

3139

STATUS OF APPLICATION

Change in print of dimension, glass used type of use
 Date filed 10-10-74
 Date of hearing April 13, 1976
 Place of hearing newport
 Date of order 5-28-76 Vol. 27, page 215
 Date for application of water 10-1-77 10-1-79
 Proof mailed JUL 15 1992
 Proof received OCT 26 1992
 Certificate issued Vol. 67935

DESCRIPTION OF WATER RIGHT

Name of stream Siletz River
 Trib. of County of Lincoln
 Use irrigation P
 Quantity of water 11 6 No. of acres
 Name of ditch
 Date of priority February 11, 1953
 In name of Lester & Effie Waltman
 Adjudication, Vol. 28093, page 2209a
 App. No. 28093 Per. No. 2209a Cert. No. 21826
 Certificate cancelled
 Notation made on record by OK Cert 9/25/92

FEES PAID

Date	Amount	Receipt No.
10-10-74	15.00	43294
6-13-75	25.00	47660
PO# 6-13-75	PO# 15.00	47661
TOTAL	3.07	47661
3-30-76	1.98	54989
3-12-76		

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See app #28093

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

Atty. Gen. James Carver, Jr. File No. T-3139

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Transfer

Application No. 3139

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Michael R. Gerttula

the holder of Permit No.

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 10th day of September, 1979

Remarks:

OK Jir

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of September, 1979

Michael R. Gerttula

ST. PT. KERNICK, Lincoln City, Ore.

(Signature of Applicant)

(Address)

RECEIVED

SEP 13 1979

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF LINCOLN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILFRED R. GERTTULA
STAR ROUTE KERNVILLE, BOX 1800
LINCOLN CITY, OREGON 97367

confirms the right to use the waters of SILETZ RIVER, a tributary of PACIFIC OCEAN, for IRRIGATION OF 11.6 ACRES.

This right was perfected under Permit 22090. The date of priority is FEBRUARY 11, 1953. This right is limited to 0.15 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source. 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 0.15 cubic foot per second.

The point of diversion is located as follows:

LOT 8 (SW 1/4 SW 1/4), SECTION 9, T 9 S, R 10 W, W.M.; 1980 FEET SOUTH AND 660 FEET EAST, FROM THE WEST QUARTER CORNER OF SECTION 9.

The amount of water used for irrigation 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NW 1/4 SW 1/4	2.4 ACRES
LOT 7 (SW 1/4 SW 1/4)	2.5 ACRES
LOT 8 (SW 1/4 SW 1/4)	6.7 ACRES
SECTION 9	
TOWNSHIP 9 SOUTH, RANGE 10 WEST, W.M.	

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

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.

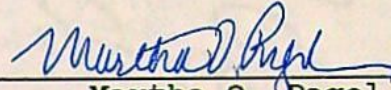
THIS CERTIFICATE IS ISSUED TO CONFIRM A CHANGE IN PLACE OF USE AND POINT OF DIVERSION APPROVED BY THE WATER RESOURCES DIRECTOR ENTERED MAY 28, 1976 AND SUPERSEDES CERTIFICATE 21826 STATE RECORD OF WATER RIGHT CERTIFICATES.

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.

SEE NEXT PAGE

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed
OCTOBER 26, 1992.



Martha O. Pagel



Recorded in State Record of Water Right Certificates numbered 67935.

T-3139.JSR

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Lincoln County

IN THE MATTER OF THE APPLICATION OF
M. R. WOOD, ROBERT UPENKELDER, S & W,
INC., FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION AND PLACE OF USE OF
WATER FROM SILETZ RIVER

ORDER APPROVING
TRANSFER NO. 3139

On October 10, 1974, M. R. Wood, Robert Upenkelder, S & W, Inc., filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from Siletz River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Lester and Effie Waltman and recorded at Page 21826, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.15 cubic foot per second of water from Siletz River for the irrigation of 8.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 2.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 10 South, Range 10 West, W.M., with a date of priority of February 11, 1953. These lands are irrigated from a point of diversion located 1648 feet North and 610 feet West from the Southeast corner of Section 2, being within Lot 17 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 2, Township 10 South, Range 10 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use to 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 9 South, Range 10 West, W.M., and to irrigate these lands from a point of diversion to be located 2054 feet South and 407 feet East from the West quarter-corner of Section 9, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 9 South, Range 10 West, W.M.

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 point of diversion of water, if any there were, namely: at the

county courthouse in Newport, Oregon, on April 13, 1976, at 9:30 a.m. The notice was published in the Lincoln City News-Guard, a newspaper printed and having general circulation in Lincoln County, Oregon, for a period of three weeks in the issues of February 19, 26 and March 4, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Ben Monroe, Watermaster of District No. 18, has filed a report to the effect that the proposed change in point of diversion and place of use of water may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion and place of use 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 8.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 10 South, Range 10 West, W.M., with a date of priority of February 11, 1953, be severed therefrom and simultaneously and without loss of priority be transferred to 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 9 South, Range 10 West, W.M.

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

From a point located 1648 feet North and 610 feet West from the Southeast corner of Section 2, being within Lot 17 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, Township 10 South, Range 10 West, W.M.

To a point to be located 2054 feet South and 407 feet East from the West quarter-corner of Section 9, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 9 South, Range 10 West, W.M.

for the irrigation of 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 9 South, Range 10 West, W.M., with a date of priority of February 11, 1953, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion and place of use 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 0.15 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 Lester and Effie Waltman and recorded at Page 21826, Volume 16, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued confirming the extent to which water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 28th day of May, 1976.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON
COUNTY OF LINCOLN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That LESTER & EFFIE WALTMAN

of Logsdon, 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 Siletz River a tributary of Pacific Ocean for the purpose of irrigation under Permit No. 22090 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 11, 1953

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 0.15 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 17 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 2, Township 10 South, Range 10 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:

1.3 acres in Lot 17 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
7.5 acres in Lot 18 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
0.9 acres in Lot 15 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
1.9 acres in Lot 16 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 2
Township 10 South, Range 10 West, 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 28th day of November, 19 56

LEWIS A. STANLEY

State Engineer

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION AND PLACE OF USE.

NOTICE IS GIVEN HEREBY that M.R. Wood, Robert Updenkelder, S. & W., Inc., have filed an application for the approval of a change in point of diversion and place of use of water from Siletz River.

Certificate of water right issued to Lester and Effie Waltman and recorded at Page 21826, Volume 16, State Record of Water Right Certificates, confirms a right to the use of 0.15 cubic foot per second from Siletz River for the irrigation of 8.8 acres in NE 1/4 SE 1/4, and 2.8 acres in SE 1/4 NE 1/4, Sec. 2, T. 10 S., R. 10 W., W.M. with a date of priority of Feb. 11, 1953.

These lands are irrigated from a point of diversion located 1648 ft. N. and 610 ft. W. from the SE corner of Sec. 2, being within the NE 1/4 SE 1/4 of Sec. 2, T. 10 S., R. 10 W., W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 3.5 acres in NW 1/4 SW 1/4 and 8.1 acres in SW 1/4 SW 1/4, Sec. 9, T. 9 S., R. 10 W., W.M., and to irrigate these lands from a point of diversion to be located 2054 feet S. and 407 ft. E. from the W. 1/4 corner of Sec. 9, being within the SW 1/4 SW 1/4, Sec. 9, T. 9 S., R. 10 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Newport, Oregon, on April 13, 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 M.R. Wood, Robert Updenkelder, S & W, Inc., Siletz, Oregon 97380, and one copy filed with the Water Resources Director, 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 Director upon request.

Dated at Salem, Oregon, this 9th day of February, 1976.

James E. Sexson
Director

Publish: Feb. 19, 26, and March 4, 1976.

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Lincoln

ss.

I, David B. Juenke, being first duly sworn,

depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of The News Guard, printer or his foreman of The News Guard, a newspaper of general circulation, as defined by ORS 193.010 and 193.020;

printed and published at Lincoln City in the aforesaid county

and state; that the Notice of Filing Application for a Change in Point of Diversion and Place of Use - Water, a printed copy of which is hereto

Resources Dept.

annexed, was published in the entire issue of said newspaper

for three successive and consecutive weeks in the

following issues: February 19, 26, March 4, 1976

David B. Juenke

Subscribed and sworn to before me this 8th day

of March, 19 76

Chester O. Stallard

Notary Public for Oregon.

My commission expires 18th day of November, 19 77

RECEIVED

MAR 10 1976

WATER RESOURCES DEPT.
SALEM, OREGON