

3585

P. KENDALL CATES

3585

STATUS OF APPLICATION

Change in point of diversion
 Date filed 3-15-77
 Date of hearing _____
 Place of hearing _____
 Date of order 5-31-77 Vol. 29, page 61
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued APR 23 1979 Vol. 41, page 47859

to survey 9/77

DESCRIPTION OF WATER RIGHT

Name of stream Luckiamute R.
 Trib. of _____ County of Polk
 Use irrigation
 Quantity of water _____ No. of acres 7⁸
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 24180 Per. No. 19015 Cert. No. 21090
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3-15-77	35 ⁰⁰	59066
TOTAL . . .	2.00 No Cert. Fee	9980
3/30/79		

FEES REFUNDED

Date	Amount	Check No.

Fees Exam 20-
 P O D 15-
 35-

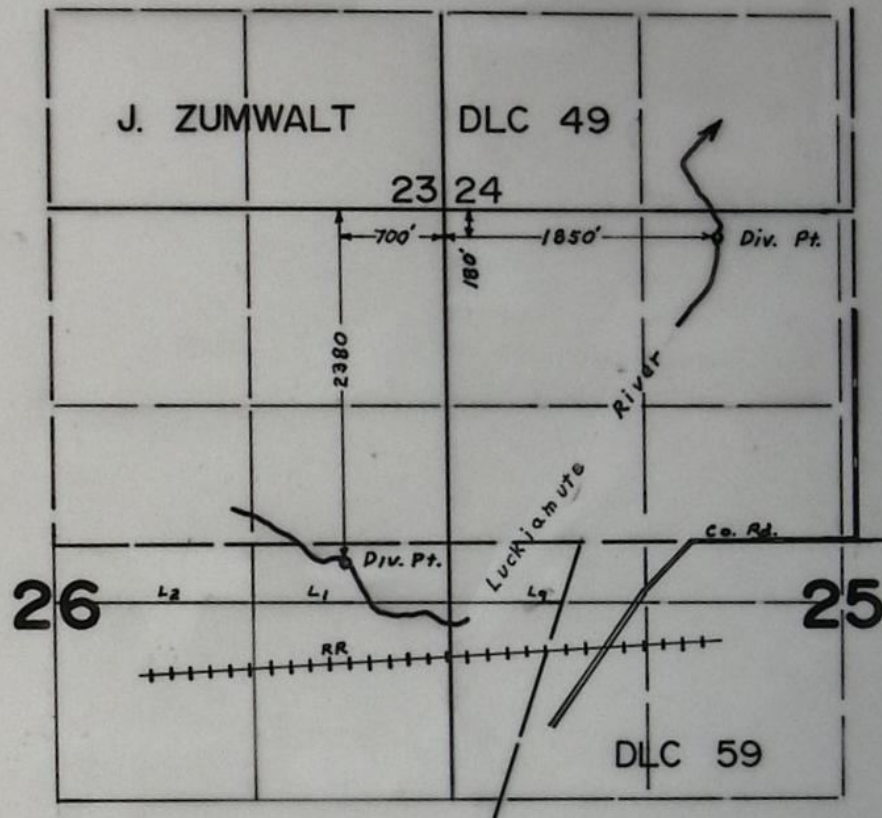
REMARKS

INDEX CARDS:	Entered	Checked
WH Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WH Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WH Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WH Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:		
ax 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"/>
Chaindex	<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"/>

NO IS RECORDED WITHIN CLERK'S OFFICE

476

T.9S. R.6W., W.M.



FINAL PROOF SURVEY UNDER

Transfer No. 3584 & 3585
Application No. Permit No.
IN NAME OF

..... P. KENDALL CATES

Surveyed MAR. 17. 1978., by J.S. DONALDSON

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HERMAN AMOS

of Route 2, Box 195, 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 under Permit No. 19015 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 September 30, 1949,

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 0.10 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 SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Zumwalt D.L.C. No. 49, Section 26, Township 9 South, Range 6 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:

6.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within J. Zumwalt D.L.C. No. 49
1.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within J. Zumwalt D.L.C. No. 49
Section 26
Township 9 South, Range 6 West, W. M.

Land on which water is to be used is a part of that described as follows:

N $\frac{1}{2}$ of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of the River, W $\frac{1}{2}$ of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of Luckiamute River, all in Section 26, Township 9 South, Range 6 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 2nd day of March, 1956.

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21090.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF P. KENDALL GATES FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3585

On March 15, 1977, an application was filed in the office of the Water Resources Director by P. Kendall Gates for a change in 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 21090, Volume 15, State Record of Water Right Certificates, in the name of Herman Amos, describes a right for the use of not to exceed 0.10 cubic foot per second from Luckiamute River for irrigation of 6.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 9 South, Range 6 West, W.M., with a date of priority of September 30, 1949.

Water for the said right is diverted from a point located 900 feet North and 1925 feet West from the East quarter-corner of Section 26, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26.

The applicant herein, owner of the lands above described, proposes to change the point of diversion without loss of priority to a point located 575 feet North and 850 feet West from the East quarter-corner of Section 26, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26.

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 change in point of diversion as described herein, without loss of priority, is 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 0.10 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 the certificate of water right heretofore issued to Herman Amos and recorded at Page 21090, Volume 15, 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 31st day of May, 1977.

/s/ JAMES E. SEXSON
Director