

Name Julie Robert Mertz
 By Deceased

Address 40355 Cole School Road
Scio, Oregon 97374

Change in POU

Date filed 8-31-77

Date of hearing

Place of hearing

Date of order 9-30-77 Vol. 29, page 398

Date for application of water 10-1-79

Proof mailed

Proof received

R/R Certificate issued OCT 17 1977 Vol. 36, page 44851
 C/R " Sept 27 1988 54 57715
to our 7/78

3766

DESCRIPTION OF WATER RIGHT

DVA Notification

FEES PAID

Name of stream Detroit Reservoir

Trib. of _____ County of Linn

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority Feb. 4, 1963

In name of Queener Irr. Impr. Dist.

Adjudication, Vol. _____, page _____

App. No. 38109 Per. No. 828499 Cert. No. None 44851

Certificate cancelled _____

Notation made on record by _____

Date	Amount	Receipt No.
<u>8-31-77</u>	<u>30.00</u>	<u>63612</u>
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

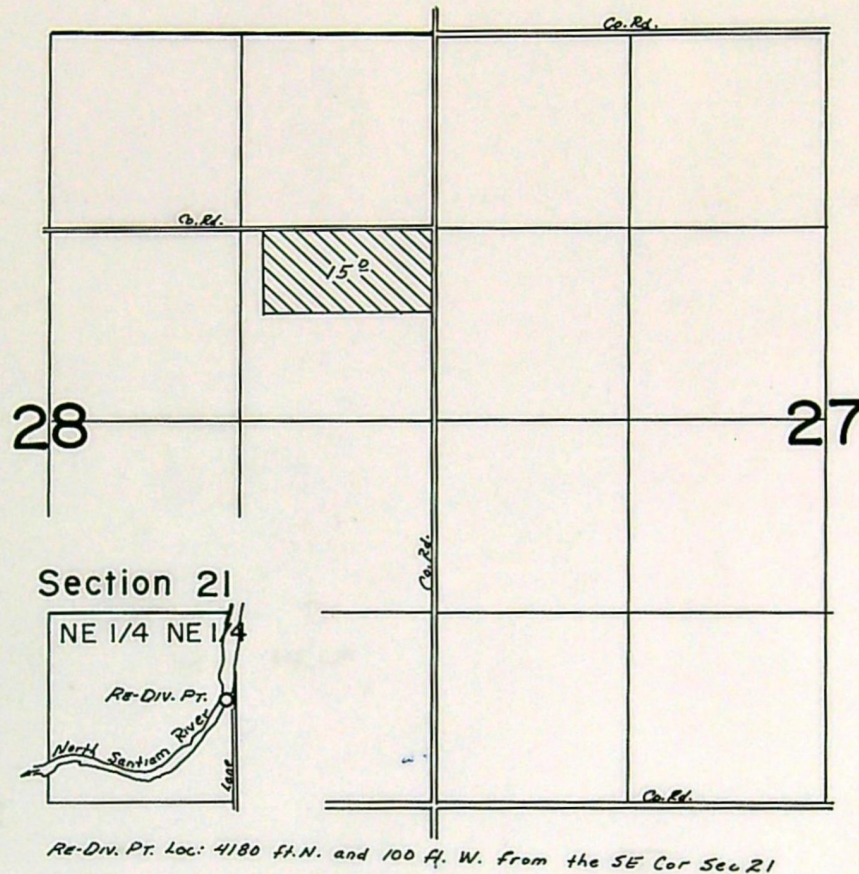
Date	Amount	Check No.

REMARKS

W.R.I.S.	
Assembled <u>6-21-85</u> by <u>SRB</u>	
Entered _____ by _____	
Verified _____ by _____	

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Stream	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	<u> </u>
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> De. re-visit	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> De. re-sit	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Per. Holder	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Chandra	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Cross Ref.	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	<u> </u>

T.9S.,R.1W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3766
Application No. Permit No.
IN NAME OF

JULIE MERTZ

Surveyed Aug...3.... 1981, by ...L...TOLL.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT MERTZ FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF STORED)
WATER FROM DETROIT RESERVOIR)

ORDER APPROVING
TRANSFER NO. 3766

On August 31, 1977, an application was filed in the office of the Water Resources Director by Robert Mertz for a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to the provisions of ORS 537.260(2), proof has been made to the satisfaction of the Water Resources Director that a right has been perfected under the terms of permit No. 28499 (File No. 38109) in the name of Queener Irrigation District, for the use of 1621.1 acre feet of stored water only from Detroit Reservoir under a date of priority of February 4, 1963, for irrigation of, among other lands, 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21 and 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 9 South, Range 1 West, W.M.

The said stored water is pumped from the North Santiam River at a point located 4180 feet North and 100 feet West from the Southeast corner of Section 21, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 21.

Th applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 15.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 9 South, Range 1 West, W.M.

The lands involved herein are within the boundaries of the Queener Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting held July 10, 1977.

1129
P378-387

Mr. Keith Palmer, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the confirming certificate to be issued in evidence of the right established by performance under the terms of permit No. 28499, and upon proof satisfactory to the Water Resources Director of completion of the change in place of use as authorized herein, a confirming certificate of water right shall be issued to Queener Irrigation District.

Dated at Salem, Oregon, this 30th day of September, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that QUEENER IRRIGATION IMPROVEMENT DISTRICT, C/O WAYNE KRENZ, of 40350 QUEENER DRIVE, SCIO, OREGON 97374, has a right to the use of the waters of DETROIT RESERVOIR CONSTRUCTED UNDER PERMIT R-1625, a tributary of NORTH SANTIAM RIVER, for the purpose of IRRIGATION OF 15.0 ACRES.

The right has been perfected under Permit 28499. The date of priority is FEBRUARY 4, 1963. The right is limited to not more than 32.2 ACRE FEET STORED WATER ONLY or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 21, T 9 S, R 1 W, W.M.;
4180 FEET NORTH & 100 FEET WEST FROM THE SE CORNER SECTION 21;
(RESERVOIR; NW 1/4 SECTION 7, T 10 S, R 5 E, W.M.).

The amount of water used for irrigation, together with the amount secured under any other right existing for the the same lands, shall be 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 AND IS SUBJECT TO THE TERMS OF CONTRACT NO. 14-06-100-2819, OR A SATISFACTORY REPLACEMENT, BETWEEN THE BUREAU OF RECLAMATION AND THE APPLICANT, A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE WATER RESOURCE DEPARTMENT.

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:

SE 1/4 NE 1/4 15.0 ACRES
SECTION 28
TOWNSHIP 9 SOUTH, RANGE 1 WEST, W.M.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered SEPTEMBER 30, 1977, and together with certificate 44851, REPRESENTS ALL OF THE WATER RIGHT UNDER PERMIT 28499.

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. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57715

T-3766

CF

STATE OF OREGON

COUNTY OF

LINN

CERTIFICATE OF WATER RIGHT

BR
cancelled

This Is to Certify, That QUEENER IRRIGATION IMPROVEMENT DISTRICT

c/o Wayne Krenz
of 40350 Queener Dr., Scio, State of Oregon, 97374, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Detroit Reservoir constructed under Permit No. R-1625.

a tributary of North Santiam River for the purpose of
irrigation of 739.0 acres

under Permit No. 28499 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
February 4, 1963
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
1588.9 acre feet stored water only

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, T. 9 S., R. 1 W., W. M.,
4180 feet North and 100 feet West from the SE Corner, Section 21; (Reservoir:
NW $\frac{1}{4}$, Section 7, T. 10 S., R. 5 E., 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 _____ of one cubic foot per second
per acre, and shall be limited to a diversion of 2 $\frac{1}{2}$ acre feet for each acre
irrigated during the irrigation season of each year and is subject to the terms
of Contract No. 14-06-100-2819, between the Bureau of Reclamation and the
applicant, a copy of which is on file in the office of the Water Resources
Department.

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:

SEE NEXT PAGE

6.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
14.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
33.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 21

29.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
12.3 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
4.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
0.4 acre NW $\frac{1}{4}$ NW $\frac{1}{4}$
26.8 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
14.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
38.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
26.1 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
24.8 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
21.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
18.3 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
33.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
32.3 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
35.7 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 22

3.3 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 23

2.3 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 26

22.7 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
22.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
39.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
38.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
30.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
18.7 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
26.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
14.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
23.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
6.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
17.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
1.0 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 27

12.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
7.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 28

T. 9 S., R. 1 W., W. M.

This certificate describes that portion of the water right not modified by the provisions of an order entered September 30, 1977 approving transfer application No. 3766.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 17, 1977

James E. Sexson
Water Resources Director