

3584

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 63
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued APR 23 1979 Vol. 41, page 47858

Survey 9/77

DESCRIPTION OF WATER RIGHT

Name of stream Luckiunite R.
Trib. of _____ County of Polk
Use irrigation
Quantity of water _____ No. of acres 17.5
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 28185 Per. No. 22641 Cert. No. 21127
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-15-77</u>	<u>\$35.00</u>	<u>59050</u>
TOTAL		
<u>3/30/79</u>	<u>2.00</u> Cert. Fee	<u>9978</u>

FEES REFUNDED

Date	Amount	Check No.

Fees Exam 20-
POD 15-
\$35-

REMARKS

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

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. M. CATES

of Route 2, 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. 22641 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 March 10, 1953.

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 0.22 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within J. Zumwalt D.L.C. No. 49, Section 24, 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:

15.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
2.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
As projected within J. Zumwalt D.L.C. No. 49
Section 24,
Township 9 South, Range 6 West, W. M.

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

That part of the above described land lying SE of Luckiamute River, all in Sec. 24, T. 9 S., R. 6 W., 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 21127.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

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

ORDER APPROVING
TRANSFER NO. 3584

On March 15, 1977, an application was filed in the office of the Water Resources Director by P. Kendall Cates 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 21127, Volume 15, State Record of Water Right Certificates, in the name of E. M. Cates, describes a right for the use of not to exceed 0.22 cubic foot per second from Luckiamute River for irrigation of 15.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 9 South, Range 6 West, W.M., with a date of priority of March 10, 1953.

Water for the said right is diverted from a point located North 75 degrees, 26 Minutes West, 1080 feet from the South quarter-corner of Section 24, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 24.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 200 feet South and 800 feet West from the South quarter-corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 9 South, Range 6 West, W.M.

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 0.22 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 E. M. Cates and recorded at Page 21127, 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