

3220

STATUS OF APPLICATION

Change in point of diversion
Date filed 5-5-75
Date of hearing _____
Place of hearing _____
Date of order 2-4-76 Vol. 26, page 355
Date for application of water 10-1-76
Proof mailed _____
Proof received _____
Certificate issued JAN 18 1977 Vol. 36, page 44110

MAR 30 1979

47763
Survey

DESCRIPTION OF WATER RIGHT

Name of stream Mill Creek
Trib. of _____ County of Polk
Use irrigation
Quantity of water _____ No. of acres 16 5
Name of ditch pump
Date of priority March 18, 1953
In name of William P. Harris
_____ Adjudication, Vol. _____, page _____
App. No. 28215 Per. No. 22201 Cert. No. 24750
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-5-75</u>	<u>30.00</u>	<u>46636</u>
TOTAL . . .	<u>3.00</u>	
<u>5-5-75</u>	Cert. Fee	<u>46637</u>

FEES REFUNDED

Date	Amount	Check No.

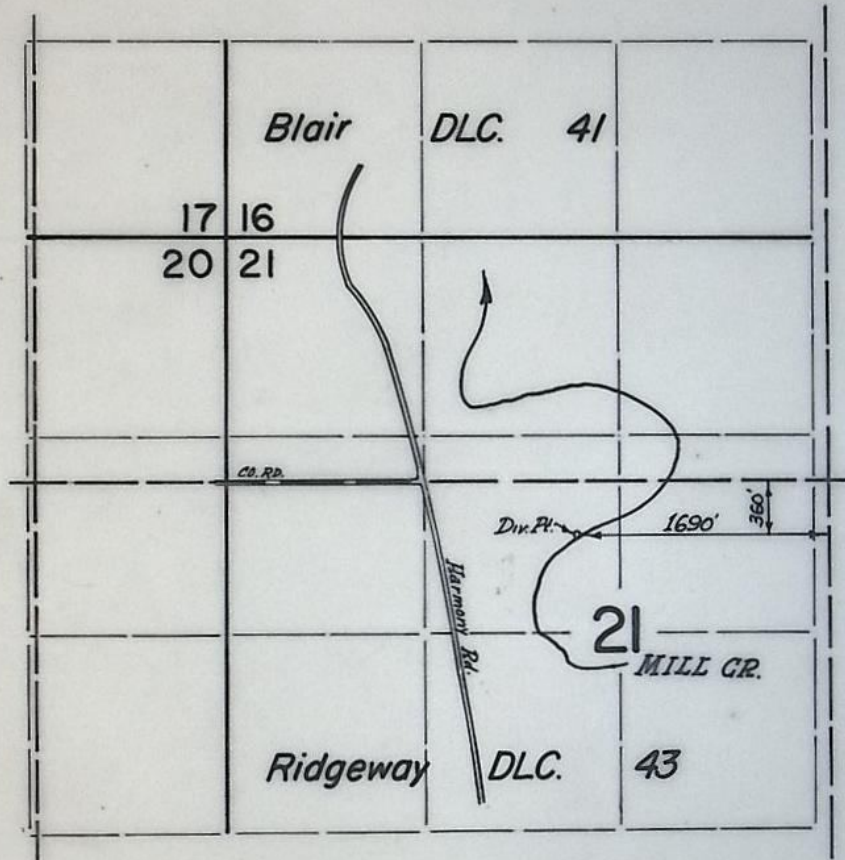
REMARKS

See 20959, 28215, 19959, R-31884, 31885

See T-3217, 3218, 3219

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	WH	Stream	<u>✓</u>	
	WH	Pl. of Div.	<u>✓</u>	
	WH	Calendar	<u>✓</u>	
CHECKED TO RECORDS:				
	✓	Twp. & Rge.	<u>20</u>	
		Decree-vault		
		Decree-safe		
	✓	Cert. of W/R	<u>20</u>	
	✓	Per. Folder		
		Chainindex		
		Cross Ref.		
		Power Claim		
		Abstracts		

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



FINAL PROOF SURVEY
UNDER

Transfer Nos. 3217, 3218, 3219, & 3220
Application No. Permit No.
IN NAME OF

GEORGE J. & HERTA L. RIGGS

Surveyed Aug. 8 1977, by L.M. Taha

DFP-344-158
8-8-77 LHT

County Polk

7060 Harmony Rd.

_, Trib. of S. YAMHILL RIV.

0.205
0.24 c.f.s. (SEE ORDER)

of 16.5 ac.

diversion ³⁶⁰ 310 ft. S. and ¹⁶⁹⁰ 1530

25 Proj. w/in RIDGEWAY DLC 43

DATE FOR APPLICATION OF WATER: 10/1/76

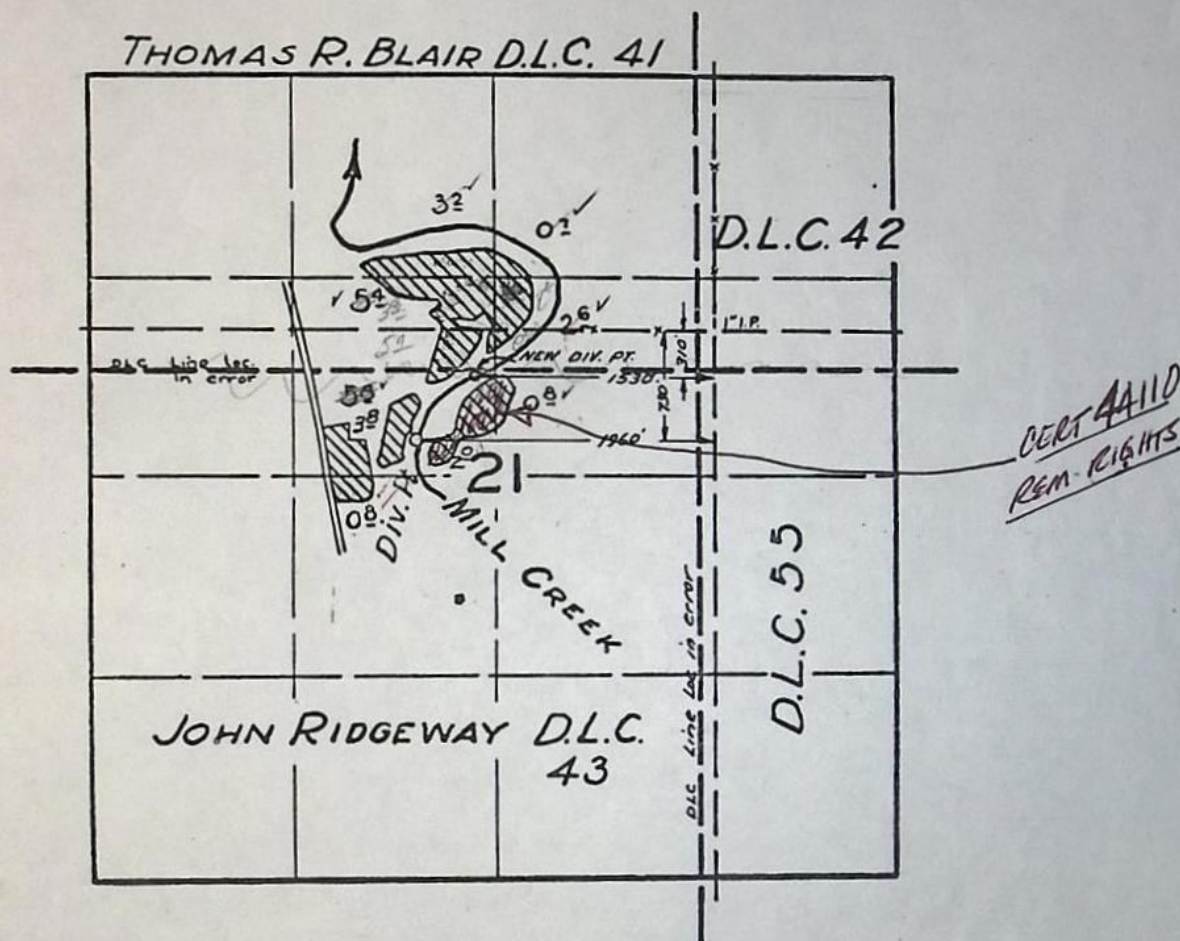
[illegible]

SAME Report AS TRAN #3217 & #3218

Letty Told
FE
8/8/77

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

RECEIVED
MAY 5 1975
STATE ENGINEER
SALMON, OREGON



APPLICATION FOR CHANGE IN PT. OF DIV. FOR 16.5 ACRES
GEORGE & HERTA RIGGS

FINAL PROOF SURVEY
UNDER

Application No. 28.2.15... Permit No. 2.2.2.0.1...
IN NAME OF

William P. Harris

Surveyed April 7... 1958, by R.H. Whitby...

T-3220

30⁰⁰ Ex Rec
3⁰⁰ Cert
33⁰⁰

RECEIVED
MAY 5 1975
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, George J & Herta L. Riggs
(Name of applicant)

of RT 1 Box 180 Sheridan, County of Polk
(Postoffice)

State of Oregon 97378, do hereby make application for change point of
diversion
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Mill Creek
(Name of stream)

2. The use to which the water is applied is Irrigation of 16.5 acres
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is pump

4. The point of diversion is located 730 ft. S and 1960 ft. W from the SE
(N. or S.) (E. or W.)

corner of Blair DLC 41 being within the SE 1/4 NW 1/4
(Section or subdivision)

of Section 21 Tp. 6S R. 6W W. M., in the County of Polk
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
6S	6W	21		0 ⁷	2 ⁶		3 ²			9 ²	0 ⁸							

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? March 18, 1953

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)

of permit 22201

10. Do you hold a water right certificate? Yes If so, give number of certificate 24750
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? No - William P. Harris
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 310 ft. S and 1530 ft. W from the SE
(N. or S.) (E. or W.)
corner of Blair DLC 41 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21 Tp. 6S R. 6W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Polk The name of the ditch to be used is pump

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Consolidate all points of

diversions to a common point

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Marion

SS.

I, George J. and Herta L. Riggs, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 5th day of May, 1975

G. J. Riggs
Herta Louise Riggs
(Name of applicant)

Subscribed and sworn to before me this 5th day of May, 1975

[Notarial Seal]

Vestal R. Starnes

NOTARY PUBLIC FOR OREGON

My commission expires May 12, 1978

Remarks The land East of Mill Creek is not
owned by us and is not involved in this
request for change

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF GEORGE J. AND HERTA L. RIGGS)
FOR THE APPROVAL OF A CHANGE)
IN POINT OF DIVERSION)
OF WATER FROM MILL CREEK)

ORDER APPROVING
TRANSFER NO. 3220

On May 5, 1975, George J. and Herta L. Riggs filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Mill Creek, pursuant to the provision of ORS 540.510 to 540.530.

Certificate of water right issued to William P. Harris and recorded at Page 24750, Volume 17, State Record of Water right certificates, confirms a right to the use of not to exceed 0.24 cubic feet per second of water from Mill Creek for the irrigation of, among other lands, 0.7 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 9.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.8 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W. M., with a date of priority of March 18, 1953. These lands are irrigated from a point of diversion located 730 feet South and 1960 feet West from the Southeast Corner of Blair D.L.C. # 41, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 310 feet South and 1530 feet West from the Southeast Corner of Blair D.L.C. # 41, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section

provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

Mr. Gene McGinnis, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Mill Creek, to wit:

From a point located 730 feet South and 1960 feet West from the Southeast corner of Blair D.L.C. # 41, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W. M.

To a point to be located 310 feet South and 1530 feet West from the Southeast corner of Blair D.L.C. # 41, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W. M.,

for the irrigation of 0.7 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 9.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.8 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W. M., with a date of priority of March 18, 1953, is approved.

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, 1976.

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, and shall not exceed 0.205 cubic feet 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 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 certificate of water right heretofore issued to William P. Harris and recorded at Page 24750, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to George J. and Herta L. Riggs confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of February, 1976.

JAMES E. SEXSON
Director

RECEIVED

SEP 3 1976

WATER RESOURCES DEPT.
SALEM, OREGON

Transfer No. 3220

NOTICE OF COMPLETION OF CONSTRUCTION

I, George J. & Herta L. Riggs hereby certify
that the construction work has been completed and the change in point
of diversion of water made as set forth in the order of the Water Resources
Director dated February 4, 1976, approving an application
for a change in point of diversion of water from Mill Creek

Sept - 3 - 76
Date

Geo. J. Riggs
Herta L. Riggs
Name