

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in POD
 Date filed 7-11-77
 Date of hearing -
 Place of hearing _____
 ✓ Date of order 11-28-77 Vol. 30, page 89
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued FEB 07 1990 Vol. _____, page 61089

Name of stream Luckiamute River
 Trib. of _____ County of Polk
 Use Irr
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 1-22-48 & 10-12-50
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 ✓ App. No. 23001 ✓ Per. No. 18194 ✓ Cert. No. 21186
 ✓ App. No. 25360 Per. No. 19883 Cert. No. 21478
 Certificate cancelled _____
 Notation made on record by _____

Date	Amount	Receipt No.
<u>7-11-77</u>	<u>\$35.00</u>	<u>621417</u>
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Surveyed 9/5/84

to survey 1/80

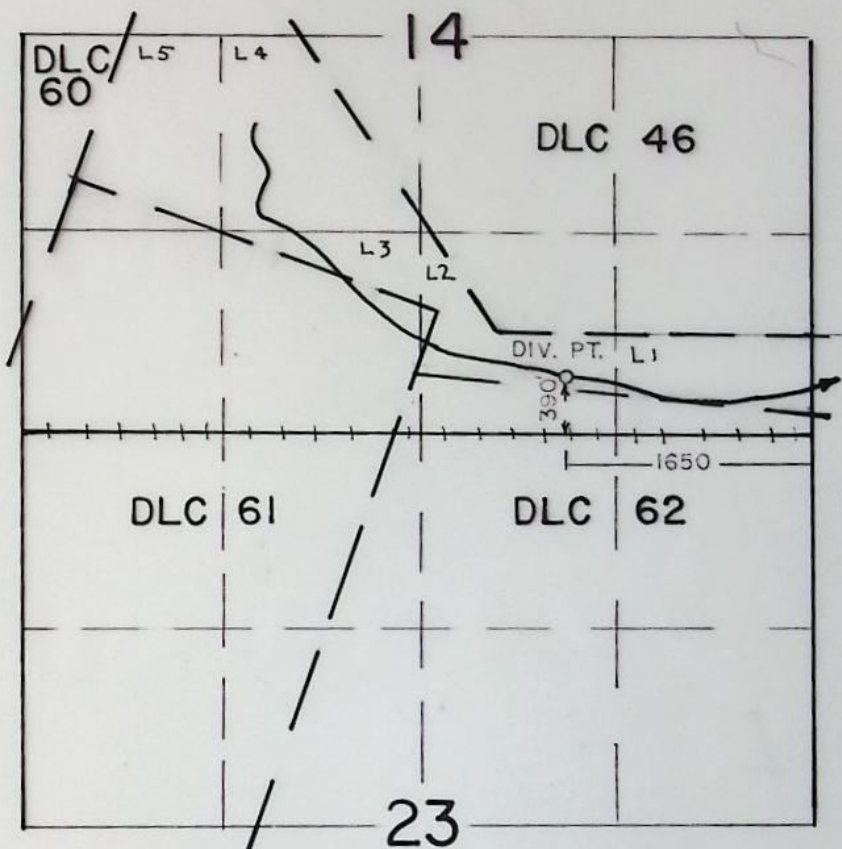
OK cert

REMARKS

CARD FOR C DEC 26 1979

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
✓ Name	lg	---
✓ Stream	lg	---
✓ Pt. of Div.	lg	---
✓ Calendar	lg	---
0		
Top. & Rgs.	---	---
Decree-vault	---	---
Decree-safe	---	---
✓ Cert. of W/R	✓	---
✓ Per. Folder	✓	---
--- Cuindex	---	---
--- Cross Ref.	---	---
--- Power Claim	---	---
✓ Abstracts	lg	---

T. 9 S., R. 5 W., W. M.



FINAL PROOF SURVEY UNDER

TRANSFER 3727
IN NAME OF

DOROTHY DAVIES

Surveyed SEP 5 1984, by P. PAGTER

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That . JAMES RUSSELL OSWALT

of Rt. 1, Box 239, 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 Lackiamute River a tributary of Willamette River for the purpose of irrigation under Permit No. 19883 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 October 12, 1950

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 0.69 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 $\frac{1}{4}$ SE $\frac{1}{4}$, As projected within Neally Cl. 62, Section 14, Township 9 South, Range 5 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:

27.6 acres in the	NE $\frac{1}{4}$ NE $\frac{1}{4}$	As projected within M. Neally Cl. 62
20.0 acres in the E3/4	NW $\frac{1}{4}$ NE $\frac{1}{4}$	As projected within M. Neally Cl. 62
22.2 acres in the E3/4	SW $\frac{1}{4}$ NE $\frac{1}{4}$	As projected within M. Neally Cl. 62
14.8 acres in the W3/4	SE $\frac{1}{4}$ NE $\frac{1}{4}$	As projected within M. Neally Cl. 62
0.4 acre in the	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	As projected within M. Neally Cl. 62
3.6 acres in the	N $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	

88.6

Section 23
Township 9 South, Range 5 West, 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 8th day of August, 19 56

.....LEWIS A. STANLEY.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21478

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That LOUIS A. RUTSCHMAN

of 5508 N. Strong St., Portland 3, 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. 18194 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 January 22, 1948,

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 0.68 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within M. Neally D.L.C. No. 62, Section 14, Township 9 South, Range 5 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:

3.2 acres in the S $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
As projected within M. Neally D.L.C. No. 62
Section 14
16.2 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$
6.8 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$
10.8 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
17.2 acres in the E 3/4 SE $\frac{1}{4}$ NW $\frac{1}{4}$
All as projected within M. Neally D.L.C. No. 62
Section 23
Township 9 South, Range 5 West, W. M.

S. A. R. R.

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 9th day of April, 1956.

LEWIS A. STANLEY State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21186.

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DOROTHY DAVIES
11400 SIMPSON ROAD
MONMOUTH, OREGON 97361

confirms the right to use the waters of the LUCKIAMUTE RIVER, a tributary of the WILLAMETTE RIVER, for the purpose of IRRIGATING 88.6 ACRES.

The right has been perfected under Permit 19883. The date of priority is OCTOBER 12, 1950. The right is limited to not more than 0.69 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 2 (SW 1/4 SE 1/4), SECTION 14, T 9 S, R 5 W, W.M.; 390 FEET NORTH AND 1650 FEET WEST FROM THE SE CORNER OF SECTION 14.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

NE 1/4 NE 1/4	27.6 ACRES
E 3/4 NW 1/4 NE 1/4	20.0 ACRES
E 3/4 SW 1/4 NE 1/4	22.2 ACRES
W 3/4 SE 1/4 NE 1/4	14.8 ACRES
NW 1/4 NE 1/4 SE 1/4	0.4 ACRE
N 1/4 NW 1/4 SE 1/4	3.6 ACRES

ALL AS PROJECTED WITHIN DLC 62
SECTION 23
TOWNSHIP 9 SOUTH, RANGE 5 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 28, 1977 and supersedes certificate 21478, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date FEBRUARY 7, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64089

T-3727B.JW

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF DOROTHY DAVIES FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3727

On July 11, 1977, an application was filed in the office of the Water Resources Director by Dorothy Davies for approval of a change in point of diversion from Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 21186, Volume 15, State Record of Water Right Certificates, in the name of Louis A. Rutschman, describes a right for the use of not to exceed 0.68 cubic foot per second from Luckiamute River for irrigation of 3.2 acres in S $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14; 16.2 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.8 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.8 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 17.2 acres in E $\frac{3}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 9 South, Range 5 West, W.M., with a date of priority of January 22, 1948.

Water for the said right is diverted from a point located 100 feet South and 700 feet East from the Northwest Corner of D.L.C. No. 62, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 9 South, Range 5 West, W.M.

The certificate recorded at page 21478, Volume 15, State Record of Water Right Certificates, in the name of James Russell Oswalt, describes a right for the use of not to exceed 0.69 cubic foot per second from Luckiamute River for irrigation of 27.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in E $\frac{3}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, 22.2 acres in E $\frac{3}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.8 acres in W $\frac{3}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.4 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.6 acres in N $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 9 South, Range 5 West, W.M., with a date of priority of October 12, 1950.

Water for the said right is diverted from a point located 350 feet South and 1700 feet East from the Northwest Corner of D.L.C. No. 62, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change from the above described points of diversion, without loss of priority, to a new, common point of diversion located 200 feet South and 1000 feet East from the Northwest Corner of D.L.C. No. 62, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 9 South, Range 5 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 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 of water from Luckiamute River, 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 points of diversion under the subject rights.

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:

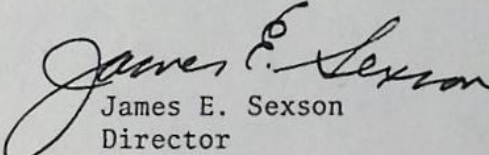
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

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 certificates of water right heretofore issued to Louis A. Rutschman and to James Russell Oswalt and recorded at pages 21186 and 21478, Volume 15, State Record of Water Right Certificates, be canceled, and in lieu thereof new confirming certificates of water right be issued to the applicant herein.

Dated at Salem, Oreogn, this 28th day of November, 1977.


James E. Sexson
Director