

3219

3219 *George T. & Neta L. Riggs*  
*Route 1, Box 180*  
*Shelton 97378*

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 5-5-75  
 Date of hearing January 27, 1976  
 Place of hearing Dallas  
 Date of order 2-24-76 Vol. 26, page 416  
 Date for application of water 10-1-76  
 Proof mailed \_\_\_\_\_  
 Proof received **MAR 30 1979**  
 Certificate issued Vol. 41, page 47762

*Shirley 11/76*

## DESCRIPTION OF WATER RIGHT

Name of stream Mill Creek  
 Trib. of \_\_\_\_\_ County of Polk  
 Use stock watering  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch pump  
 Date of priority June 25, 1943  
 In name of Wm. P. Harris  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 19959 Per. No. 15530 Cert. No. 20469  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
5-5-75	32.00	46638
12-29-75	1.44	50834 <i>POW</i>
1-26-76	45.00	46441 <i>FROM TR 3218</i>
TOTAL . . .	1.50	
5-5-75	Cert. Fee	46639

## FEES REFUNDED

Date	Amount	Check No.

## REMARKS

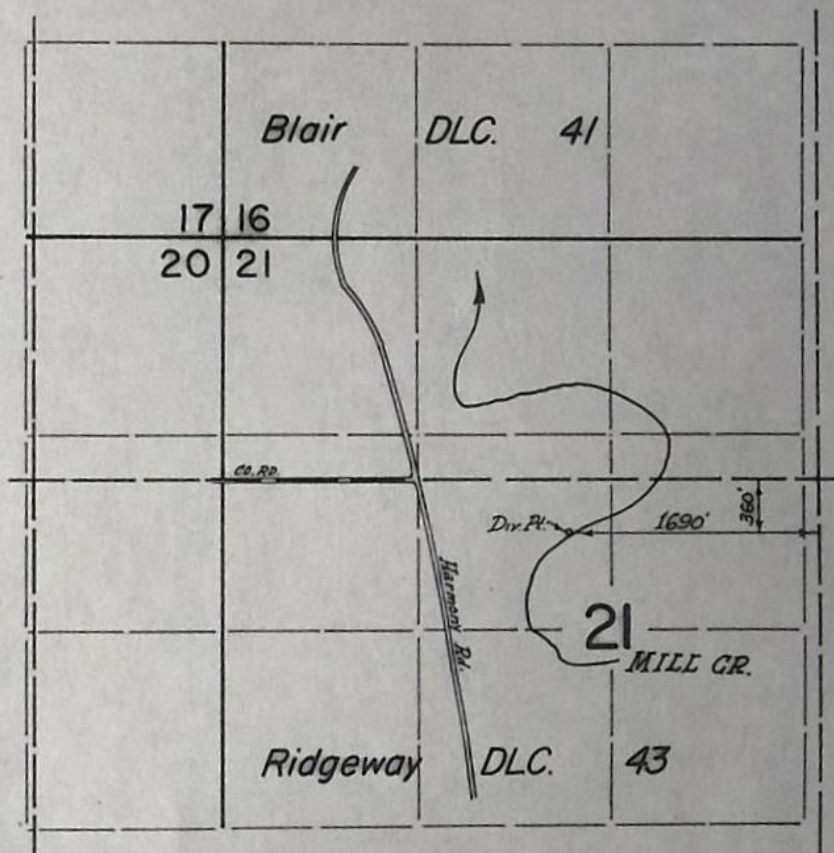
See 20959, 28215, 19959, R-31884, 31885

See also T-3217, 3218, 3220

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	<i>WA</i> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>WA</i> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>WA</i> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>WA</i> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Decree-vault	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Decree-safe	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Per. Folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Chainindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Power Claim	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Abstracts	<input type="checkbox"/>	<input type="checkbox"/>	



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



**FINAL PROOF SURVEY**  
UNDER

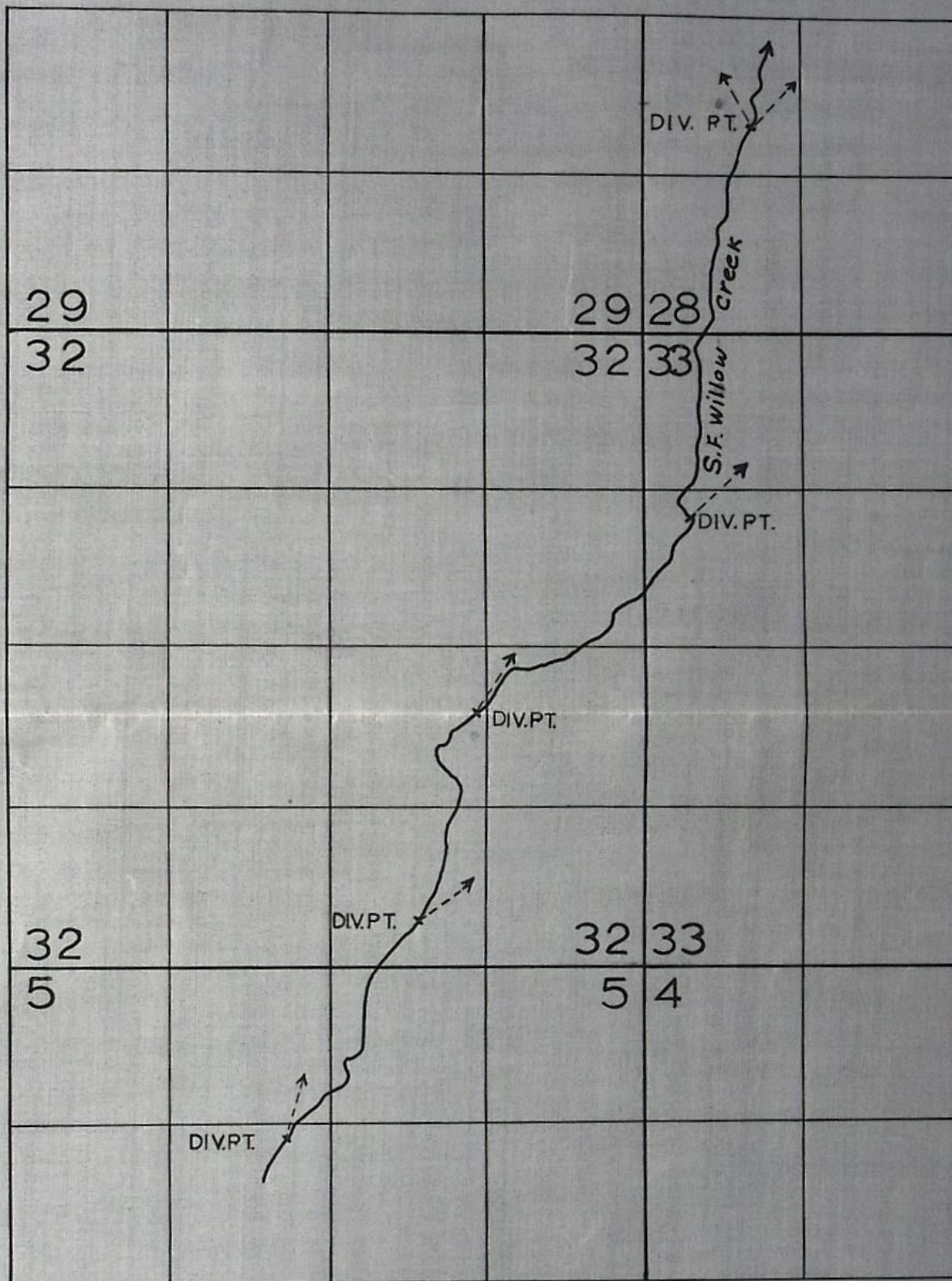
Transfer Nos. 3217, 3218, 3219, & 3220  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

GEORGE J. & HERTA L. RIGGS

Surveyed Aug. 8 1977, by L.M. Tamm



T.14S.815S.R.39E.W.M



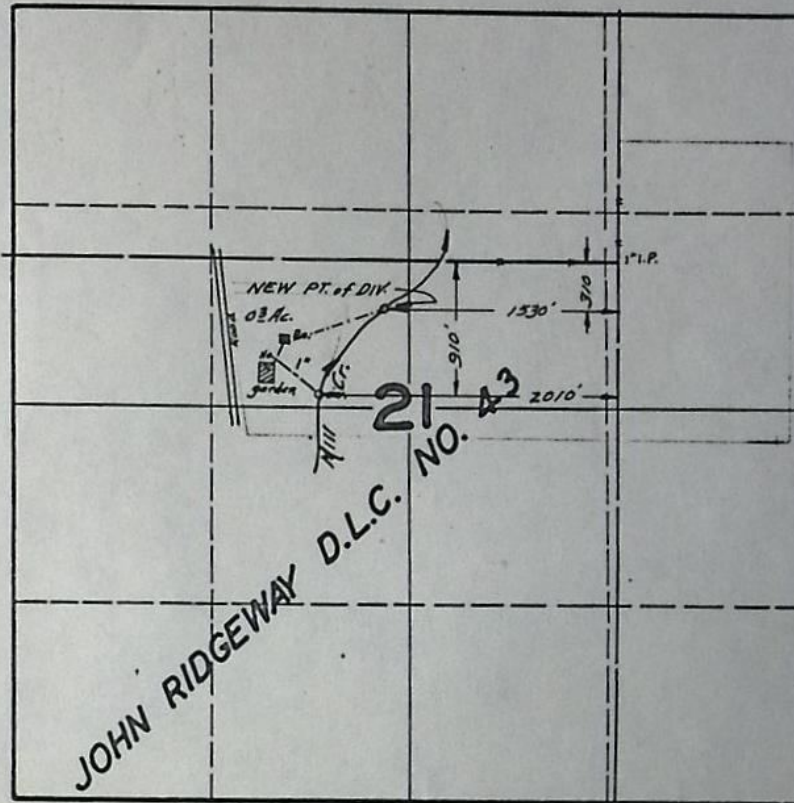
DIVERSION POINTS  
CERTIFICATE NO.1612  
SURVEYED SEPT.15,1965  
BY *F.W. Elfving*

RECEIVED  
DEC 20 1965  
STATE ENGINEER  
OREGON



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

**RECEIVED**  
MAY 5 1975  
STATE ENGINEER  
SALEM, OREGON



APPLICATION FOR CHANGE IN PT. of DIV. FOR STOCK  
GEORGE & HERTA RIGGS

**FINAL PROOF SURVEY**  
UNDER

Application No. 19959 Permit No. 15530

IN NAME OF

LIZZIE L. EVANS

Surveyed JUNE 8 1945 by

*[Signature]*

T-3219

1945-A



DFP-344-158  
8-8-77 LW

County Polk

7060 HARMONY RD.

Trib. of S. Yamhill River

0.01  
0.02 c.f.s.

stock and domestic

360 1690  
370 ft S and 1530

25 proj. w/in RIDGEWAY DLE 43

DATE FOR APPLICATION OF WATER: 10/1/76

[illegible]



SAME REPORT AS TRANS # 3219

STOCK TANK FILLED FROM IRR. LINE

NO DOMESTIC USE, MR. RIGGS THOUGHT  
DOMESTIC USE HAD BEEN CANCELLED.

Larry T. O.  
FE  
8/8/77

RECEIVED

SEP 3 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

Transfer No. 3219

NOTICE OF COMPLETION OF CONSTRUCTION

I, George J & Herta L. Riggs hereby certify  
that the construction work has been completed and the change in point  
of diversion of water made as set forth in the order of the Water Resources  
Director dated February 24, 1976, approving an application  
for a change in point of diversion of water from Mill Creek

Sept - 3 - 76  
Date

Geo J. Riggs  
Herta L. Riggs  
Name



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION OF )  
GEORGE J. AND HERTA L. RIGGS FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM MILL CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3219

On May 5, 1975, George J. and Herta L. Riggs filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William P. Harris and recorded at Page 20469, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.02 cubic foot per second of water from Mill Creek for stock and domestic use for one family in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 6 South, Range 6 West, W.M., with a date of priority of June 25, 1943. Water for these uses is diverted from a point located 910 feet South and 2010 feet West from the Southeast corner of Blair D.L.C. 41, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 6 South, Range 6 West, W.M.

The applicants herein, owners of the water right above described, propose to divert the water for stock use from a point to be located 310 feet South and 1530 feet West from the Southeast corner of Blair D.L.C. 41, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 6 South, Range 6 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 Dallas, Oregon, on January 27, 1976, at 9:30 a.m. The notice was published in the Polk County Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three



weeks in the issues of December 3, 10 and 17, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 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 change in point of diversion of water from Mill Creek, to wit:

From a point located 910 feet South and 2010 feet West from the Southeast corner of Blair D.L.C. 41, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 6 South, Range 6 West, W.M.

To a point to be located 310 feet South and 1530 feet West from the Southeast corner of Blair D.L.C. 41, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 6 South, Range 6 West, W.M.

for stock watering in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 6 South, Range 6 West, W.M., with a date of priority of June 25, 1943, 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 0.01 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.

An order entered February 24, 1976, canceled that part of the water right evidenced by the certificate recorded at Page 20469 providing for the use of 0.01 cubic foot per second of water from Mill Creek for domestic supplies for one family including the irrigation of not to exceed one-half acre domestic garden.

It is FURTHER ORDERED that the certificate of water right heretofore issued to William P. Harris and recorded at Page 20469, Volume 15, State Record of Water Right Certificates, is canceled, 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 George J. and Herta L. Riggs confirming the change in point of diversion.

Dated at Salem, Oregon, this 24th day of February, 1976.

/s/ JAMES E. SEXSON  
Director



T-3219

\* 30.00 Ex & Rec  
150 cert.  
\* 31.50

**RECEIVED**  
MAY 5 1975  
STATE ENGINEER  
SALEM, OREGON

# Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, George J. & Herta L. Riggs  
(Name of applicant)

of RT 1 Box 180 Sheridan, County of Polk  
(Postoffice)

State of Oregon 97378, do hereby make application for change in point of  
diversion  
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Mill Creek  
(Name of stream)

2. The use to which the water is applied is stock watering  
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is pump

4. The point of diversion is located 910 ft. S and 2010 ft. W from the SE  
(N. or S.) (E. or W.)

corner of Blair DLC 41 being within the SE 1/4 NW 1/4  
(Section or subdivision)

of Section 21 Tp. 6S R. 6W W. M., in the County of Polk  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
6S	6W	21								X	stock watering							

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

\*6. Are you the legal owner of the above described lands? yes  
(If not owner, explain your interest)

\*7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? June 25, 1943

9. Was your water right acquired by State Engineer's Permit? yes If so, give number  
(Yes or No)

of permit 15530



10. Do you hold a water right certificate? Yes. If so, give number of certificate 20469  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No. If so, give title of proceedings  
(Yes or No)

12. Is the water right recorded in your name? No William P Harris  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 310 ft. S and 1530 ft. W from the SE  
(N. or S.) (E. or W.)  
corner of Block DC 41 being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21 Tp. 6S R. 6W W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of Polk. The name of the ditch to be used is pump

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes  
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Consolidate all points of

diversion to a common point

Div. Pt. for Art 424750 (60000)  
between

STATE OF OREGON  
DIVISION OF WATER  
RECEIVED



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Marietta

SS.

I, George J. and Herta L. Riggs, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 5<sup>th</sup> day of May, 1975

George J. Riggs  
Herta Louise Riggs  
(Name of applicant)

Subscribed and sworn to before me this 5<sup>th</sup> day of May, 1975

[Notarial Seal]

Walter R. Hansen  
NOTARY PUBLIC FOR OREGON

My commission expires May 12, 1978

Remarks Domestic use for 1 family including the  
irrigation of lawn and garden has been  
abandoned under this certificate. Domestic  
use is now from a well

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



NOTICE OF FILING APPLICATION  
FOR A CHANGE IN POINT OF  
DIVERSION OF WATER

Notice is given hereby that George J. and Herta L. Riggs have filed an application for the approval of a change in point of diversion of water from Mill Creek.

Certificate of water right issued to William P. Harris and recorded at page 20489, Volume 15, State Record of Water Right Certificates, confirms a right to the use of 0.02 cubic foot per second of water from Mill Creek for stock and domestic use for one family in the SE¼ NW¼ of Sec. 21, T. 6 S., R. 6 W., W.M., with a date of priority of June 25, 1943. Water for these uses is diverted from a point located 910 ft. S. and 2010 ft. W. from the SE corner of Blair DLC 41, being within the SE¼ NW¼, Sec. 21, T. 6 S., R. 6 W., W.M.

The applicant herein, owner of the right above described, proposes to confine the use to stock watering and to divert the water from a point to be located 310 ft. S. and 1530 ft. W. from the SE corner of Blair DLC 41, being within the SE¼ NW¼, Sec. 21, T. 6 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Dallas, Oregon, on January 27, 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 George J. and Herta L. Riggs, Route 1, Box 180, Sheridan, Or., 97378, and one copy filed with the Water Resources Department, Salem, Or., 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the applications 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 Department upon request.

Dated at Salem, Oregon., this 24th day of November, 1975.

JAMES E. SEXSON  
Director

(Dec. 3, 10, 17, 1975)

# Affidavit Of Publication

STATE OF OREGON, } ss.  
County of Polk

I, Joseph W. Blaha, being

first duly sworn, depose and say I am the PUBLISHER

of the Polk County Itemizer-Observer, a newspaper of general circulation

as defined by ORS 193.010 and 193.020, printed and published at Dallas in

the aforesaid county and state; that the Notice of Filing...

Diversion of Water

....., a printed copy of which is hereto annexed,

was published in the entire issue of said newspaper for 3

successive and consecutive weeks in the following issues: .....

December 3, 10, 17, 1975

Joseph W. Blaha

Subscribed and sworn to before me this 17 day of

December, 1975

Jakita A. Shier  
Notary Public for Oregon.

(My Commission Expires 9/5/78)

RECEIVED

DEC 18 1975

WATER RESOURCES DEPT.  
SALEM, OREGON



NOTICE OF FILING APPLICATION FOR A CHANGE  
IN POINT OF DIVERSION OF WATER

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Dated at salem, Oregon., this 24th day of November, 1975.

JAMES E. SEXSON  
Director



# A F F I D A V I T

STATE OF OREGON     }  
County of Polk       } ss.  
-----

We, George J. and Herta L. Riggs, being first duly sworn, depose and say that we are the owners of a water right and the land to which it is appurtenant, which is for the use of not to exceed 0.01 cubic foot of water per second from Mill Creek for domestic use for one family, including the irrigation of not to exceed 1/2 acre domestic garden in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 6 South, Range 6 West, W.M., under a priority date of June 25, 1943, as evidenced by the certificate recorded at Page 20469, Volume 15, State Record of Water Right Certificates; that we have abandoned any and all interests in and to said water right and request same be canceled.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_  
day of \_\_\_\_\_, 197\_\_.

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 197\_\_.

\_\_\_\_\_  
Notary Public for Oregon

My commission expires \_\_\_\_\_