

3551

SET

3551

## 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 167  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued OCT 17 1977 Vol. 36, page 448 90

## DESCRIPTION OF WATER RIGHT

Name of stream Luckiamute R.  
 Trib. of \_\_\_\_\_ County of Polk  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 28 1/2  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 40546 Per. No. 30218 Cert. No. 39601  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_  
3-5-91 ves  
SEE T-4507

## REMARKS

20/30

2 cert.

## FEES PAID

Date	Amount	Receipt No.
<u>2/25/77</u>	<u>\$50.00</u>	<u>58556</u>
TOTAL . . .		
<u>2/28/77</u>	<u>42 Cert. Fee</u>	<u>58575</u>
<u>P.O.N. Pd. see T-3549</u>		

## FEES REFUNDED

Date	Amount	Check No.
<u>6-10-77</u>	<u>5.00</u>	<u>part of: #1359</u>

Fees	Exam	20-
	POU	10-
	POD	15-
		<u>45.00</u>

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>lig</u>	
	Stream	<u>lig</u>	
	Pt. of Div.		
	Calendar	<u>lig</u>	
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>lig</u>	
	Deed-to-vault		
	Deed-to-safe		
	Cert. of W/R	<u>✓</u>	
	Per. Folder	<u>✓</u>	
	Chainindex		
	Cross Ref.		
	Power Claim		
	Abstracts	<u>lig</u>	

SP-70822-119

442



3551

STATUS OF APPLICATION

Change in point of diversion & place of use  
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 Place of hearing Dallas  
 Date of order 8-3-77 Vol. 29, page 167  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued OCT 17 1977 36, page 448 90

DESCRIPTION OF WATER RIGHT

Name of stream Lucklumute R.  
 Trib. of \_\_\_\_\_ County of Palk  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 28 1/2  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 40546 Per. No. 30218 Cert. No. 39601  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by 3-5-91 ves  
SEE T-4507

REMARKS

20/30  
2 cert.

FEEES PAID

Date	Amount	Receipt No.
<u>2/25/77</u>	<u>\$50.00</u>	<u>58556</u>
TOTAL . . .		
<u>2/28/77</u>	<u>42 Cert. Fee</u>	<u>58575</u>
<u>P.O.N. Pd. all T-3549</u>		

FEEES REFUNDED

Date	Amount	Check No.
<u>6-10-77</u>	<u>500</u>	<u>part 7: # 1359</u>

Fees	Exam	20-
	POU	10-
	POD	15-
		<u>4500</u>

INDEX CARDS: Entered Checked

TO BE ENTERED WHERE CHECKED	Name	<u>leg</u>	
	Stream	<u>leg</u>	
	Pt. of Div.		
	Calendar	<u>leg</u>	
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>leg</u>	
	Deed-map		
	Deed-safe		
	Cert. of W/R	<u>✓</u>	
	Per. Folder	<u>✓</u>	
	Chaindex		
	Cross Ref.		
	Power Claim		
	Abstracts	<u>leg</u>	

W.R.T.S.

Assembled 7-9-85 by SCA

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_



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. 3551

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 39601, 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 0.35 cubic foot per second from Luckiamute River for irrigation of 14.0 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., with a date of priority of January 27, 1965.

Water for the said right is diverted from a point 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.

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 $\frac{1}{4}$  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., from a point of diversion located 600 feet South and 1900 feet West from the Southeast corner of DLC No. 56, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 17.

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

V27  
P167-169



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 0.35 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 39601, 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



SUPERSEDED by CERTIFICATE NO. 44890

## STATE OF OREGON

COUNTY OF POLK

## CERTIFICATE OF WATER RIGHT

This Is to Certify,

Dessent Seed CompanyThat G. A. TWISSPO Box 9003Brooks9736105of Route 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 Little Luckiamute River and Luckiamute Rivera tributary of Willamette River

for the purpose of

irrigation of 117.1 acres 28.4 acresunder Permit No. 30218 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 January 27, 1965

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

0.35 ~~1.46 cubic feet per second, being 0.29 cubic foot per second from Little Luckiamute River and 1.17 cubic feet per second from Luckiamute River~~ if available at the original point of diversion; SWSE w/in James Smith DLC 56, Sec 17 T9S R5W W.M., 630'S & 3090'W from SE cor DLC 56

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 $\frac{1}{4}$ , as projected within James Smith DLC 56, Section 8; SE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within James Smith DLC 56, Section 17, T. 9 S., R. 5 W., W. M., Diversion points located: 630 feet South and 3090 feet West; 4610 feet North and 1830 feet West; both from SE Corner, James Smith DLC 56.

The ~~amount of water used for irrigation~~ 600' S & 1900' W, 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:

Little Luckiamute River2.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$ As projected within James Smith DLC 56  
Section 916.4 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$ As projected within James Smith DLC 56  
Section 80.7 acre NW $\frac{1}{4}$  NW $\frac{1}{4}$ As projected within James Smith DLC 56  
Section 164.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$ As projected within James Smith DLC 56  
Section 17

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

OVER



~~Luckiamute River~~

~~Tract No. 1~~

~~5.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
1.1 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
14.0 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
14.4 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
10.1 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
38.4 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
10.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$~~

All as projected within ~~James~~ Smith DLC 56. as w/in Simpson DLC 69  
Section 17  
T. 9 S., R. 5 W., W. M.

~~Tract No. 2~~

13.2 acres NESE

1.3 NWSE

6.6 SWSE

7.0 SESE

all w/in Smith DLC 56

0.3 SESE

Sec 17

T9S R5W WM

This certificate is issued to correctly describe the place of use and  
supersedes certificate of water right heretofore issued to C. A. Twiss  
and recorded at page 37346, Volume 29, State Record of Water Right  
Certificates.

This certificate is issued to confirm a change in place of use and point  
of diversion approved by an order of the Water Resources Director entered  
Aug 3 '77 and together with certificate of water right recorded on page  
44890, Volume 36, SRWRC supersedes certificate of water right recorded on  
page 39601, Volume 31, SRWRC.

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 21 day of November, 1973.

Chris L. Wheeler  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39601

T#3551



## STATE OF OREGON

COUNTY OF

POLK

Superseded by

Cert. No. 49728

## 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 Little Luckiamute River and Luckiamute River

a tributary of Willamette River  
irrigation of 88.7 acres

for the purpose of

under Permit No. 30218 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 January 27, 1965

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 1.11 cubic feet per second, being 0.29 c.f.s. from Little Luckiamute River and 0.82 c.f.s. from 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 $\frac{1}{4}$ , as projected within James Smith DLC 56, Section 8; SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within James Smith DLC 56, Section 17, T. 9 S., R. 5 W., W. M., Little Luckiamute River: 4610 feet North and 1830 feet West, Luckiamute River: 630 feet South and 3090 feet West; both from the SE Corner, 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,

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



Little Luckiamute River

2.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$

As projected within James Smith DLC 56  
Section 9

16.4 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$

As projected within James Smith DLC 56  
Section 8

0.7 acre NW $\frac{1}{4}$  NW $\frac{1}{4}$

As projected within James Smith DLC 56  
Section 16

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

As projected within James Smith DLC 56  
Section 17

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

Luckiamute River

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

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

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

38.4 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$

10.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$

All as projected within James Smith DLC 56  
Section 17

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

This certificate describes that portion of the water right confirmed by prior certificate 39601, NOT modified by the provisions of an order entered on August 3, 1977, approving transfer application No. 3551.

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

Recorded in State Record of Water Right Certificates, Volume 36 , page 44890