

3550
DESERT SEED Co.

3550

3550

20/30
2 cert

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 164
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued OCT 17 1977 Vol. 36, page 4488

DESCRIPTION OF WATER RIGHT

Name of stream Luchiamute R.
Trib. of _____ County of Polk
Use irrigation
Quantity of water _____ No. of acres 21⁶
Name of ditch _____
Date of priority _____
In name of _____
Adjudication, Vol. _____, page _____
App. No. 46036 Per. No. 34380 Cert. No. 39691
Certificate cancelled _____
Notation made on record by 3-5-91 Ves

FEES PAID

Date	Amount	Receipt No.
<u>2/25/77</u>	<u>\$50.00</u>	<u>58555</u>
TOTAL		
<u>2/28/77</u>	<u>2 Cert. Fee</u>	<u>58574</u>
<u>P.O.N. Pd. 6-10-77 See T-3549</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>6-10-77</u>	<u>5⁰⁰</u>	<u>Part of ck. #1359</u>

Fees	Exam	20-
	POU	10
	POD	15-
		<u>45-</u>

REMARKS

W.R.I.S.

Assembled 7-9-85 by SAA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
_____ Name	<u>lej</u>	_____
_____ Stream	<u>lej</u>	_____
_____ Pt. of Div.	<u>lej</u>	_____
_____ Calendar	<u>lej</u>	_____
_____ CHECKED TO RECORDS:		
✓ _____ Two. & Ege.	<u>lej</u>	_____
_____ Decees-visit	_____	_____
_____ Decees-sale	_____	_____
_____ Cert. of W/R	<u>lej</u>	_____
_____ Per. holder	<u>lej</u>	_____
_____ Chaindex	_____	_____
_____ Cross Ref.	_____	_____
_____ Power Claim	_____	_____
_____ Abstracts	<u>lej</u>	_____

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WM's OK in T#3549 file

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. 3550

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 39691, Volume 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 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 Section 17, Township 9 South, Range 5 West, W.M., with a date of priority of May 12, 1969.

Water for the said right is diverted from a point located 630 feet South and 2850 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.

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 9.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16; and 12.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 9 South, Range 5 West, W.M., from a point located 550 feet North and 730 feet West from the Southeast corner of DLC No. 56, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

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 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 0.27 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:

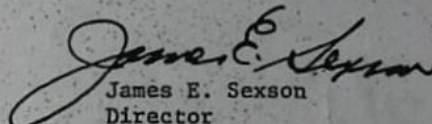
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 C. A. Twiss and recorded at page 39691, Volume 31, State Record of Water Right Certificates, is canceled, and in lieu thereof, a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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.


James E. Sexson
Director

39691 137.4

3550 cf 0.27 cfs 21.6 ac

rr
3550
115.8

rr
44889

4506
0.04 cfs
3.5
rr
65747
23 cfs
18.2
65746
3 pool
1 pon

STATE OF OREGON

COUNTY OF

POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. A. TWISS

of Rt. 2, Box 32, 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 and Little Luckiamute Rivers

a tributary of Willamette River for the purpose of irrigation of 115.8 acres

under Permit No. 34380 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 May 12, 1969 for 0.47 c.f.s., August 1, 1969 for 0.27 c.f.s. from Luckiamute * 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 1.45 cubic feet per second, being 0.74 c.f.s. from Luckiamute River and 0.71 c.f.s. from Little Luckiamute River

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 $\frac{1}{4}$ as projected within James Smith DLC 56, Section 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Smith DLC 56, Section 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within James Smith DLC 56, Section 8, T. 9 S., R. 5 W., W. M., Luckiamute River: 3720 feet South and 460 feet East, 4870 feet South and 1600 feet West, Little Luckiamute River: 460 feet North and 550 feet West, all from **
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:

SEE NEXT PAGE

Luckiamute River

6.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

24.3 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

0.3 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$

All as projected within Smith DLC 56
Section 16

14.9 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

12.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

0.9 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$

0.2 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$

0.2 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within Smith DLC 56
Section 17

T. 9 S., R. 5 W., W. M.

Little Luckiamute River

0.1 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$

As projected within Smith DLC 56
Section 9

18.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

3.7 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

As projected within Smith DLC 56
Section 16

19.9 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

14.3 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

Both as projected within Smith DLC 56
Section 17

T. 9 S., R. 5 W., W. M.

* River; May 12, 1969 for 0.71 c.f.s. from Little Luckiamute River.

** the SW Corner, Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 8.

This certificate describes that portion of the water right confirmed by prior certificate 39691, NOT modified by the provisions of an order entered on August 3, 1977, approving transfer application No. 3550.

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. October 17, 1977

James E. Sexson

Water Resources Director

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. 3550

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 39691, Volume 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 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 Section 17, Township 9 South, Range 5 West, W.M., with a date of priority of May 12, 1969.

Water for the said right is diverted from a point located 630 feet South and 2850 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.

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 9.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16; and 12.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 9 South, Range 5 West, W.M., from a point located 550 feet North and 730 feet West from the Southeast corner of DLC No. 56, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

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

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166-166

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 0.27 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 C. A. Twiss and recorded at page 39691, Volume 31, State Record of Water Right Certificates, is canceled, and in lieu thereof, a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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

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STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. A. TWISS

of Route 2, Box 32, Monmouth, 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 and Little Luckiamute Rivers a tributary of Willamette River for the purpose of

irrigation of ~~137.4 acres~~ 115.8 acres under Permit No. 34380 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 May 12, 1969 for 0.47 c.f.s. and August 1, 1969 for 0.27 c.f.s. from Luckiamute River; May 12, 1969 for 0.71 c.f.s. from Little Luckiamute River.

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 1.45 ~~1.72~~ cubic feet per second being ~~1.01~~^{0.74} cubic feet per second from Luckiamute River and 0.71 cubic foot per second from Little Luckiamute River

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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T. 9 S., R. 5 W., W. M.; 3460 feet North and 550 feet West, 3720 feet South and 460 feet East, 4870 feet South and 1600 feet West, all from the SW Corner, Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 8.

As projected w/in James Smith DLC 56

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,

- *DD Luckiamute River:
- © Little " "

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:

	<u>Luckiamute River</u>	<u>Little Luckiamute River</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$		0.1 acre
	<i>As projected within Smith DLC 56 Section 9</i>	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.1 acres	18.4 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	24.3 acres	3.7 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.3 acres	
	<i>All as projected within Smith DLC 56 Section 16</i>	

NE½ NE½
 SW½ NE½
 SE½ NE½
 SE½ NW½
~~NE½ SW½~~
 NE½ SE½
 NW½ SE½

Luckiamute River

Little Luckiamute River

T#3550
 14.9 acres
 12.5 acres
 09 ~~12.1 acres~~ - 12 2
~~9.4 acres~~ - 9 4
 0.2 acres
 0.2 acres

19.9 acres
 14.3 acres

All as projected within Smith DLC 56
 Section 17
 T. 9 S., R. 5 W., W. M.

81 2
 - 21 6 = 0.27 cfs
 59 4 = 0.74 cfs

56 4

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 39691, Volume 31, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 3, 1977, approving transfer application No. 3550.

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.

WITNESS the signature of the State Engineer, affixed

this 28 day of December, 1973.

Chris L. Wheeler State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39691

T#3550

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

Notice is given hereby that Dessert Seed Co. has filed three applications in the office of the Water Resources Director for the approval of changes in place of use and point of diversion from Luckiamute River.

(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 NW 1/4 SW 1/4 of Sec. 16; 25.2 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., 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 DLC #56, being within the (1) NW 1/4 SW 1/4 of Sec. 16, (2) SE 1/4 SE 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 1/4 NW 1/4, 23.4 acres in NE 1/4 SW 1/4 and 14.4 acres in SE 1/4 SW 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 DLC #56, being within the SW 1/4 SE 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 1/4 NW 1/4 and 9.4 acres in NE 1/4 SW 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 1/4 SE 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 1/4 SW 1/4 of Sec. 16, and 12.0 acres in NE 1/4 SE 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 DLC #56, being within the NW 1/4 SW 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 NE 1/4 SW 1/4 and 14.4 acres in SE 1/4 SW 1/4 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 DLC #56, being within the SW 1/4 SE 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.

RECEIVED

MAY - 4 1977

WATER RESOURCES DEPT
SALEM, OREGON

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

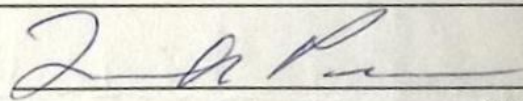
applications nos 3549, 3550 and 3551

_____, a printed copy of which is hereto annexed,

was published in the entire issue of said newspaper for Three

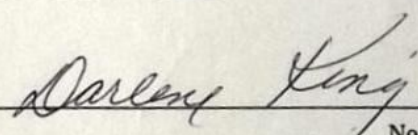
successive and consecutive weeks in the following issues: _____

April 13, 20, 27, 1977



Subscribed and sworn to before me this 27th day of

April, 1977



Notary Public for Oregon.

(My Commission Expires Commission)

expires
June 23, 1979

