

3511 Virgil L. Allen R. Matheny
Route 1, Box 225
Monmouth, Or. 97361

3511

STATUS OF APPLICATION

Change in add'l point of diversion
 Date filed 1-20-77
 Date of hearing 4-5-77
 Place of hearing Dallas
 Date of order 5-18-77 Vol. 29, page 29
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued **APR 23 1979** Vol. 41, page 47857

*to survey 9/77
5-7-79 Jan*

DESCRIPTION OF WATER RIGHT

Name of stream Luchianate R.
 Trib. of _____ County of Polk
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 31249 Per. No. 24720 Cert. No. 26579
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1/20/77</u>	<u>\$ 80.00</u>	<u>57660</u>
TOTAL . . .		
<u>3-15-79</u>	<u>2 Cert. Fee</u>	<u>9679</u>

*Paid Newspaper
Sun-Enterprise \$39.99 3-4-77 ck.# 1173*

FEES REFUNDED

Date	Amount	Check No.
<u>4/27/77</u>	<u>\$ 501</u>	<u>1277</u>

*Fees Exam 20-
POD 15-
35*

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<u>WA</u> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WA</u> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WA</u> Pt. of Div.	<input type="checkbox"/>	<input type="checkbox"/>
<u>WA</u> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:		
<u>0</u> Twp. & Rge.	<input type="checkbox"/>	<input type="checkbox"/>
Decree-vault	<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"/>
Coindex	<input type="checkbox"/>	<input type="checkbox"/>
Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

404

STATE OF OREGON

COUNTY OF

POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

VIRGIL & ALLEN MATHANY

of 11600 Staats Rd., Monmouth, State of Oregon, 97361, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Luckiamute River

a tributary of Willamette River for the purpose of irrigation of 51.4 acres

under Permit No. 24720 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 26, 1957

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 0.64 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, both as projected within Zumwalt DLC 49, Section 25, T. 9 S., R. 6 W., W. M., No. 1-2000 feet North and 870 feet West; No. 2-800 feet North and 1170 feet West; both from the SE Corner, Zumwalt DLC 49

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-eighth 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:

2.4 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
27.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
20.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

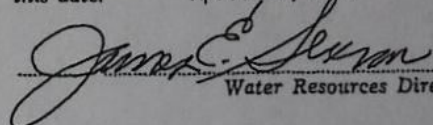
All as projected within Zumwalt DLC 49
Section 25
T. 9 S., R. 6 W., W. M.

This certificate is issued to confirm an additional point of diversion approved by an order of the Water Resources Director entered May 17, 1977 and supersedes certificate of water right recorded on Page 26579, Volume 18, State Record of Water Right Certificates. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. April 23, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 47857

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

OK [Handwritten signature]

This Is to Certify, That VIRGIL ~~X~~ and ^{Allen} FRANCES L. MATHANY ^{97.56'} of Route 1, Box 225, Monmouth, Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Lucklamute River a tributary of Willamette River for the purpose of irrigation of 51.4 acres,

under Permit No. 24720 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 26, 1957,

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 0.64 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 NE, NW, SE, NW, BOTH Section 25, Township 9 South, Range 6 West, W.M. #1-2000' N. E 870' W.; 72.800' N E 1170' W.; BOTH FROM SE COR. ZUMWALT DLG 49, SEC 25, T. 9S., R. 6W., 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 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:

- 2.4 acres NW 1/4 NE 1/4
 - 1.6 acres SW 1/4 NE 1/4
 - 27.0 acres NE 1/4 NW 1/4
 - 20.4 acres SE 1/4 NW 1/4
- All ab projected within Zumwalt DLG #49 11
Section 25
Township 9 South, Range 6 West, W.M.

This certificate is issued to confirm ^{an additional} a change in point of diversion approved by an order of the WRD entered May 17, 1977 and supersedes certificate of water right recorded on Page 26579, Volume 18, SRWRC.

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

LEWIS A. STANLEY State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF VIRGIL L. AND ALLAN R. MATHANY)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM)
LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3511

On January 20, 1977, Virgil L. and Allan R. Mathany filed an application in the office of the Water Resources Director for approval of an additional point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 26579, Volume 18, State Record of Water Right Certificates, in the name of Virgil L. and Frances L. Mathany, describes an existing right of record for the use of not to exceed 0.64 cubic foot per second from Luckiamute River for 2.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 27.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 20.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 9 South, Range 6 West, W.M., with a date of priority of March 26, 1957.

Water for the said right is diverted from a point located 2000 feet North and 870 feet West from the Southeast corner of J. Zumwalt DIC #49, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 9 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to establish an additional point of diversion from the Luckiamute River at a point located 800 feet North and 1170 feet West from the Southeast corner of said DIC No. 49, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 9 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Sun-Enterprise, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of February 9, 16 and 23, 1977.

Mr. Benjamin E. Monroe, 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 additional point of diversion from Luckiamute River described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old 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 0.64 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 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 Virgil L. and Frances L. Mathany and recorded at Page 26579, Volume 18, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon, this 17th day of May, 1977.

/s/ JAMES E. SEXSON
Director

NOTICE OF WATER RIGHT TRANSFER
APPLICATION NO. 3511
FOR CHANGE IN POINT OF DIVERSION

Notice is given hereby that Virgil L. and Allan R. Mathany have filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Luckiamute River.

Certificate of water right recorded at Page 26579, Vol. 18, State Record of Water Right Certificates, in the name of Virgil L. and Frances L. Mathany, describes an existing right of record for the use of not to exceed 0.64 cubic foot per second from Luckiamute River for 2.4 acres in NW 1/4 NE 1/4, 1.6 acres in SW 1/4 NE 1/4, 27.0 acres in NE 1/4 NW 1/4 and 20.4 acres in SE 1/4 NW 1/4 of Sec. 25, T. 9 S., R. 6 W., W.M. with a date of priority of March 26, 1957.

Water for the said right is diverted from a point located 2000 ft. N. and 870 ft. W. from the SE corner of J. Zumwalt DLC #49, being within the NE 1/4 NW 1/4 of Sec. 25, T. 9 S., R. 6 W., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to establish an additional point of diversion from the Luckiamute River at a point located 800 ft. N. and 1170 ft. W. from the SE corner of said DLC No. 49, being within the SE 1/4 NW 1/4 of Sec. 25, T. 9 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 April 5, 1977, 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 Virgil L. and Allan R. Mathany, Rt. 1, Box 225, Monmouth, Or., 97361, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS 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 Department upon request.

Dated at Salem, Oregon, this 28th day of January, 1977.

JAMES E. SEXSON
Director

Published Feb. 9, Feb. 16, Feb. 23, 1977.

Affidavit Of Publication

STATE OF OREGON,)
) ss.
County of Polk)

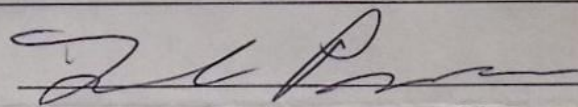
I, Frank Parchman, being

first duly sworn, depose and say I am the PUBLISHER _____

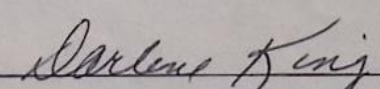
of the Sun-Enterprise, a newspaper of general circulation as defined by ORS 193.010 and 193.020, printed and published at Monmouth in the aforesaid county and state; that the Notice of water right transfer application no. 3511

_____, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for Three successive and consecutive weeks in the following issues: _____

Feb 9, 16, 23, 1977



Subscribed and sworn to before me this 23rd day of February, 1977



Notary Public for Oregon.

(My Commission Expires Commission expires June 23, 1979)

