

3759

STATUS OF APPLICATION

Change in POD
 Date filed August 18, 1977
 Date of hearing —
 Place of hearing —
 Date of order 10-21-77 Vol. 29, page 482
 Date for application of water 10-2-79
 Proof mailed —
 Proof received —
 Certificate issued DEC 19 1977 Vol. 37, page 45066
MAR 16 1979 40 47628

DESCRIPTION OF WATER RIGHT

Name of stream Ferguson Creek
 Trib. of — County of Lane
 Use Irr.
 Quantity of water — No. of acres 8.0
 Name of ditch —
 Date of priority July 13, 1966
 In name of Fred J. Blake
— Adjudication, Vol. —, page —
 App. No. 42477 Per. No. 31767 Cert. No. 38145
 Certificate cancelled —
 Notation made on record by —

FEEES PAID

Date	Amount	Receipt No.
8-18-77	35-	63335
TOTAL . . .		
8-18-77	2 Cert. Fee	63336
3-22-79	\$2.00	9283

FEEES REFUNDED

Date	Amount	Check No.

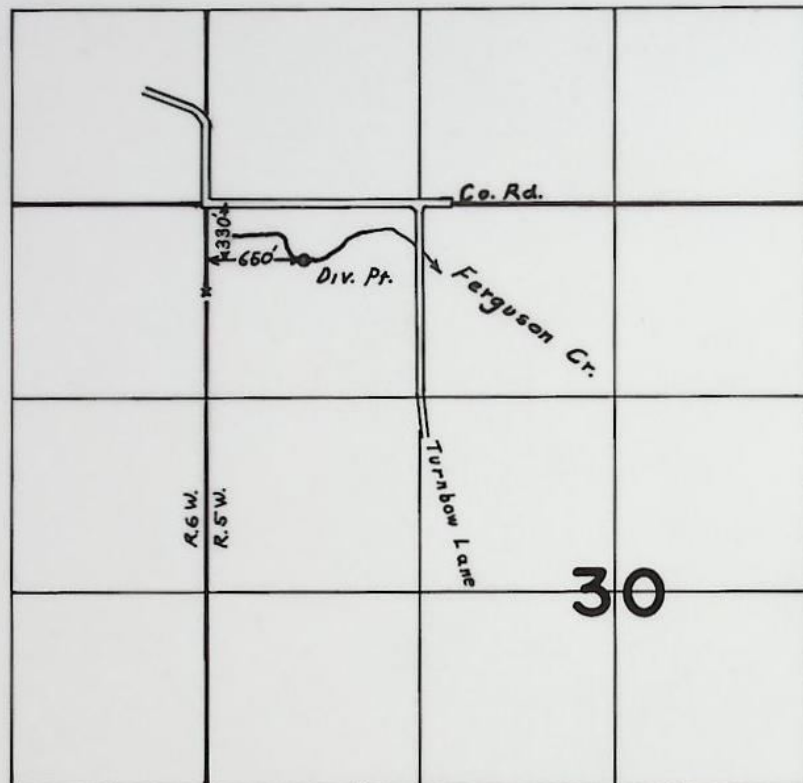
REMARKS

7/18/03 Genevieve Lawton + Debra A. Miller
 95150 Turnbow Lane
 Junction City OR 97448

W.R.I.S.	
Assembled	6-21-85 by SDA
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒	Name	☒
☒	Stream	☒
☒	Pt. of Div.	☒
☒	Calendar	☒
☒	CHECKED TO RECORDS:	
☒	Twp. & Rco.	☒
☒	Decree-vault	☒
☒	Decree-safe	☒
☒	Cert. of W/R	☒
☒	Per. Folder	☒
☒	Chaindex	☒
☒	Cross Ref.	☒
☒	Power Claim	☒
☒	Abstracts	☒

T.15S. R.5W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3759
Application No. Permit No.
IN NAME OF

..... EARL E. ELSASSER

Surveyed APR. 26. 1978, by J.S. DONALDSON

STATE OF OREGON
COUNTY OF LANE

RECEIVED

APR 11 1997

WATER RESOURCES DEPT
SALEM, OREGON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EARL E. ELSASSER

of 95150 Turnbow Lane, Junction City, State of Oregon, 97448, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Ferguson Creek

a tributary of Long Tom River
irrigation of 8.0 acres

for the purpose of

under Permit No. 31767 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 July 13, 1966 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 0.10 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 NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T. 15 S., R. 5 W., W. M., 330 feet South and 660 feet East from the NW Corner, 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, 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:

8.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 30
T. 15 S., R. 5 W., W. M.

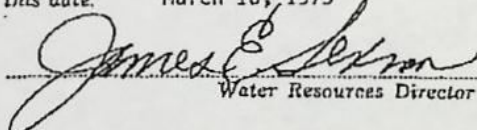
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered October 21, 1977 and together with certificate of water right recorded on Page 45066, Volume 37, State Record of Water Right Certificates supersedes certificate of water right recorded on Page 38145, Volume 30, State Record of Water Right Certificates.

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

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. March 16, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 40, page 47628

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LANE COUNTY

IN THE MATTER OF THE APPLICATION)
OF EARL E. ELSASSER FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM FERGUSON CREEK)

ORDER APPROVING
TRANSFER NO. 3759

On August 18, 1977, an application was filed in the office of the Water Resources Director by Earl E. Elsasser 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 38145, Volume 30, State Record of Water Right Certificates, in the name of Fred J. Blake, describes a right which includes the use of not to exceed 0.10 cubic foot per second from Ferguson Creek for irrigation of a certain 8.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 15 South, Range 5 West, W.M., with a date of priority of July 13, 1966.

Water for the said right is diverted from a point located 190 feet South and 1270 feet East from the Northwest corner of Section 30, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ 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 360 feet South and 640 feet East from the Northwest corner of Section 30, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30.

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, and shall not exceed 0.10 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 Fred J. Blake and recorded at page 38145, Volume 30, 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 21st day of October, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON
COUNTY OF LANE

RECEIVED
AUG 18 1977
WATER RESOURCES DEPT
SALEM, OREGON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED J. BLAKE

974 48

of Route 3, Box 336, Junction City, 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 Ferguson Creek

a tributary of Long Tom River (~~Willamette River~~)
irrigation of ~~16.8~~ acres
8.8

for the purpose of

under Permit No. 31767 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 July 13, 1966

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 ~~0.21~~ cubic foot per second
0.11

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T. 15 S., R. 5 W., W. M. ~~Diversion point located~~ 190 feet South and 1270 feet East from NW Corner, 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, 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:

8^B - ~~16.8~~ acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 30
T. 15 S., R. 5 W., W. M.

TX 3759
8^B

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38145, Volume 30, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct 21, 1977, approving transfer application No. 3759.

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

this date. February 28, 1972

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38145