

STATUS OF APPLICATION

Change in point of diversion & place of use
 Date filed 3-10-77
 Date of hearing 2-19-77
 Place of hearing Dallas
 Date of order 4-28-78 Vol. 30, page 548
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued JUN 9 1979 Vol. 38, page 45808
Sept 27, 1980 54 57699

DESCRIPTION OF WATER RIGHT

Name of stream Little Lubbock R.
 Trib. of _____ County of Polk
 Use irrigation
 Quantity of water _____ No. of acres 26^e
 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>45⁰⁰</u>	<u>58943</u>
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Exam 20
 POU 10
 POD 15
45-

REMARKS

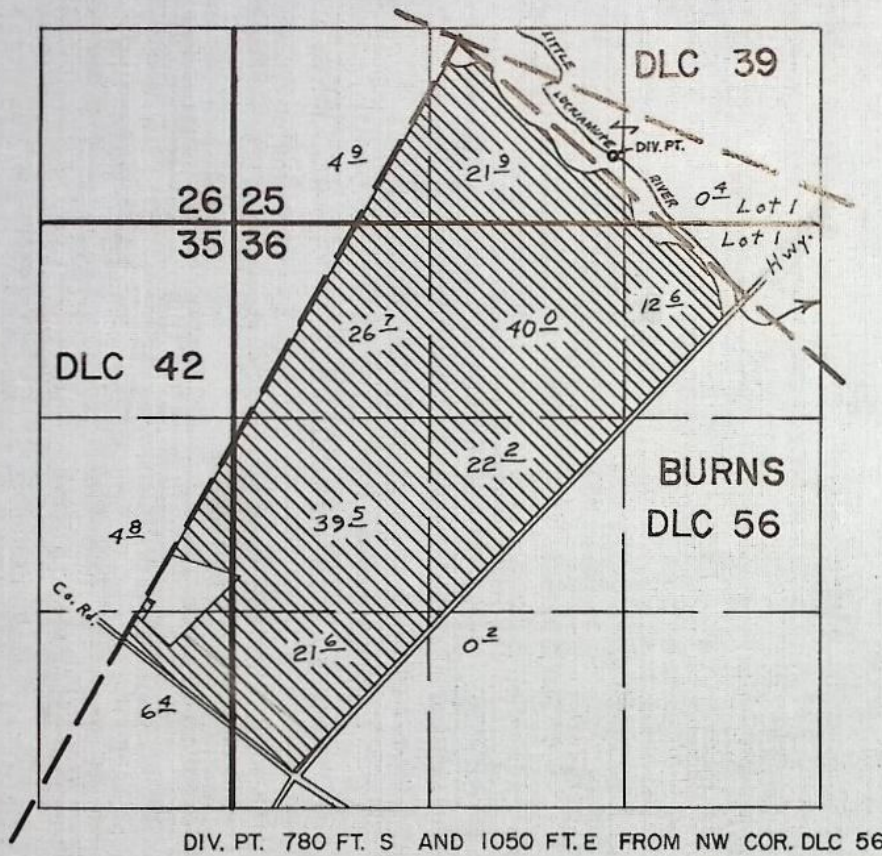
cross switch with T# 3577

CARD FOR C DEC 26 1979

W.R.I.S.	
Assembled	<u>7-29-85</u> by <u>SRB</u>
Entered	_____ by _____
Verified	_____ by _____

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Decree-vault	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Decree-ante	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Chain-of	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Cross Ref.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Pl. Claim	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____

T.8S.R.6W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 41994 Permit No. 31428
IN NAME OF _____

KENNETH GARDNER

Surveyed NOV 21 1972, by L. GOULD

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. 3576

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 0.28 cubic foot per second from Little Luckiamute River for irrigation of a certain 8.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.3 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 15.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 8 South, Range 6 West, W.M., with a date of priority of March 10, 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, without loss of priority, and to irrigate in lieu thereof a certain 7.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 11.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 8 South, Range 6 West, W.M., from a point of diversion located 1780 feet North and 3430 feet East from the Southwest Corner of Section 26, being within the NW $\frac{1}{4}$ 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

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 0.28 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;

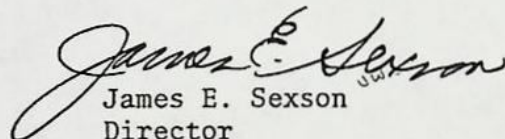
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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.

The order approving transfer No. 3576 provided for the cancellation of said certificate recorded at page 39287 and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

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, 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 ^{17400 Gardner Rd.} ~~Route 2, Box 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~~ ^{26.0} 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 ^{0.28} ~~2.06~~ cubic feet per second, if available at the original point of diversion: lot 1 (SE 1/4 SW 1/4) section 25, T. 8 S., R. 6 W., W.M.

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.~~ NW 1/4 SE 1/4 section 26, T. 8 S., R. 6 W., W.M., as proj. with Smith DLC 43; 1780' N.E. 3430' E from SW cor. of section 26.

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:

7.5 acres NE 1/4 SW 1/4
11.0 " NW 1/4 SW 1/4
3.8 " SW 1/4 SW 1/4
3.7 " SE 1/4 SW 1/4
All as proj. within Smith DLC 43
section 26
T. 8 S., R. 6 W., W.M.

4.9 acres SW 1/4 SW 1/4 - 0.1
21.9 acres SE 1/4 SW 1/4
0.4 acre SW 1/4 SE 1/4
Section 25
4.8 acres SE 1/4 NE 1/4
1.6 acres NE 1/4 SE 1/4
Section 35
12.6 acres NW 1/4 NE 1/4
40.0 acres NE 1/4 NW 1/4 - 12 - 8 1/2
26.7 acres NW 1/4 NW 1/4

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 assurance is 540.610