

3768

Name M. L. Mills

By \_\_\_\_\_

Address P O Box 5305Salem, OR 97304Change in PODDate filed Sept. 1, 1977

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 10-17-77 Vol. 29, page 469Date for application of water 10-1-79

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued NOV 28 1977 Vol. 37, page 44991  
JAN 30 1987 51 55535

## DESCRIPTION OF WATER RIGHT

Name of stream Abigwa CreekTrib. of \_\_\_\_\_ County of MarionUse Irr.Quantity of water \_\_\_\_\_ No. of acres 68

Name of ditch \_\_\_\_\_

Date of priority Aug. 29, 1950In name of L. P. Oehler

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 25197 Per. No. 19957 Cert. No. 22684

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## REMARKS

CARD FOR C DEC 26 1979

W.R.I.S.

Assembled 6-21-85 by SK

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>9-1-77</u>	<u>35.00</u>	<u>63643</u>
TOTAL . . .		
<u>10-10-77</u>	<u>\$2 Cert. Fee</u>	<u>64371</u>

## FEES REFUNDED

Date	Amount	Check No.

## INDEX CARDS:

Entered

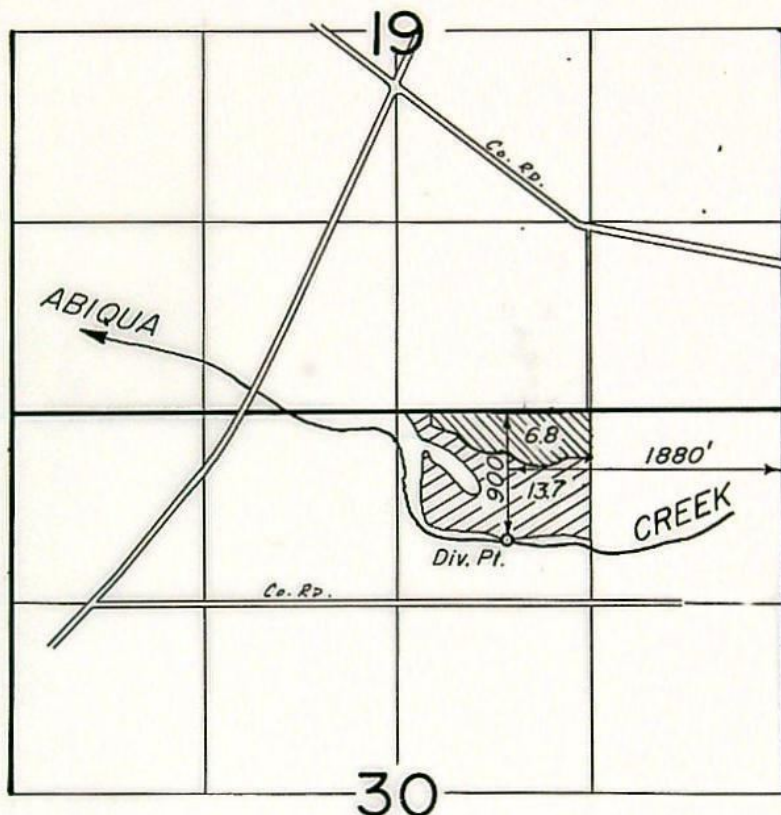
Checked

TO BE ENTERED WHERE CHECKED

<input checked="" type="checkbox"/>	Name	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	_____
<input type="checkbox"/>	Pt. of Div.	_____	_____
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	_____
CHECKED TO RECORDS:			
<input type="checkbox"/>	Twp. & Rge.	_____	_____
<input type="checkbox"/>	Decree-vault	_____	_____
<input type="checkbox"/>	Decree-safe	_____	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>✓</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	<u>✓</u>	_____
<input type="checkbox"/>	Chainindex	_____	_____
<input type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	_____	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____



T. 6 S., R. 1 E., W. M.



SCALE: 1" = 1320'



Permit No. 38639

Transfer No. 3768 (P.O.D.)

**FINAL PROOF SURVEY**  
UNDER

TRANSFER 3768

Application No. 53267 Permit No. 38639

IN NAME OF

**M. L. MILLS**

Surveyed AUG. 30, 1979, by *McBrown*

NOV. 8, 1983 M. CAHILL

REVISED  
10/27/84 GWS

DFN-4LL-54 SCB & MC



STATE OF OREGON  
COUNTY OF MARION

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. L. MILLS  
~~B. P. OEHLE~~  
P.O. Box 5305, SALEM  
of ~~Route 1, Box 309 A, Silverton~~, State of Oregon 97304, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Abiqua Creek  
a tributary of Pudding River for the purpose of  
irrigation ~~of 0.52 ac~~ of 6.8 ac.  
under Permit No. 19957 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 August 29, 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  
~~0.52~~ cubic foot per second

0.08

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 1/4~~ NW 1/4 NE 1/4 Section 30, Township 6 South, Range 1  
East, W. M., being ~~900~~ 900 feet South and ~~530~~ 530 feet East from the ~~NE~~ Corner ~~of the~~  
~~NE 1/4~~ of Section 30, 1880 WEST NE

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; 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:

~~16.0 acres in the SE 1/4~~  
~~Section 19~~  
~~19.0 acres in the NE 1/4~~  
6.8 ac. NW 1/4 NE 1/4 ~~6.8 acres in the NW 1/4~~ ~~6.8 7-3768~~  
~~Section 30~~  
Township 6 South, Range 1 East, W. M.

THIS CERTIFICATE IS ISSUED TO CONFIRM A CHANGE IN POINT OF  
DIVERSION APPROVED BY AN ORDER OF THE WATER RESOURCES  
DIRECTOR ENTERED OCT. 17, 1977 AND TOGETHER WITH CERTIFICATE  
OF WATER RIGHT RECORDED AT PAGE 44991, VOLUME 37, STATE  
RECORD OF WATER RIGHTS CERTIFICATES, SUPERSEDES CERTIFICATE  
22684.

this 12th day of June, 1977

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22684.

55535



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
MARION COUNTY

IN THE MATTER OF THE APPLICATION )  
OF M. L. MILLS FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM ABIQUA CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3768

On September 1, 1977, an application was filed in the office of the Water Resources Director by M. L. Mills for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 22684, Volume 16, State Record of Water Right Certificates, in the name of L. P. Oehler, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Abiqua Creek for irrigation of 6.8 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 6 South, Range 1 East, W.M., with a date of priority of August 29, 1950.

Water for the said right is diverted from a point located 910 feet South and 530 feet East from the Northwest corner of NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 30.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 870 feet South and 500 feet West from the Northwest corner of NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 30.

Mr. Keith Palmer, 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.

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8/29/77



NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion 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 point of diversion under the subject right, and shall not exceed 0.08 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 head-gates 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 the certificate of water right heretofore issued to L. P. Oehler and recorded at page 22684, Volume 16, 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 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 17th day of October, 1977.

/s/ James E. Sexson  
Director



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## STATE OF OREGON

COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That L. P. OEHLER

of Route 1, Box 309 A, Silverton, 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 Abiqua Creek a tributary of Pudding River for the purpose of irrigation of 35.0 ac under Permit No. 19957 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 August 29, 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 0.52 cubic foot per second  
0.44

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 30, Township 6 South, Range 1 East, W. M., being 910 feet South and 530 feet East from the NW Corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30,

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, 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:

16.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 19

19.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$

~~6.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$~~  - 6.8 7-3768

Section 30

Township 6 South, Range 1 East, W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 22684, Volume , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct 17, 1977, approving transfer application No. 3768.

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

WITNESS the signature of the State Engineer, affixed

this 12th day of June, 1977

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22684.