M. 850' N 170' W from the SE cor H. Van Peer D.L.C. 41The 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 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:

~~9.6 acres in NW 1/4 SE 1/4, as projected within H. Van Peer D.L.C. No. 41~~
2.7 ~~12.8~~ 12.8 acres in ~~SW 1/4 SE 1/4~~ SW 1/4 SE 1/4, as projected within H. Van Peer D.L.C. No. 41
7.6 acres in ~~SE 1/4 SE 1/4~~ SE 1/4 SE 1/4, as projected within H. Van Peer D.L.C. No. 41
Section 30
Township 10 South, Range 6 West, W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows:

This certificate is issued to confirm a change in ~~place of use and~~ point of diversion approved by an order of the Water Resources Director entered Oct 30, 1975, together with cert 43542 and supersedes certificate of water right issued to 20658

beginning at south range 6 west of Willamette Meridian, running North 22.86 rods, thence West 70 rods, thence South 22.86 rods, thence East 70 rods to the place of beginning, containing 10 acres, all situated in Benton County, Oregon.

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 31st day of December, 1954

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20658.

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

This Is To Certify, That R. SCHMELZ

use 97353
Kings Valley Zip Code

of Hoskins, 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 Luckiamute River, a tributary of Willamette River for the purpose of irrigation ~~of~~ 19.7 acres under Permit No. 18347 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 June 21, 1948

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 ~~0.38~~ cubic foot per second, 0.25

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within H. Van Peer D.L.C. No. 41, Section 30, Township 10 South, Range 6 West, 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:

9.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within H. Van Peer D.L.C. No. 41
10.1 ~~12.8~~ acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within H. Van Peer D.L.C. No. 41
~~7.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within H. Van Peer D.L.C. No. 41~~
Section 30
Township 10 South, Range 6 West, W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows:

Lot Four containing sixteen acres and Lot Three containing twenty-three and 45/100 acres in Section Thirty, Township Ten South and Range Six West of the Willamette Meridian in Benton County, State of Oregon. Also beginning at the South west corner of the James Watson Donation Land Claim in Township 10 South Range 6 West of the Willamette Meridian thence running North 12.73 chains to the South Bank of the Luckiamute River, thence up stream North 85° West 9 chains, North 40° West 8 chains North 29° West 4.40 chains, thence West 23.71 chains thence South 23.37 chains, thence East 40.00 chains to the place of beginning containing 80 acres more or less in Benton County, State of Oregon. Excepting therefrom the following: Beginning at the South West corner of the James Watson Donation Land Claim in Township 10 South Range 6 West of Willamette Meridian, running North 22.86 rods, thence West 70 rods, thence South 22.86 rods, thence East 70 rods to the place of beginning, containing 10 acres, all situated in Benton County, Oregon.

An order of the Water Resources Director entered October 30, 1975 approved a change in point of diversion for ~~for~~ the irrigation of ^{10.3} ~~4.3~~ acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to R. Schmelz recorded at page 20658 ^{Vol. 151}, State Record of Water Right Certificates.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION)
OF JAMES H. JOHNSON FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM LUCKIAMUTE)
RIVER)

ORDER APPROVING
TRANSFER NO. 3035

On May 7, 1974, James H. Johnson filed an application in the office of the Water Resources Director for the approval of a change in 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 R. Schmelz and recorded at page 20658, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.38 cubic foot per second of water from Luckiamute River for the irrigation of, among other lands, 2.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 10 South, Range 6 West, W.M., with a date of priority of June 21, 1948. These lands are irrigated from a point of diversion located 1375 feet North and 1500 feet West from the Southwest corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 10 South, Range 6 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 800 feet North and 250 feet West from the Southeast corner of DIC 41, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 10 South, Range 6 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. Gene McGinnis, Watermaster of District No. 2, 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 Luckiamute River, to wit:

From a point located 1375 feet North and 1500 feet West from the Southwest corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 10 South, Range 6 West, W.M.

To a point to be located 800 feet North and 250 feet West from the Southeast corner of DIC 41, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 10 South, Range 6 West, W.M.

for the irrigation of 2.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 10 South, Range 6 West, W.M., with a date of priority of June 21, 1948, 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, 1976.

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 0.13 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 R. Schmelz and recorded at page 20658, Volume 15, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to James H. Johnson confirming the change in point of diversion.

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

/s/ JAMES E. SEXSON
Director