

3227

STATUS OF APPLICATION

Change in point of diversion
 Date filed 5-15-75
 Date of hearing _____
 Place of hearing _____
 Date of order 2-4-76 Vol. 26, page 352
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued MAR 30 1979 Vol. 41, page 159

DESCRIPTION OF WATER RIGHT

Name of stream Mill Creek
 Trib. of _____ County of Colk
 Use irrigation
 Quantity of water _____ No. of acres 7.1
 Name of ditch pump
 Date of priority July 12, 1945
 In name of William P. Harris
 _____ Adjudication, Vol. _____, page _____
 App. No. 20959 Per. No. 16406 Cert. No. 20966
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|----------------|--------------------------|--------------|
| <u>5-15-75</u> | <u>30.00</u> | <u>46845</u> |
| TOTAL . . . | | |
| <u>5-15-75</u> | <u>1.50</u> Cert. Fee | <u>46845</u> |

FEES REFUNDED

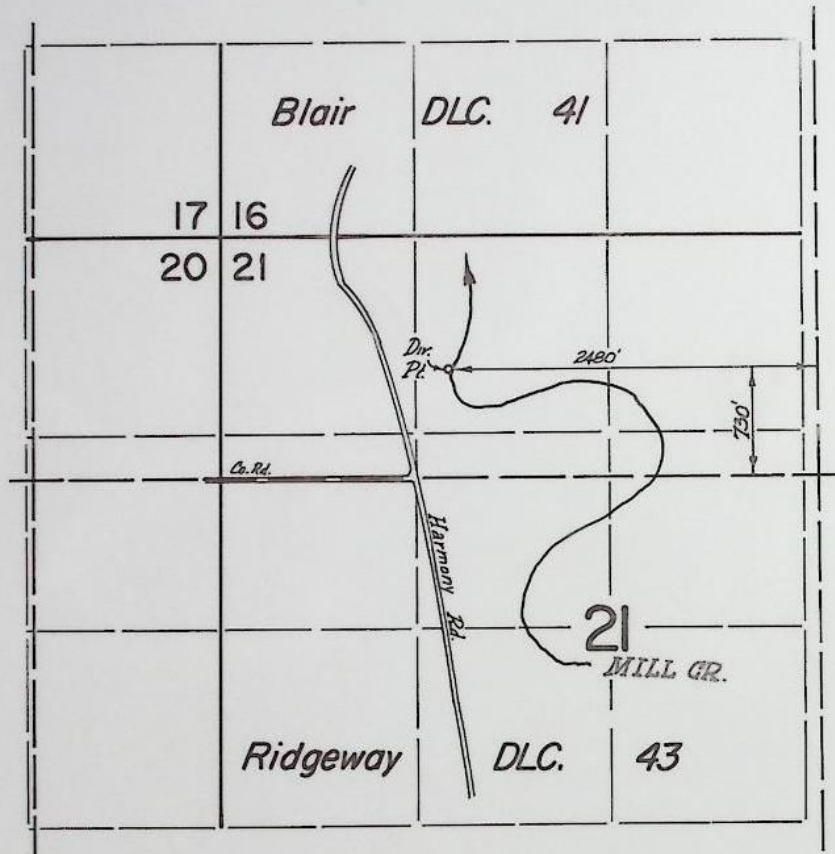
| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

REMARKS

See Transfer No 3218 - involves balance of right

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

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



FINAL PROOF SURVEY
UNDER

Transfer No. 3227

Application No. _____ Permit No. _____
IN NAME OF

WILLIAM G. & JOY L. STUIVENG

Surveyed Aug. 8, 1977, by L.M. Tolle

MILLERS FALLS
ALL COTTON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION }
OF WILLIAM G. AND JOY L. STUIVENGA }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
MILL CREEK }

ORDER APPROVING
TRANSFER NO. 3227

On May 15, 1975, William G. and Joy L. Stuivenga filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William P. Harris and recorded at Page 20966, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.248 cubic foot per second of water from Mill Creek for the irrigation of, among other lands, 4.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W.M., with a date of priority of July 12, 1945. These lands are irrigated from a point of diversion located 600 feet North and 2400 feet West from the Southeast corner of Blair D.L.C. #41, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 720 feet North and 2450 feet West from the Southeast corner of Blair D.L.C. #41, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, 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 said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

ALL COTTON

Mr. Gene McGinnis, Watermaster of District No, 2, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Mill Creek, to wit:

From a point located 600 feet North and 2400 feet West from the Southeast corner of Blair D.L.C. #41, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W.M.

To a point to be located 720 feet North and 2450 feet West from the Southeast corner of Blair D.L.C. #41, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W.M.,

for the irrigation of 4.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W.M., with a date of priority of July 12, 1945, is approved.

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, 1976.

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, and shall not exceed 0.089 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 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.

The balance of the right not involved in this proceeding for the irrigation of 7.1 acres is included in an application filed by George J. and Herta L. Riggs.

It is FURTHER ORDERED that the certificate of water right heretofore issued to William P. Harris and recorded at Page 20966, Volume 15, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to William G. and Joy L. Stuivenga confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of February, 1976.

/s/ JAMES E. SEXSON
Director

$$1\frac{3}{64}$$

DFD-366-158
8-8-77 LMF

7330 HARMONY RD

Rt. 1, Box 176, Sheridan 97378

S. Kanani River

Priority Date July 12, 1945

irrigation of 7¹ ac.

730 2490

3rd Proj. of the Lewis and Clark

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/76

[illegible]

INFO - MRS. STUIVENGA - SHOWED US NEW DIV. -
Point.

~~NEW~~ DIV. - PUMPS DIRECTLY FROM MILL CR.

PUMP - DDC 2 1/2" x 2"

MOTOR - BETH 7.5 H.P. @ 3500 RPM

PIPE - 360' 3" Alum MAIN
680' 3" Alum LAT

HEADS - 17 RB 40 13/64 (ALL MAX)

USE - PASTURE, GARDEN

LIFT - +25'

TIE - DFP-3CL-158

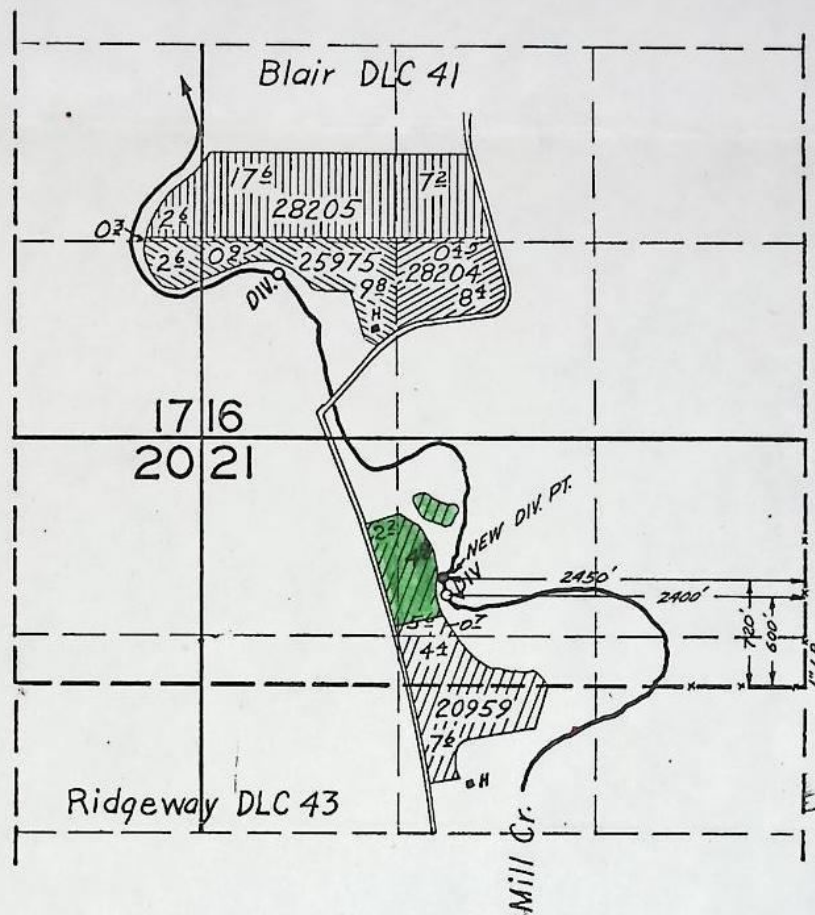
Larry Jell
FE
8/8/77

RECEIVED

MAY 15 1975

STATE ENGINEER
SALEM, OREGON

T.6S.R.6W. WM



TRANSFER APPLICATION FOR CHANGE IN PT. OF DIV.
FOR 7.1 ACRES. FOR WILLIAM & JOY STUIVINGA

FINAL PROOF SURVEY

| | | | |
|----------------------|-------|-----------------|-------|
| Application No. | 20959 | Permit No. | 16406 |
| | 28205 | | 22193 |
| | 28204 | | 22192 |
| | 25975 | | 20357 |
| Gerald R. Allen | | | |
| Otto Debrick | | | |
| Dan O. Blair | | | |
| Dan O. Blair | | | |

Surveyed July 12, 1954, by T. Jones

DFP-3D-68

T-3227

T-3227

Transfer No. 3227

NOTICE OF COMPLETION OF CONSTRUCTION

I, Glen Stiverga hereby certify
that the construction work has been completed and the change in point
of diversion of water made as set forth in the order of the Water Resources
Director dated Feb. 4 1976, approving an application
for a change in point of diversion of water from on Mill Creek.

Aug. 25 1976
Date

Glen Stiverga
Name

RECEIVED

AUG 26 1976

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

MAY 15 1975
STATE ENGINEER
SALEM, OREGON

T-3227

30.00 Exp. rec.
1.50 cert.
31.50

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, William G. & Joy L. Stuiivenga
(Name of applicant)
of RT. 1 Box 176 Sheridan, County of Polk
(Postoffice)
State of Oregon 97378, do hereby make application for change IN POINT
OF DIVERSION
(In point of diversion; place of use; use heretofore made of the water)

- The source of present water right is MILL CREEK
(Name of stream)
- The use to which the water is applied is Irrigation of 7.1 acres
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is pump
- The point of diversion is located 600 ft. N and 2400 ft. W from the SE
(N. or S.) (E. or W.)
corner of Blair DLC 41 being within the NE 1/4 NW 1/4
(Section or subdivision)
of Section 21 Tp. 6S R. 6W W. M., in the County of Polk
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

| Twp. | Range | Sec. | NE 1-4 | | | | NW 1-4 | | | | SW 1-4 | | | | SE 1-4 | | | |
|------|-------|------|--------|--------|--------|--------|----------------|----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |
| 65 | 6W | 21 | | | | | 4 ⁹ | 2 ² | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

X 6. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

X 7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? July 12, 1945

9. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)
of permit 16406

10. Do you hold a water right certificate? yes If so, give number of certificate 20966
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? No - William P. Harris
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

| Twp. | Range | Sec. | NE 1-4 | | | | NW 1-4 | | | | SW 1-4 | | | | SE 1-4 | | | |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 720 ft. N and 2450 ft. W from the SE
(N. or S.) (E. or W.)
corner of Bkic DLC 41 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21 Tp. 6S R. 6W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Polk The name of the ditch to be used is pump

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? no

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

| NATURE OF ENCUMBRANCE | HELD BY | AMOUNT |
|-----------------------|---------|--------|
| | | |
| | | |
| | | |

20. Reasons for the proposed changes are The new point of diversion is more centrally located for my field.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Yamhill } ss.

I, William G. Stuivenaga & Joy L. Stuivenaga, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 12th day of May, 1975
x William G. Stuivenaga
x Joy L. Stuivenaga
(Name of applicant)

Subscribed and sworn to before me this 12th day of May, 1975

[Notarial Seal]

Donald Hostetter
NOTARY PUBLIC FOR OREGON

My commission expires 2-23-76

Remarks _____

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.