

3710

STATUS OF APPLICATION

Change in POD
 Date filed June 16, 1977
 Date of hearing January 4, 1978
 Place of hearing Dallas
 ✓ Date of order 1-5-78 Vol. 30, page 226
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued OCT 28 1980 Vol. 43, page 49729

to survey 1/78

DESCRIPTION OF WATER RIGHT

Name of stream TEAL CREEK
 Trib. of _____ County of POLK
 Use _____
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 6716 Per. No. 4305 Cert. No. 9761 (T#M-49)
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-16-77</u>	<u>\$ 85.00</u>	<u>61626</u>
TOTAL . . .		
	Cert. Fee	
<i>Sun Enterprise \$29.24 paid 1/6/78 check # 1906</i>		

FEES REFUNDED

Date	Amount	Check No.
<u>1/6/78</u>	<u>\$ 20.76</u>	<u>1907</u>
	Exam	20
	POD	15
	PON	29.24
		<u>64.24</u>

REMARKS

Autho. POD established per T#M-49

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

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION OF)
CITY OF MONMOUTH, OREGON, FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM TEAL CREEK,)
A TRIBUTARY OF NORTH FORK LUCKIAMUTE)
RIVER.)
-----)

ORDER APPROVING
APPLICATION NO. M-49

On December 11, 1946, the City of Monmouth, Monmouth, Oregon, filed an application for the approval of a change in point of diversion of water from Teal Creek, a tributary of North Fork Luckiamute River, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right recorded at Page 9761, Volume 9, State Record of Water Right Certificates, was issued to the City of Monmouth confirming a right to the use of 0.45 cubic foot per second of the waters of Teal Creek, a tributary of North Fork Luckiamute River for municipal purposes in the NE $\frac{1}{4}$, Section 25, Township 8 South, Range 5 West, W. M., with a date of priority of August 19, 1919. The present point of diversion of the pipe line diverting from Teal Creek is located south 9° 30' east 2952 feet from the northwest corner of Section 32, Township 8 South, Range 6 West, W. M.

The applicant herein, owner of the above-described water right, proposes to change the present point of diversion up stream approximately 750 feet to a point to be located 275 feet south 63° 20' west from the quarter corner between Sections 31 and 32, Township 8 South, Range 6 West, W. M.

Notice by publication, as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said

section provides that in applications for a change in point of diversion of less than one-fourth mile and where there are no intervening diversions between the old diversion of the applicant and his proposed new diversion, no notice shall be required to be published.

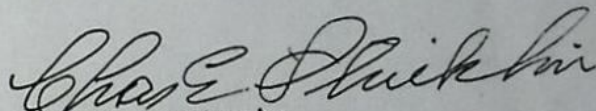
No objections having been filed and it appearing that the proposed change in point of diversion of water from Teal Creek, a tributary of North Fork Luckiamute River, to-wit:

From a point located approximately south $9^{\circ} 30'$ east 2952 feet from the northwest corner of Section 32, Township 8 South, Range 6 West, W. M.,

To a point up stream to be located approximately 275 feet south $63^{\circ} 20'$ west from the quarter corner between Sections 31 and 32, Township 8 South, Range 6 West, W. M.,

for municipal purposes within the $NE\frac{1}{4}$, Section 25, Township 8 South, Range 5 West, W. M., with a date of priority of August 19, 1919, be and the same hereby is approved.

Dated at Salem, Oregon, this 18th day of December, 1946.


CHAS. E. STRICKLIN
State Engineer

Noted on Cert. 9761

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF CITY OF MONMOUTH FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM TEAL CREEK)

ORDER APPROVING
TRANSFER NO. 3710

On June 16, 1977, an application was filed in the office of the Water Resources Director by the City of Monmouth for approval of a change in point of diversion from Teal Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 9761, Volume 9, State Record of Water Right Certificates, in the name of City of Monmouth, describes a right for the use of not to exceed 0.45 cubic foot per second from Teal Creek for municipal purposes in the NE $\frac{1}{4}$ of Section 25, Township 8 South, Range 5 West, W.M., with a date of priority of August 19, 1919.

Water for the said right is diverted from a point located South 63 degrees 20 minutes West, a distance of 275 feet from the East Quarter Corner of Section 31, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 8 South, Range 6 West, W.M.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 1634 feet South and 155 feet West from the North Quarter Corner of Section 28, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 8 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Polk Sun, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of November 9, 16 and 23, 1977.

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 objections 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.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

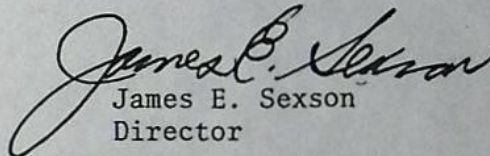
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to City of Monmouth and recorded at page 9761, Volume 9, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon, this 5th day of January, 1978.


James E. Sexson
Director

JED

STATE OF OREGON
COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF MONMOUTH
151 W. Main St
of Monmouth, State of Oregon 97361, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Teal Creek LITTLE
a tributary of North Fork of the Luckiamute River for the purpose of
Municipal use
under Permit No. 4305 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 August 19, 1919;

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
0.45 cubic foot per second, it available at the original point of diversion,

NE SE SEC 31 T 8 S R 6 W 4th South 68 degrees 20 minutes West, 275 feet from
the E 1/4 cor Sec 31
The point of diversion is located in the NE 1/4 of Section 25, Township 8 S., Range 6 W., W. M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer. Div. pt. Loc: 1634' S. & 155' W. fr. N 1/2 Cor. Sec. 28

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 cubic foot per second per
acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (if for irrigation, or any other purpose), is as follows: NE 1/4, Section 25,
Township 8 South, Range 5 West, Willamette Meridian, in Polk County, Oregon.

*change in point of div.,
Sp.Or. Vol. 5, p. 331*

*NE 1/4
Section 25*

Town 8 South, Range 5 W 4th

The right to the use of the water for any purpose is restricted to the lands or place of use
herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of

This certificate is issued to confirm a change in point of diversion
approved by an order of the WRD entered Jan 5 '78 and supersedes
certificate of water right recorded at page 9761 Vol. 9 SRWRC.

The issuance of this superseding certificate does not confirm the
status of the water right in reference to ORS 540.610.

WITNESS the signature of the State Engineer,

affixed this 10th day
of October, 193 2

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 9, page 9761

49729

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is To Certify, That CITY OF MONMOUTH

of City Hall, 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
Teal Creek
a tributary of Little Luckiamutte for the purpose of
municipal use
under Permit No. 30886 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 August 31, 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
0.61 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 $SE\frac{1}{4}NW\frac{1}{4}$, Section 28, T. 8 S., R. 6 W., W. M.
Diversion point located 1634 feet South and 155 feet West from $N\frac{1}{4}$ Corner, Sec-
tion 28.

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 _____ of one cubic foot per second
per acre,

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:

$S\frac{1}{2}SW\frac{1}{4}$
 $S\frac{1}{2}SE\frac{1}{4}$
Section 19

$N\frac{1}{2}$
 $N\frac{1}{2}SW\frac{1}{4}$
 $NW\frac{1}{4}SE\frac{1}{4}$
Section 30
T. 8 S., R. 4 W., W. M.

$NW\frac{1}{4}SW\frac{1}{4}$
Section 21

$SE\frac{1}{4}SE\frac{1}{4}$
Section 22

$SW\frac{1}{4}SW\frac{1}{4}$
 $S\frac{1}{2}SE\frac{1}{4}$
Section 24

$NE\frac{1}{4}$
 $N\frac{1}{2}NW\frac{1}{4}$
 $NE\frac{1}{4}SW\frac{1}{4}$
 $SW\frac{1}{4}SW\frac{1}{4}$
 $SE\frac{1}{4}$
Section 25
T. 8 S., R. 5 S., W. M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
N $\frac{1}{2}$ SW $\frac{1}{4}$
W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 26

S $\frac{1}{2}$ SW $\frac{1}{4}$
S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 27

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$
Section 28

N $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 29

S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 30

NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 31

N $\frac{1}{2}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 33

N $\frac{1}{2}$ NW $\frac{1}{4}$
Section 34
T. 8 S., R. 5 W., W. M.

N $\frac{1}{2}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 25

W $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
S $\frac{1}{2}$ NW $\frac{1}{4}$
N $\frac{1}{2}$ SW $\frac{1}{4}$
N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 26

S $\frac{1}{2}$ NE $\frac{1}{4}$
N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 27

SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 28
T. 8 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 7 day of May, 19 69

.....CHRIS L. WHEELER.....
State Engineer

**NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3710**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by the City of Monmouth for approval of a change in point of diversion from Teal Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The Certificate recorded at page 9761, Volume 9, State Record of Water Right Certificates, in the name of City of Monmouth, describes a right for the use of not to exceed 0.45 cubic foot per second from Teal Creek for municipal purposes in the NE 1/4 of Section 25, Township 8 South, Range 5 West, WM, with a date of priority of August 19, 1919.

Water for the said right is diverted from a point located South 63 degrees 20 minutes West, a distance of 275 feet from the E 1/4 corner of Sec 31, being within the NE 1/4 SE 1/4 of Sec 31, T 8 S, R 6 W, WM.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 1634 ft S and 155 ft W from the NW cor of Sec 28, being within the SE 1/4 NW 1/4 of Sec 28, T 8 S, R 6 W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Dallas, Oregon, on January 4, 1978, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on the City of Monmouth, c/o Richard Emken, Mayor, 151 W. Main St., Monmouth, OR 97361 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 3rd day of November, 1977.
James E. Sexson
Director
Published November 9, 16, 23, 1977

RECEIVED

JAN 2 1978

WATER RESOURCES DEPT
SALEM, OREGON

Affidavit Of Publication

STATE OF OREGON,)
) ss.
County of Polk)

I, Frank Parchman, being
first duly sworn, depose and say I am the PUBLISHER
of the Sun-Enterprise, a newspaper of general circulation as defined by ORS
193.010 and 193.020, printed and published at Monmouth in the aforesaid county and
state; that the Notice of water right transfer

_____, a printed copy of which is hereto annexed,
was published in the entire issue of said newspaper for Three
successive and consecutive weeks in the following issues: _____

Nov. 9, 16, 23, 1977

[Signature]
Subscribed and sworn to before me this 23 day of
November, 19 77

[Signature]
Notary Public for Oregon.

(My Commission Expires _____)

Commission

expires

June 23, 1978

