

3770

6/14/90 Richard Helfrich
 Name Jack Perry & Bill Bixby
 By P.O. Box 142, Vida, OR 97488
 Address 45051 McKenzie Hwy.
Hesburg, OR 97401

DESCRIPTION OF WATER RIGHT

Name of stream Finn Creek
 Trib. of _____ County of Lane
 Use Irr.
 Quantity of water _____ No. of acres 5² Ac.
 Name of ditch _____
 Date of priority Aug. 12, 1953
 In name of W. R. Davis (Hidden Valley Ranch)
 _____ Adjudication, Vol. _____, page _____
 App. No. 28699 Per. No. 22597 Cert. No. 24253
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-7-77</u>	<u>\$ 35.00</u>	<u>63724</u>
TOTAL . . .		
	No Cert. Fee	

Change in POD
 Date filed Sept. 7, 1977
 Date of hearing _____
 Place of hearing _____
 Date of order 12-20-77 Vol. 30, page 208
 Date for application of water 10-1-79 10-1-83
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

FEES REFUNDED

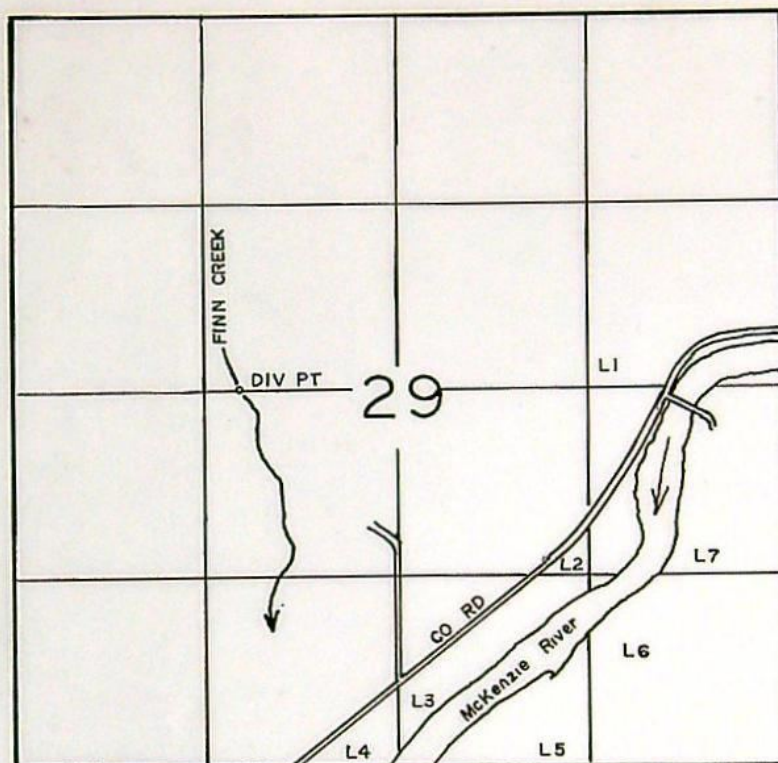
Date	Amount	Check No.

REMARKS

CARD FOR C DEC 26 1979

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>
<input checked="" type="checkbox"/> CHECKED TO RECORD BY	<u>lg</u>	<u>---</u>
<input checked="" type="checkbox"/> Top. & Bga.	<u>lg</u>	<u>---</u>
<input checked="" type="checkbox"/> Deed-Grant	<u>lg</u>	<u>---</u>
<input checked="" type="checkbox"/> Deed-Ref.	<u>lg</u>	<u>---</u>
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	<u>---</u>
<input checked="" type="checkbox"/> Plat. Folder	<u>lg</u>	<u>---</u>
<input checked="" type="checkbox"/> Counter	<u>lg</u>	<u>---</u>
<input checked="" type="checkbox"/> Gross 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.16S., R.2E., W.M.



DivPt Located 10' N & 1540' E From The W1/4 Corner Of Section 29

SCALE: 1"=1320'

FINAL PROOF SURVEY UNDER

TRANSFER NO 3770

Application No. Permit No.
IN NAME OF

.....RICHARD.....HELFRICH.....

Surveyed JUNE 6.. 1990., by T.M. WARREN.....

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. R. DAVIS

of Hidden Valley Ranch, Leaburg, 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 Finn Creek

a tributary of McKenzie River for the purpose of irrigation of 5.2 acres

under Permit No. 22597 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 12, 1953,

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 0.07 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 16 South, Range 2 East, 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:

5.2 acres S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 29
Township 16 South, Range 2 East, 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 31st day of July, 1958.

LEWIS A. STANLEY

State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LANE COUNTY

IN THE MATTER OF THE APPLICATION OF)
JACK PERRY AND BILL BIXBY FOR AP-)
PROVAL OF A CHANGE IN POINT OF DI-)
VERSION OF WATER FROM FINN CREEK)

ORDER APPROVING
TRANSFER NO. 3770

On September 9, 1977, an application was filed in the office of the Water Resources Director by Jack Perry and Bill Bixby for approval of a change in point of diversion from Finn Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24253, Volume 17, State Record of Water Right Certificates, in the name of W. R. Davis, describes a right for the use of not to exceed 0.07 cubic foot per second from Finn Creek for irrigation of a certain 5.2 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 16 South, Range 2 East, W.M., with a date of priority of August 12, 1953.

Water for the said right is diverted from a point located 1420 feet North and 715 feet West from the South Quarter Corner of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 2450 feet North and 1800 feet East from the Southwest Corner of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29.

Mr. L. Gene McGinnis, 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, 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.

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:

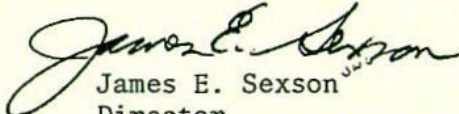
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to W. R. Davis and recorded at page 24253, Volume 17, State Record of Water Right Certificates, is canceled, 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 applicants herein.

Dated at Salem, Oregon, this 20th day of December, 1977.


James E. Sexson
Director