

3575

DVA Notification

20/25

STATUS OF APPLICATION

Change in point of diversion & place of use
Date filed 3-10-77
Date of hearing 7-19-77
Place of hearing Dallas
Date of order 4-28-78 Vol. 30, page 546
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued JUN 9 1978 Vol. 38, page 45808
Sept 27, 1988 54 57700

DESCRIPTION OF WATER RIGHT

Name of stream Little Lubianute R.
Trib. of _____ County of Folk
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 41994 Per. No. 31428 Cert. No. 39287
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-10-77</u>	<u>45.00</u>	<u>58938</u>
TOTAL . . .		
<u>3-10-77</u>	<u>\$2 Cert. Fee</u>	<u>58939</u>

FEES REFUNDED

Date	Amount	Check No.

Exam 20-
POD 10-
POD 15-
45-

REMARKS

See T#3574 (cross-switch)
CARD FOR C DEC 26 1979

W.R.I.S.

Assembled 7-29-83 by SRL

Entered _____ by _____

Verified _____ by _____

INDEX CARDS: Entered Checked

✓	Name	<u>fig</u>	_____
✓	Stream	<u>fig</u>	_____
✓	Pl. of Div.	<u>fig</u>	_____
✓	Calendar	<u>fig</u>	_____
✓	Twp. & Rge.	<u>fig</u>	_____
✓	Decree-valet	<u>fig</u>	_____
✓	Decree-adj.	<u>fig</u>	_____
✓	Cert. of W/R	<u>suc</u>	_____
✓	Per. Vender	<u>suc</u>	_____
✓	Chainage	<u>fig</u>	_____
✓	Cross Ref.	<u>fig</u>	_____
✓	Power Claim	<u>fig</u>	_____
✓	Abstracts	<u>fig</u>	_____

via phone 5/10/77 Use Dallas I-O for PON

ok cont
AE

STATE OF OREGON
COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **KENNETH GARDNER**
of **17400 Gardner Rd**, **97338**
Route 2, Box 185, Dallas, 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
Little Luckiamute River

a tributary of **Luckiamute River** for the purpose of
irrigation of 192.5 acres
24.0

under Permit No. **31428** 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 15, 1966**

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
2.06 cubic feet per second, if available at the original point of diversion. **lot 1 (SE 1/4 Sec 25, T. 8 S., R. 6 W., W. M., 0.1076)**
0.26

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **Lot 1 (SE 1/4 SW 1/4), Section 25, T. 8 S., R. 6 W.,**
W. M., 780 feet South and 1050 feet East from NW Corner, Burns DLC 56.

SE 1/4 SE 1/4 section 26, T. 8 S., R. 6 W., W. M., as proj within Gardner DLC 42; 190' S & 1460' W from NE corner of DLC 92

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 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:

8.7 ~~4.9 acres SW 1/4 SW 1/4~~
~~21.9 acres SE 1/4 SW 1/4~~
~~0.4 acre SW 1/4 SE 1/4~~
Section 25
2.0 ~~4.8 acres SE 1/4 NE 1/4~~ **SE 1/4**
6.3 ~~1.6 acres NE 1/4 SE 1/4 NE 1/4~~
Section 35
~~12.6 acres NW 1/4 NE 1/4~~
~~40.0 acres NE 1/4 NW 1/4~~
7.0 ~~26.7 acres NW 1/4 NW 1/4~~
~~39.5 acres SW 1/4 NW 1/4~~
~~22.2 acres SE 1/4 NW 1/4~~
~~0.2 acre NE 1/4 SW 1/4~~
~~17.7 acres NW 1/4 SW 1/4~~ **Gardner DLC 42**

All lands as projected within Burns DLC 56

Section 36

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

1 Clause

This certificate is issued to confirm a change in **place of use and point of diversion** approved
by an order of the Water Resources Director entered **April 28, 1978** and
together with certificate **45808**, supersedes certificate **39287**,
State Record of Water Right Certificates.

The certificate is dated

STATE OF OREGON

T-3575

Gardner
under

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH GARDNER FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3575

On March 10, 1977, an application was filed in the office of the Water Resources Director by Kenneth Gardner for approval of changes in place of use and point of diversion from Little Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 39287, Volume 31, State Record of Water Right Certificates, in the name of Kenneth Gardner, describes a right which includes the use of not to exceed 0.26 cubic foot per second from Little Luckiamute River for irrigation of a certain 0.1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25; 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 19.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.5 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 8 South, Range 6 West, W.M., with a date of priority of March 15, 1966.

Water for the said right is diverted from a point located 430 feet North and 2560 feet East from the Southwest Corner of Section 25, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 8 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 8.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25; 2.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; 6.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35; and 7.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 8 South, Range 6 West, W.M., from a point of diversion located 700 feet North and 850 feet West from the Southeast Corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 8 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Polk County Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of May 25; June 1 and 8, 1977.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes

changes in place of use and 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 changes in place of use and point of diversion as described herein, without loss of priority, are 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 0.26 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

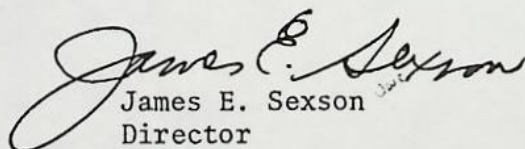
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and 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 recorded at page 39287, Volume 31, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding and the proceeding for Transfer No. 3576; 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 28th day of April, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That KENNETH GARDNER

of Route 2, Box ¹⁸⁴~~185~~, Dallas, State of ⁹⁷³³⁸~~Oregon~~, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Little Luckiamute River

a tributary of Luckiamute River for the purpose of irrigation of ~~192.5~~ ^{142.5} acres

under Permit No. 31428 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 15, 1966

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 ~~2.06~~ cubic feet per second
1.52

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 1 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 25, T. 8 S., R. 6 W., W. M., 780 feet South and 1050 feet East from NW Corner, Burns DLC 56.

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:

~~48~~ ~~4.9~~ acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 0.1
21.9 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
0.4 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25
4.8 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
1.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 35
12.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
27.4 ~~40.0~~ acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 4.0 - 8.6
7.2 ~~26.7~~ acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 1.9 - 0.3
37.2 ~~39.5~~ acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 0.5 - 1.3
6.4 ~~22.2~~ acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 1.5
0.2 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
17.7 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 24.0 - 20.0

All lands as projected within Burns DLC 56

Section 36

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.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 39287, Volume 31, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 28, 1978, approving transfer application No. 3575 & 3576

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

Recorded in State Record of Water Right Certificates, Volume 31, page 39287

C-45808

T 3575 & T 3576