

3629

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in P. O. D.
Date filed 4-18-77
Date of hearing _____
Place of hearing _____
Date of order 5-17-77 Vol. 29, page 20
Date for application of water 10-1-78
Proof mailed _____
Proof received _____

Name of stream Mohawk River
Trib. of _____ County of Lane
Use irrigation
Quantity of water _____ No. of acres 4 1/2
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____

Date	Amount	Receipt No.
<u>4-18-77</u>	<u>22.00</u>	<u>59768</u>
<u>4-6-77</u>	<u>15.00</u>	<u>P-6 59531</u> Trst to Rec Fee
TOTAL . . .		
<u>4-18-77</u>	<u>\$2</u> Cert. Fee	<u>Trst from 59768</u>
<u>3-21-79</u>	<u>82</u>	<u>9778</u>

Certificate issued NOV 28 1977 Vol. 37, page 44978
MAR 30 1979 41 47736
to survey 10/77
5-7-79 Jan

App. No. 37510 Per. No. 27956 Cert. No. 32120
Certificate cancelled _____
Notation made on record by _____

FEES REFUNDED

Date	Amount	Check No.

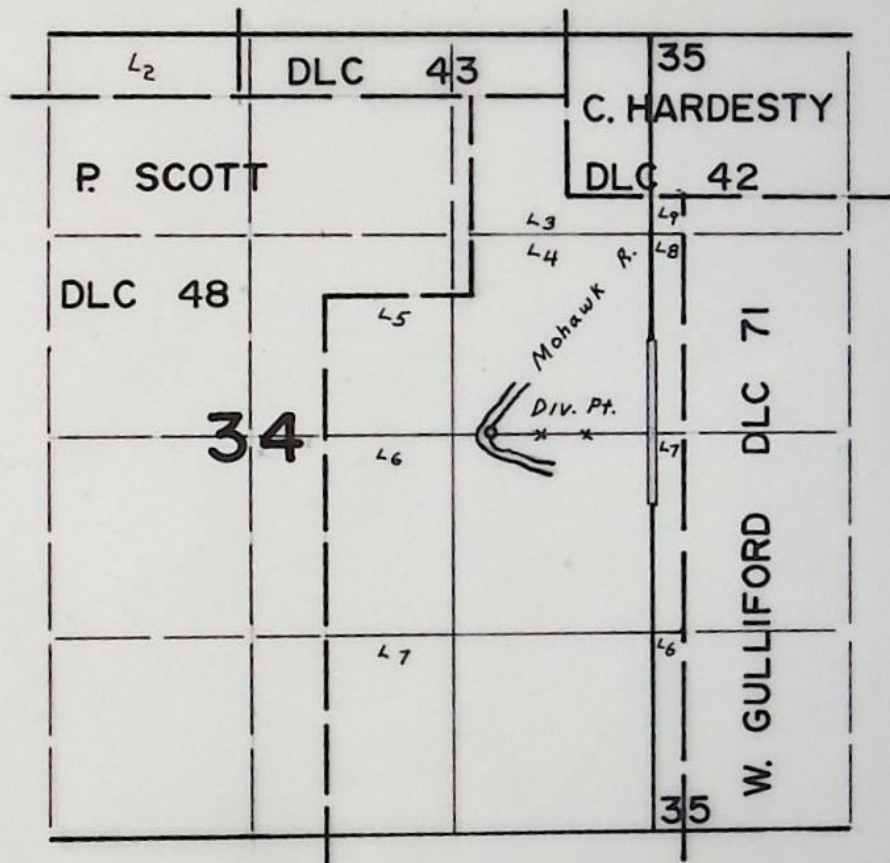
Fees Exam 20-
POD 15-
35-

REMARKS

INDEX CARDS: Entered Checked

<u>WA</u>	Name	<u>✓</u>	<u> </u>
<u>WA</u>	Stream	<u>✓</u>	<u> </u>
<u>WA</u>	Pt. of Div.	<u>✓</u>	<u> </u>
<u>WA</u>	Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:			
<u> </u>	Trp. & Rce.	<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>	Chaindex	<u> </u>	<u> </u>
<u> </u>	Cross Ref.	<u> </u>	<u> </u>
<u> </u>	Power Claims	<u> </u>	<u> </u>
<u> </u>	Abstracts	<u> </u>	<u> </u>

T.16S.R.2W.,W.M.



Div. Pt. Loc. 20' N. & 1070' W. From E 1/4 Cor. Sec. 34

FINAL PROOF SURVEY UNDER

Transfer No. 3629
Application No. Permit No.
IN NAME OF
ROBERT A. WILLCUT

Surveyed MAY 18... 1978, by J. S. DONALDSON

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EARLE S. & EDNA L. GALLUP

of Route 1, Box 122, Springfield, 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 Mohawk River

a tributary of McKenzie River for the purpose of
the irrigation of ~~45.6~~ ^{41.5} acres

under Permit No. 27956 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 March 29, 1962

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 ~~0.57~~ cubic foot per second
0.52

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 4 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 34, T. 16 S., R. 2 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; provided further that the right to use of water is limited to the period when the flow of the Mohawk River is more than 20 c.f.s. at its mouth and when the flow of the McKenzie River is more than 1025 c.f.s. at Interstate Highway 5;

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:

2.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
as projected within Hardesty DIC 42
14.6 acres Lot 3 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
23.5 ~~27.6~~ acres Lot 4 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
0.8 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34
T. 16 S., R. 2 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 32120, Volume 24, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 17, 1977, approving transfer application No. 3629.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

WITNESS the signature of the State Engineer, affixed

this date. April 20, 1965

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32120

T#3629

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Lane County

IN THE MATTER OF THE APPLICATION)
OF ROBERT A. WILLCUT FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MOHAWK RIVER)

ORDER APPROVING
TRANSFER NO. 3629

On April 18, 1977, an application was filed in the office of the Water Resources Director by Robert A. Willcut for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The Certificate recorded at Page 32120, Volume 24, State Record of Water Right Certificates, in the name of Earle S. and Edna L. Gallup, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Mohawk River for irrigation of 4.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 16 South, Range 2 West, W.M., with a date of priority of March 29, 1962.

Water for the said right is diverted from a point located 1500 feet South and 600 feet East from the Northeast corner of DIC No. 48, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 34.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 2238 feet South and 245 feet East from the Northeast corner of DIC No. 48, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 34.

Mr. L. Gene McGinnis, 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 objection 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, and shall not exceed 0.05 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 head-gates 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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Earle S. and Edna L. Gallup and recorded at Page 32120, Volume 24, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, 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 17th day of May, 1977.

/s/ JAMES E. SEXSON
Director