

3360

STATUS OF APPLICATION

Change in point of diversion
 Date filed 2-6-76
 Date of hearing _____
 Place of hearing _____
 Date of order 2-5-76 Vol. 26, page 438
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued **MAR 21 1986** Vol. 49, page **54007**
Survey 11/76

DESCRIPTION OF WATER RIGHT

Name of stream Elk River
 Trib. of _____ County of Curry
 Use fish Culture Hatchery
 Quantity of water 200 cfs No. of acres _____
 Name of ditch _____
 Date of priority April 26, 1971
 In name of Oregon Fish Commission
 _____ Adjudication, Vol. _____, page _____
 App. No. 48160 Per. No. 35711 Cert. No. 42613
 Certificate cancelled _____
 Notation made on record by _____

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>2-6-76</u>	<u>35.00</u>	<u>51323</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

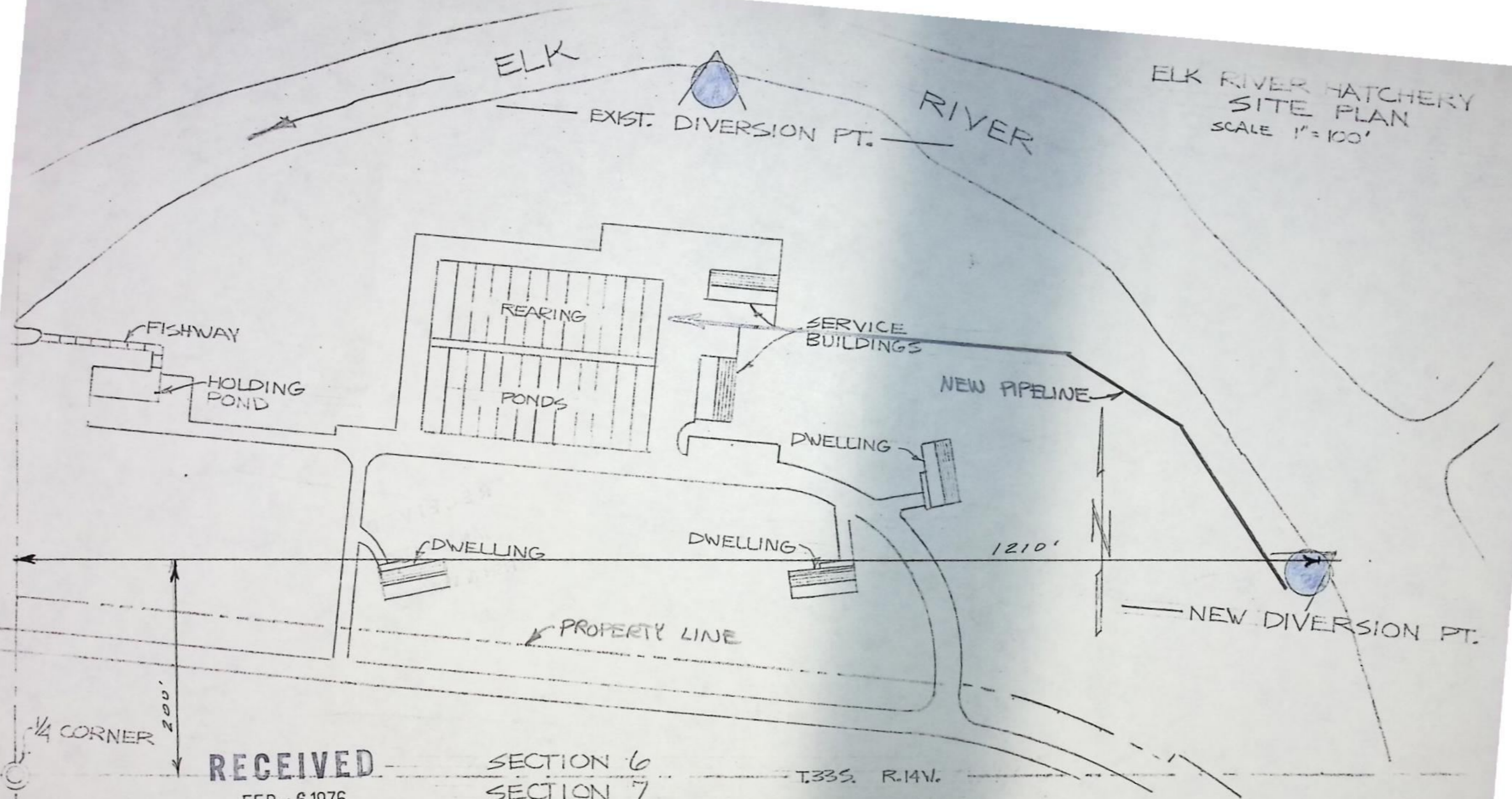
Date	Amount	Check No.

	INDEX CARDS:	
	Entered	Checked
<u>WN</u> Name	<u>✓</u>	<u> </u>
<u>WN</u> Stream	<u>✓</u>	<u> </u>
<u>WN</u> Pt. of Div.	<u> </u>	<u> </u>
<u>WN</u> Calendar	<u>✓</u>	<u> </u>
	CHECKED TO RECORDS:	
	Entered	Checked
<u>✓</u> Twp. & Rge.	<u>WN</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>CC</u>	<u> </u>
<u>✓</u> Per. Folder	<u>CC</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>

Fred Willen, C. E.

118-229-5635

ELK RIVER HATCHERY
SITE PLAN
SCALE 1"=100'



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FEB - 6 1976

WATER RESOURCES DEPT.
SALEM, OREGON

SECTION 6
SECTION 7

T.33S. R.14W.

7-3360

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JAN 29 1976
FISH & WILDLIFE

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Curry County

IN THE MATTER OF THE APPLICATION)
OF OREGON DEPARTMENT OF FISH AND)
WILDLIFE FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM ELK RIVER)

ORDER APPROVING
TRANSFER NO. 3360

On February 6, 1976, Oregon Department of Fish and Wildlife filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Elk River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Oregon Fish Commission and recorded at Page 42613, Volume 34, State Record of Water Right Certificates, confirms a right to the use of not to exceed 20.0 cubic feet per second of water from Elk River for fish hatchery purposes in Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 6, Township 33 South Range 14 West, W.M., with a date of priority of April 26, 1971. Water for this use is diverted from a point located 639 feet North and 600 feet East from the South quarter-corner of Section 6, being within Lot 2 of Section 6, Township 33 South, Range 14 West, W.M.

The applicant herein, owner of the fish hatchery, proposes to convey water to the fish hatchery from a point of diversion to be located 200 feet North and 1210 feet East from the South quarter-corner of Section 6, being within Lot 2 of Section 6, Township 33 South, Range 14 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for reason that said section provides notice is not required on an application for a change in point of diversion of water of less than one-quarter mile where there is no intervening diversion.

Mr. M. John Youngquist, Watermaster of District No. 15, 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 Elk River, to wit:

From a point located 639 feet North and 600 feet East from the South quarter-corner of Section 6, being within Lot 2 of Section 6, Township 33 South, Range 14 West, W.M.

To a point to be located 200 feet North and 1210 feet East from the South quarter-corner of Section 6, being within Lot 2 of Section 6, Township 33 South, Range 14 West, W.M.

for fish hatchery purposes in Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6, Township 33 South, Range 14 West, W.M., with a date of priority of April 26, 1971, 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 20.0 cubic feet 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.

ALL COTTON

It is FURTHER ORDERED that the certificate of water right heretofore issued to Oregon Fish Commission and recorded at Page 42613, Volume 34, 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 Oregon Department of Fish and Wildlife confirming the change in point of diversion.

Dated at Salem, Oregon, this 5th day of March, 1976.

/s/ JAMES E. SEXSON
Director

Gibraltar Onion Skin

MILES FALLS

ALL COTTON

✓

County Curry

[illegible]

Info: Jerry Russum manager of fish hatchery
New div. pt. is being used. ~~Not used.~~
Peak water usage is 16,200 gpm.

Dive Direct from Elk River

Pumps from screening structure
in river

Pumps & Motors: 3 | GE 40 hp @ 1170 rpm
E. R. Queen Turbine
12" discharge
all 3 run at same time

Pipe: 36" concrete supply line
to rearing ponds

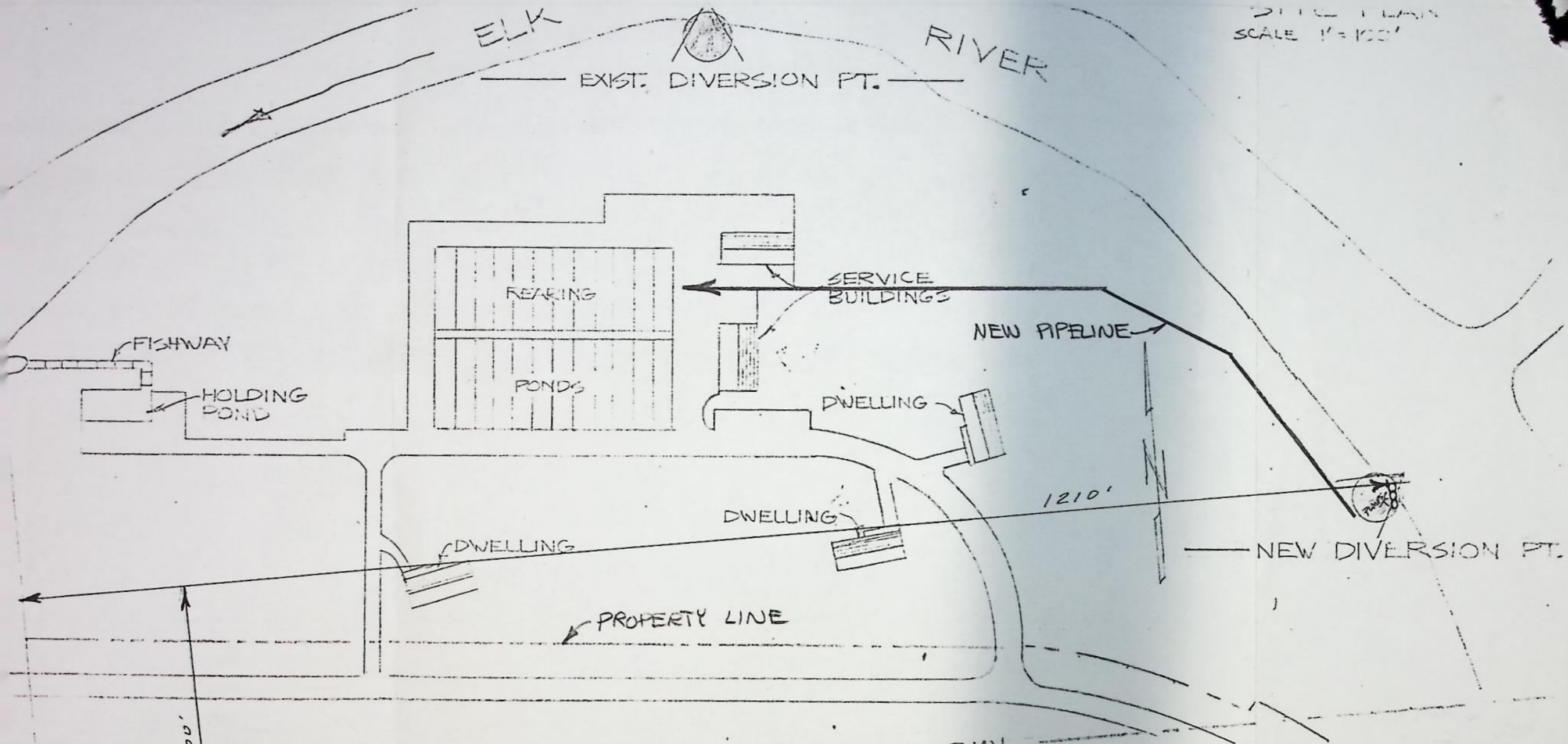
lift: + 10'

use: fish hatchery use

tie: Inspection

Steve Donaldson
6-26-79 FE

$$\begin{aligned} & \text{@ 50 psi} \\ & (1 \text{ pump}) \frac{(40)(7.04)}{12.7 + 10} = 2.06 \text{ cfs} \\ & (3)(2.06) = 6.17 \text{ cfs} \end{aligned}$$



SCALE 1"=100'

1/4 CORNER
Brass Cap
6-26-79
JSD

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WATER RESOURCES DEPT.
SALEM, OREGON

SECTION 6
SECTION 7

T.33S. R.14W.
16,200 gpm

Transfer No. 3360

NOTICE OF COMPLETION OF CONSTRUCTION

I, FIRE. DEPT. FISH & WILDLIFE 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} ~~State Engineer~~ dated MARCH 5, 1976, approving an appli-
cation for a change in point of diversion of water from EUK
RIVER.

9/22/76
Date

Red S. De
Name

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OCT 22 1976

WATER RESOURCES DEPT
SALEM, OREGON

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FEB - 6 1976

WATER RESOURCES DEPT.
SALEM, OREGON

T 3360

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Oregon Department of Fish and Wildlife
(Name of applicant)

of Portland, County of Multnomah
(Postoffice)

State of Oregon, 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 Elk River
(Name of stream)

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

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

4. The point of diversion is located 639 ft. N and 600 ft. E from the S 1/4
(N. or S.) (E. or W.)

corner of Section 6 being within the Lot 2
(Section or subdivision)

of Section 6 Tp. 33S R. 14W W. M., in the County of Curry
(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
33S	4W	6															Lot-2 X	

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

Lot 2 (SW 1/4 SE 1/4) (Attach separate sheet if necessary)
Section 6

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? April 26, 1971

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

of permit 35711

10. Do you hold a water right certificate? YES If so, give number of certificate Page 42613
(Yes or No)

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

If so, give title of proceedings Oregon Fish Commission
(Yes or No)

12. Is the water right recorded in your name? yes
(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 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

(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 200 ft. N and 1210 ft. E from the S 1/4 corner of Sec. 6 being within the Lot 2 of Section 6 Tp. 33S R. 14W W. M.,
(N. or S.) (E. or W.)
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Curry The name of the ditch to be used is

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.?
(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 Present system in need of repair. It will be easier to maintain supply through new system.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of MULTNOMAH } ss.

I, OREGON DEPART. OF FISH & WILDLIFE, 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 28 day of JANUARY, 1976

Oregon Depart. Fish & Wildlife
by [Signature] (Name of applicant)

Subscribed and sworn to before me this 28 day of January, 1976

Rodney Allen Ingram
NOTARY PUBLIC FOR OREGON

My commission expires 2/3/79



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.



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JAN 29 1976
FISH & WILDLIFE

STATE OF OREGON
COUNTY OF **CURRY**

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **OREGON FISH COMMISSION**
97201
of **307 State Office Building, Portland**, 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
Elk River

a tributary of **Pacific Ocean** for the purpose of
fish hatchery

under Permit No. **35711** 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 **April 26, 1971**

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
20.0 cubic feet 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 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 6, T. 33 S., R. 14 W., W. M.**
639 feet North and 600 feet East from S $\frac{1}{4}$ Corner, Section 6.

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 _____ of one cubic foot per second
per acre,

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:

**Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 6
T. 33 S., R. 14 W., 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 date. **October 9, 1975**

James E. Saxon
Water Resources Director **State Engineer**



STATE OF OREGON

INTEROFFICE MEMO

TO: Trevor Jones

DATE: March 3, 1976

FROM: M. John Youngquist, Watermaster

SUBJECT: T-3360 Oregon Department of Fish and Wildlife

Dear Mr. Jones:

The Elk River Fish Hatchery is proposing to move their point of diversion upstream from the existing point to a point immediately opposite the inflow from Anvil Creek.

In my opinion, this proposed change will not injure any existing rights and could be made without the need of measuring devices, therefore provision no. 2 as stated in the Watermaster's Manual should be incorporated in the order.

While it is customary perhaps to require measuring devices when a point of diversion is moved adjacent to or upstream from an intervening stream, in this case it will not have any affect on existing rights. The land the hatchery is located on and is adjacent to is within the U.S. Forest Service boundaries. There are no uses on Anvil Creek to interfere with the proposed change.

Yours truly,

A handwritten signature in dark ink, appearing to read "M. John Youngquist".

M. John Youngquist
Watermaster

MJY:ey

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WATER RESOURCES DEPT.
SALEM, OREGON