

3111 Taiyo J. Simonson  
Route 1, Box 168  
Shenandoah, OR 97378

3111

### STATUS OF APPLICATION

Change in place of use  
Date filed 8-15-74  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order Nov 26, 1975 Vol. 26, page 193  
Date for application of water 10-1-76  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued OCT 20 1978 Vol. 39, page 46726

Survey 6/76  
11-1-78 Done

### DESCRIPTION OF WATER RIGHT

Name of stream Mill Creek  
Trib. of \_\_\_\_\_ County of Pack  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 30<sup>0</sup>  
Name of ditch \_\_\_\_\_  
Date of priority January 10, 1957  
In name of Taiyo J. Simonson  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 31301 Per. No. 24652 Cert. No. 39245  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
<u>8-15-74</u>	<u>25.00</u>	<u>42495</u>
TOTAL . . .		
<u>5-24-78</u>	<u>\$2 Cert. Fee</u>	<u>3100</u>

### FEES REFUNDED

Date	Amount	Check No.

### REMARKS

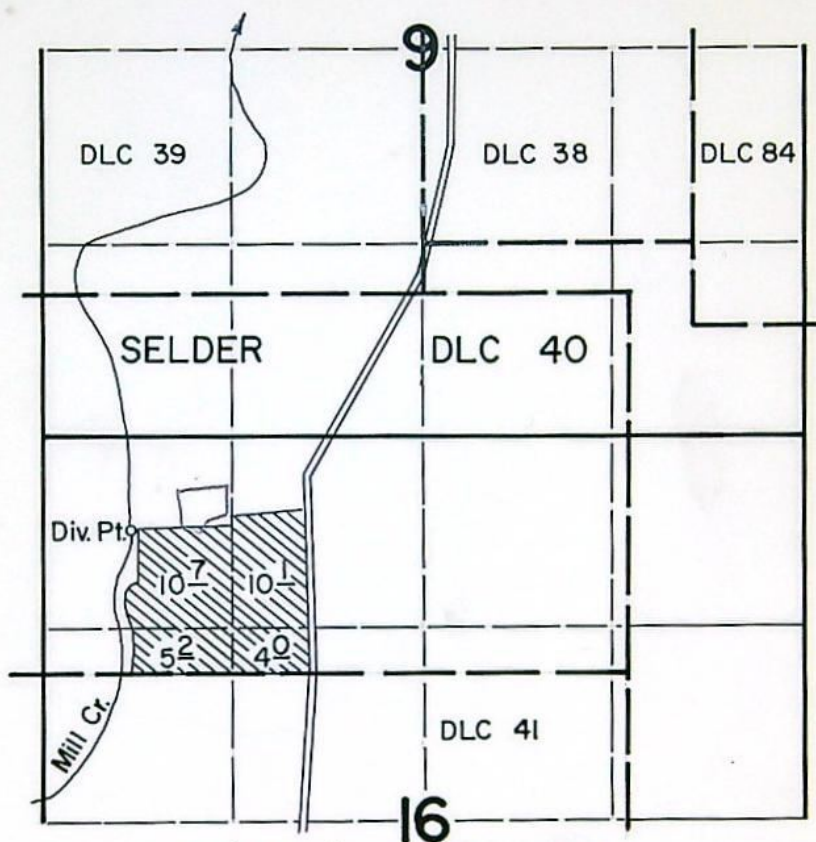
See T-2519, 31301, 42974

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHEN CHECKED	<input checked="" type="checkbox"/> Name	<u>ml</u>	<u>  </u>
	<input checked="" type="checkbox"/> Stream	<u>ml</u>	<u>  </u>
	<input checked="" type="checkbox"/> Pt. of Div.	<u>  </u>	<u>  </u>
	<input checked="" type="checkbox"/> Calendar	<u>  </u>	<u>  </u>
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/> Twp. & Rge.	<u>ml</u>	<u>  </u>
	<input checked="" type="checkbox"/> Decree-vault	<u>  </u>	<u>  </u>
	<input checked="" type="checkbox"/> Decree-safe	<u>  </u>	<u>  </u>
	<input checked="" type="checkbox"/> Cert. of W/R	<u>ml</u>	<u>  </u>
	<input checked="" type="checkbox"/> Per. Folder	<u>ml</u>	<u>  </u>
	<input checked="" type="checkbox"/> Chainindex	<u>  </u>	<u>  </u>
	<input checked="" type="checkbox"/> Cross Ref.	<u>  </u>	<u>  </u>
	<input checked="" type="checkbox"/> Power Claim	<u>  </u>	<u>  </u>
	<input checked="" type="checkbox"/> Abstracts	<u>  </u>	<u>  </u>

2466



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



DIV. PT. LOC: 650' S & 610' E from NW cor. sec. 16

**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3111  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

TOIVO J. SIMONSON

Surveyed Oct. 22, 1976, by D. Norby



## STATE OF OREGON

COUNTY OF POLK

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That **TOIVO J. SIMONSON** 97378  
 of ~~Route 1, Box 168, Sheridan~~ 8445 Harmony Rd, 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  
 Mill Creek

a tributary of South Yamhill River  
 irrigation of 30.0 acres

for the purpose of

under Permit No. 24652 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 10, 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  
0.38 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 $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Selder DLC 40,  
 Section 16, T. 6 S., R. 6 W., W. M., 1070 feet North and 1920 feet East from  
 SW Corner, Selder DLC 40.

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:

<del>14.0 acres SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></del>	
<del>14.0 acres SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></del>	
<del>Section 9</del>	
<del>2.0 acres NE<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math></del>	
Section 16	
All as projected within Selder DLC 40	
T. 6 S., R. 6 W., W. M.	

10.1 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
10.7	NW $\frac{1}{4}$ NW $\frac{1}{4}$
5.2	SW $\frac{1}{4}$ NW $\frac{1}{4}$
4.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$

This certificate is issued to confirm a change in place of use and ~~point of diversion~~ approved by an order of the WRD entered Nov 26, 1975 and supersedes  
 certificate of water right recorded on page 39245, Volume 31, SRWRC.

WRD - Water Resources Director

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 date.

May 31, 1973

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39245



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION  
OF TOIVO J. SIMONSON FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE OF WATER  
FROM MILL CREEK

ORDER APPROVING  
TRANSFER NO. 3111

On August 15, 1974, Toivo J. Simonson filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Toivo J. Simonson and recorded at Page 39245, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.38 cubic foot per second of water from Mill Creek for the irrigation of 2.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, 14.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 14.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 6 South, Range 6 West, W.M., with a date of priority of January 10, 1957. These lands are irrigated from a point of diversion located 1070 feet North and 1920 feet East from the Southwest corner of Selder DIC 40, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, Township 6 South, Range 6 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 10.1 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.7 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 5.2 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, Township 6 South, Range 6 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.



Mr. Gene McGinnis, Watermaster of District No. 2, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, 14.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 14.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 6 South, Range 6 West, W.M., with a date of priority of January 10, 1957, be severed therefrom and simultaneously and without loss of priority transferred to 10.1 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.7 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 5.2 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, Township 6 South, Range 6 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

It is FURTHER ORDERED that certificate of water right heretofore issued to Toivo J. Simonson and recorded at page 39245, Volume 31, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Toivo J. Simonson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 26th day of November, 1975.

JAMES E. SEXSON  
Director