

STATUS OF APPLICATION

Change in point of diversion & place of use
 Date filed 2-25-77
 Date of hearing 6-9-77
 Place of hearing Dallas
 Date of order 8-3-77 Vol. 29, page 161
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Lubbock R.
 Trib. of _____ County of Polk
 Use irrigation
 Quantity of water _____ No. of acres 50⁰
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 24190 Per. No. 19639 Cert. No. 24211
 Certificate cancelled _____
 Notation made on record by _____

3-5-91 yes

SEE T-4504

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>2/25/77</u>	<u>131⁰⁰</u>	<u>38554</u>
TOTAL . . .		
131⁰⁰	131⁰⁰	38554
Pl. 6-10-77 Sun-Enterprise \$73.99 ck. #1360		

FEES REFUNDED

Date	Amount	Check No.
<u>6-10-77</u>	<u>\$ 701</u>	<u>Part of #1359</u>

Fees	Exam	20-
	POU	15-
	POD	15-
		50-
	PON	73.99
Total		123.99

INDEX CARDS: Entered Checked

NAME	<u>lay</u>	
Stream	<u>lay</u>	
Pt. of Div.	<u>lay</u>	
Calendar	<u>lay</u>	
CHECKED TO RECORDS:		
✓ Twp. & Rge.	<u>lay</u>	
Decree-visit		
Decree-sale		
Gen. of W/R	<u>✓</u>	
Per. Folder	<u>✓</u>	
Chaindex		
Cross Ref.		
Power Claim		
Abstracts	<u>lay</u>	

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF DESSERT SEED COMPANY FOR)
APPROVAL OF CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3549

On February 25, 1977, an application was filed in the office of the Water Resources Director by Dessert Seed Company for changes in place of use and 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 24211, Volume 17, State Record of Water Right Certificates, in the name of Vern C. Osburn, describes a right for the use of not to exceed 0.62 cubic foot per second from Luckiamute River for irrigation of 9.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16; 25.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 6.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 9 South, Range 5 West, W.M., with a date of priority of October 26, 1950.

Water for the said right is diverted from two points located (1) 550 feet North and 730 feet West and (2) 600 feet South and 1900 feet West from the Southeast corner of DLC No. 56, being within the (1) NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16 and (2) SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of said lands, proposes to change the place of use and point of diversion and, without loss of priority, to irrigate a certain 12.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 23.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 14.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 9 South, Range 5 West, W.M. from a point of diversion located 630 feet South and 3090 feet West from the Southeast corner of DLC No. 56, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

Notice of the application, pursuant to ORS 540.510, was published in

U29
P101-103

the Sun-Enterprise, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of April 13, 20, and 27, 1977.

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

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion as described herein, without loss of priority, are 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 0.62 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Vern C. Osborn and recorded at page 24211, Volume 17, State Record of Water Right Certificates, is canceled, 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 3rd day of August, 1977.

/s/ James E. Sexson
Director

NOTICE OF WATER RIGHT TRANSFER
APPLICATIONS NOS. 3549, 3550 and 3551

(1) The certificate recorded at Page 24211, Vol. 17; State Record of Water Right Certificates, in the name of Vern C. Osburn, describes a right for the use of not to exceed 0.62 cubic foot per second from Luckiamute River for irrigation of 9.6 acres in NW¼ SW¼ of Sec. 16; 25.2 acres in NE¼ SE¼, 1.3 acres in NW¼ SE¼, 6.6 acres in SW¼ SE¼ and 7.3 acres in SE¼ SE¼ of Sec. 17, T. 9 S., R. 5 W., W.M., with a date of priority of Oct. 26, 1950.

Water for the said right is diverted from two points located (1) 550 ft. N. and 730 ft. W., (2) 600 ft. S. and 1900 ft. W. from the SE corner of D1C #56, being within the (1) NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, (2) SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T. 9 S., R. 5 W., W.M.

By application No. 3549 the applicant herein, owner of said lands, proposes to change the place of use and point of diversion, and without loss of priority to irrigate a certain 12.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 23.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 14.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, T. 9 S., R. 5 W., W.M., from a point of diversion located 630 ft. S. and 3090 ft. W. from the SE corner of D1C #56, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 17.

(2) The certificate recorded at Page 39691, Vol. 31, State Record of Water Right Certificates, in the name of C. A. Twiss, describes a right which includes the use of not to exceed 0.27 cubic foot per second from the Luckiamute River for irrigation of 12.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 9.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, T. 9 S., R. 5 W., W.M., with a date of priority of May 12, 1969.

Water for the said right is diverted from a point located 630 ft. S. and 2850 ft. W. from the SE corner of DLC #56, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 17.

By application No. 3550, the applicant herein, owner of said lands, proposes to change the place of use and point of diversion and without loss of priority, irrigate a certain 9.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, and 12.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T. 9 S., R. 5 W., W.M., from a point of diversion located 550 ft. N. and 730 ft. W. from the SE corner of D.C. #56, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 16.

(3) The Certificate recorded at Page 39601, Vol. 31, State Record of Water Right Certificates, in the name of C. A. Twiss, describes a right which includes the use of not to exceed 0.35 cubic foot per second from Luckiamute River for irrigation of 14.0 acres in NE¼ SW¼ and 14.4 acres in SE¼ SW¼ of Sec. 17, T. 9 S., R. 5 W., W.M., with a date of priority of Jan. 27, 1965.

Water for the said right is diverted from a point located 630 ft. S. and 3090 ft. W. from the SE corner of D/LC #56, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 17.

By application No. 3551, the applicant herein, owner of said lands, proposes to change the place of use and point of diversion and without loss of priority to irrigate a certain 13.2 acres in NE 1/4 SE 1/4, 1.3 acres in NW 1/4 SE 1/4, 6.6 acres in SW 1/4 SE 1/4 and 7.3 acres in SE 1/4 SE 1/4 of Sec. 17, T. 9 S., R. 5 W., W.M., from a point of diversion located 600 ft. S. and 1900 ft. W. from the SE corner of DLC #56, being within the SE 1/4 SE 1/4 of said Sec. 17.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Dallas, Oregon, on June 9, 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 Dessert Seed Co., P.O. Box 9003, Brooks, Oregon 97305, 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 1st day of April, 1977.

JAMES E. SEXSON
Director

Published April 13, 1977; April 20, 1977;
April 27, 1977.

MAY - 4 1977

WATER RESOURCES DEPT
SALEM, OREGON

[illegible]

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
applications nos. 3549, 3550 and 3551

_____, 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: _____

April 13, 20, 27, 1977

Subscribed and sworn to before me this 27th day of

April, 19 77

Darren King
Notary Public for Oregon.

(My Commission Expires _____ Commission _____)

Commission
expires
June 23, 1979



STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That VERN C. OSBORN

of Rt. 2, Box 32, Monmouth, 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 Luckiamute River, a tributary of Willamette River for the purpose of irrigation of 50.0 acres under Permit No. 19639 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 October 26, 1950.

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 0.62 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 16 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 17 both as projected within James Smith DLC #56, Township 9 South, Range 5 West, 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,

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:

9.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within James Smith DLC #56
Section 16
25.2 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Smith DLC #56
1.3 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Smith DLC #56
6.6 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Smith DLC #56
7.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Smith DLC #56
0.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within I. Simpson DLC #69
Section 17
Township 9 South, Range 5 West, 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 31st day of July, 1958.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24211