

3685

STATUS OF APPLICATION

Change in POU  
 Date filed 5-26-77  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 9-12-77 Vol. 29, page 304  
 Date for application of water 10-1-79 <sup>EXT</sup> 10-1-80  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued FEB 9 1989 Vol. \_\_\_\_\_, page 60000

DESCRIPTION OF WATER RIGHT

Name of stream Luckiamute River  
 Trib. of \_\_\_\_\_ County of POLK  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 10 1/4  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 25602 Per. No. 20089 Cert. No. 21291  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>5-26-77</u>	<u>\$ 30.00</u>	<u>60793</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>9-26-79</u>	<u>Extension 10%</u>	<u>Receipt 14252</u>

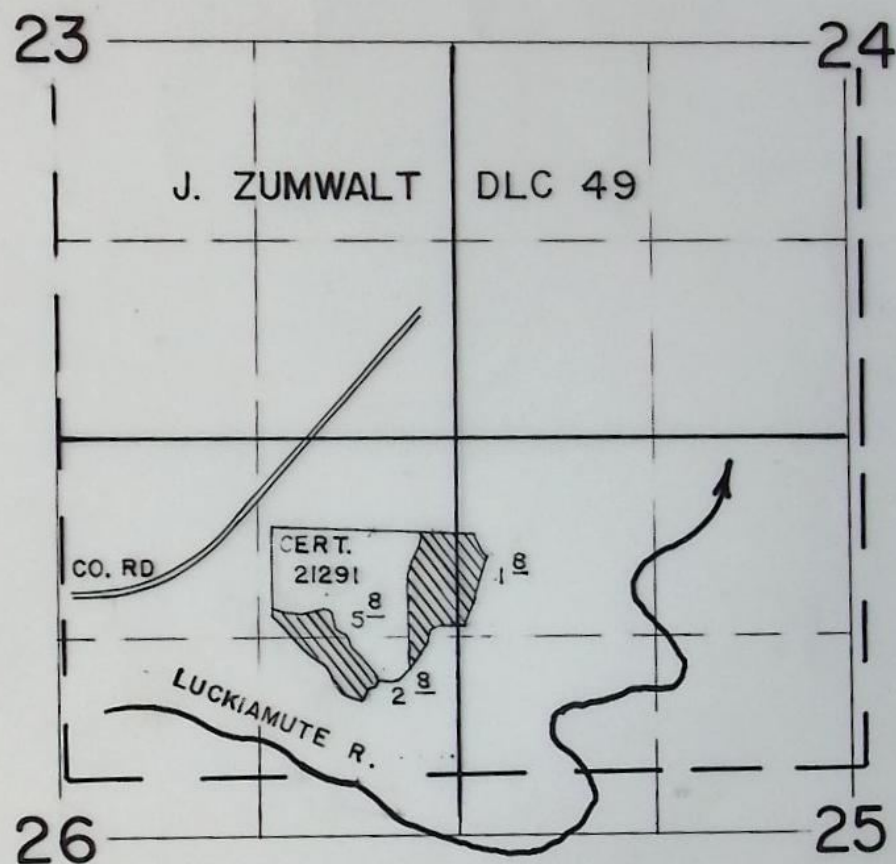
REMARKS

— finish —

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	
<input type="checkbox"/>	Pt. of Div.		
<input type="checkbox"/>	Calendar	<u>lg</u>	
<input type="checkbox"/>	CHECKED TO RECORDS		
<input checked="" type="checkbox"/>	Trp. & Rec.	<u>lg</u>	
<input type="checkbox"/>	Deed-vault		
<input type="checkbox"/>	Deed-safe		
<input checked="" type="checkbox"/>	Cert. of W/R	<u>✓</u>	
<input checked="" type="checkbox"/>	Per. Folder	<u>✓</u>	
<input type="checkbox"/>	Cardindex		
<input type="checkbox"/>	Cross Ref.		
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>	
<input type="checkbox"/>	Abstracts		



T. 9 S., R. 6 W., W.M.



SCALE  
1" = 1320'

**FINAL PROOF SURVEY**  
UNDER

TRANSFER 3685  
IN NAME OF

P. KENDALL CATES

Surveyed AUG. 8... 1984, by ...L...TOLL.....

OK Cant  
SE

**STATE OF OREGON**  
**COUNTY OF POLK**

**CERTIFICATE OF WATER RIGHT**

**This Is to Certify,** That <sup>P. Kendall</sup> ~~E. M.~~ **CATES**

17170 Maple Grove Rd.,  
of Route 2, Box 136, Kormouth, State of Oregon 97361, 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 <sup>on 28.0 acres</sup>  
under Permit No. 20089 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 January 30, 1951.

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  
0.35 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 $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Zumwalt D.L.C. No. 49,  
Section 26, Township 9 South, Range 6 West, W. M.; 2000' S & 1200' W from NE cor of sec 26.

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:

1.8 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 25 as proj w/in D.L.C. 49  
21.8 25.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  - 2.0  
As projected within Zumwalt D.L.C. No. 49 - 1.4  
1.4 2.0 acres in the N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$   
both as projected within Zumwalt D.L.C. No. 49  
Section 26  
Township 9 South, Range 6 West, W. M.

**3 Clause**

This certificate is issued to confirm a change in <sup>place of use</sup> approved  
by an order of the Water Resources Director entered Sept. 13, 1977 and  
supersedes certificate 21291, 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.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION OF )  
P. KENDALL CATES FOR APPROVAL OF A )  
CHANGE IN PLACE OF USE OF WATER )  
FROM LUCKIAMUTE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3685

On May 26, 1977, an application was filed in the office of the Water Resources Director by P. Kendall Cates for a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

10.7 The certificate recorded at page 21291, Volume 15, State Record of Water Right Certificates, in the name of E. M. Cates, describes a right which includes the use of not to exceed 0.13 cubic foot per second from Luckiamute River for irrigation of 9.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.4 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, Township 9 South, Range 6 West, W.M., with a date of priority of January 30, 1951.

Water for the said right is diverted from a point located 2000 feet South and 1200 feet West from the Northeast corner of Section 26, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 26.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate a certain 3.2 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, 4.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.7 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, Township 9 South, Range 6 West, W.M.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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p204-305



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

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to E. M. Cates and recorded at page 21291, Volume 15, State Record of Water Right Certificates, is canceled and in lieu thereof a new confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 12th day of September, 1977.

/s/ James E. Sexson  
Director