

3561

STATUS OF APPLICATION

Change in place of use
Date filed 3-2-77
Date of hearing _____
Place of hearing _____
Date of order 4-19-77 Vol. 28, page 468
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Pudding River
Trib. of _____ County of Marion
Use irrigation
Quantity of water _____ No. of acres 23²
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 26419 Per. No. 20720 Cert. No. 22360
Certificate cancelled _____
Notation made on record by _____

REMARKS

CARD FOR C DEC 26 1979

W.R.I.S.	
Assembled <u>7-9-85</u> by <u>SCA</u>	
Entered _____ by _____	
Verified _____ by _____	

FEES PAID

Date	Amount	Receipt No.
<u>3-2-77</u>	<u>30.00</u>	<u>58689</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

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

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE ANDRES

of Route 1, Box 185, Garvais, 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 Pudding River a tributary of Willamette River for the purpose of irrigation under Permit No. 20720 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 10, 1951

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 0.29 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 5 South, Range 1 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:

18.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
4.8 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32
Township 5 South, Range 1 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 10th day of April, 1957

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22360.

MARION COUNTY

T-3561.VRG

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF TRANSFER)	LOSS OF WATER RIGHT
APPLICATION 3561 IN THE NAME)	<u>O R D E R</u>
OF GEORGE J. ANDRES)	

Transfer application 3561 the name of George J. Andres, proposed a change in the place of use of water from Pudding River for the irrigation of 23.2 acres under a priority date of September 10, 1951. The proposed place of use is as follows:

SW 1/4 NE 1/4	1.5 ACRES
SE 1/4 NW 1/4	7.0 ACRES
NE 1/4 SW 1/4	12.2 ACRES
NW 1/4 SE 1/4	2.5 ACRES

SECTION 32

TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

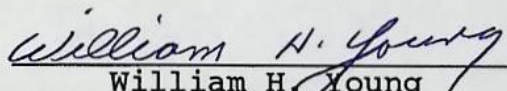
The order of the Water Resources Director dated April 19, 1977, recorded in Volume 28 at Page 468, Special Order Records, approving transfer application 3561, set October 1, 1979, as the date by which the proposed change was to be completed. The order also cancelled certificate of water right numbered 22360 and provided that a new certificate would be issued upon receipt of proper proof of the completed change.

Inspections were made by a representative of the Water Resources Department on March 26, 1986 and again on December 26, 1989. The inspector reported that no use of the water had been made under the terms of the order and no use had been made up to the date of the inspections.

A notice of LOSS OF WATER RIGHT was sent by certified mail to the present land owner, TRECO, Dave Smith, President, dated January 10, 1992. The notice was received by Anna M. Courter, Agent.

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change in place of use was accomplished within the provisions of the order, therefore, the subject water right has been lost and is hereby cancelled.

WITNESS the signature of the Water Resources Director, affixed
MARCH 9, 1992.


William H. Young

Recorded in Special Order Volume 46, Page 141

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION }
OF GEORGE J. ANDRES FOR APPROVAL }
OF A CHANGE IN PLACE OF USE OF }
WATER FROM PUDDING RIVER }

ORDER APPROVING
TRANSFER NO. 3561

On March 2, 1977, an application was filed in the office of the Water Resources Director by George J. Andres for a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 22360, Volume 16, State Record of Water Right Certificates, in the name of George Andres, describes a right for the use of not to exceed 0.29 cubic foot per second from Pudding River for irrigation of 18.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 5 South, Range 1 West, W.M., with a date of priority of September 10, 1951.

Water for the said right is diverted from a point located 3000 feet South and 1280 feet West from the Northeast corner of Section 32, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom, and without loss of priority to irrigate in lieu thereof a certain 1.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 12.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 5 South, Range 1 West, W.M.

Mr. Keith M. Palmer, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objection 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 requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates 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 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 George Andres and recorded at Page 22360, Volume 16, 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 19th day of April, 1977.

/s/ JAMES E. SEXSON
Director