

3951 Stout

3951

Name Floyd M. & Mini K. Stout

By _____

Address Route 1, Box 2Alsea, OR 97324Change in PODDate filed May 2, 1978

Date of hearing _____

Place of hearing _____

Date of order 6-2-78 Vol. 30, page 706Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued AUG 24 1978 Vol. 38, page 46245JAN 19 1981 43JAN 19 1981 43JAN 19 1981 43APR 23 1981 4349761497624976349800

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream North Fork Alsea RiverTrib. of _____ County of Benton

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority _____

In name of _____

Adjudication, Vol. _____, page _____

App. No. 27934 Per. No. 21999 Cert. No. 26435

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-2-78</u>	<u>35.00</u>	<u>2634</u>
TOTAL . . .		
<u>5-2-78</u>	<u>\$2 Cert. Fee</u>	<u>2634</u>

FEES REFUNDED

Date	Amount	Check No.

W.R.I.S.

Assembled 6-7-85 by SEP

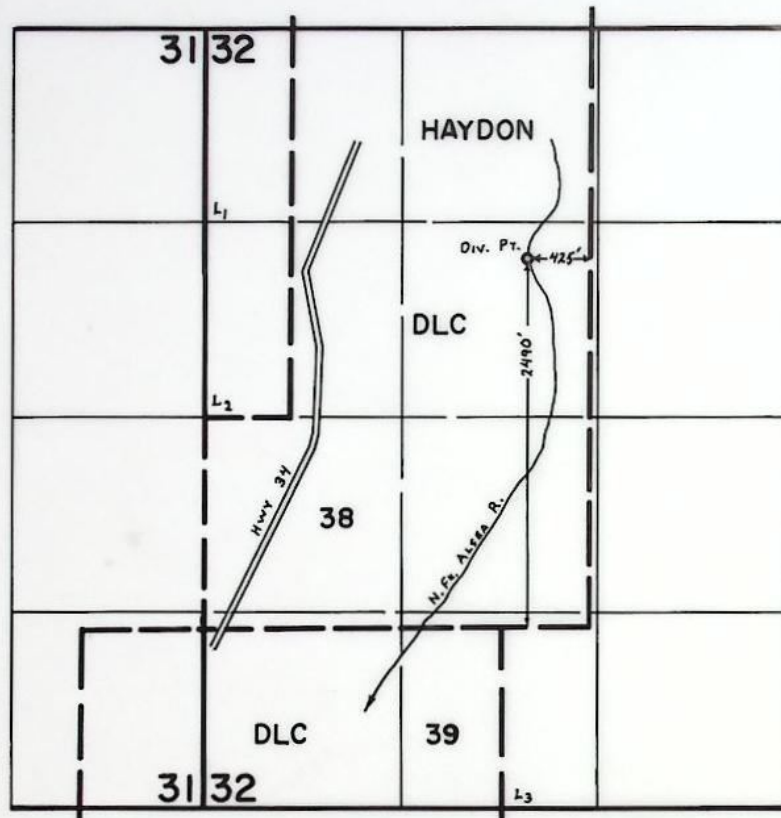
Entered _____ by _____

Verified _____ by _____

INDEX CARDS: Entered Checked

<input checked="" type="checkbox"/>	Name	_____	_____
<input checked="" type="checkbox"/>	Stream	_____	_____
<input type="checkbox"/>	Pk. of Div.	_____	_____
<input checked="" type="checkbox"/>	Calendar	<u>ly</u>	_____
CHECKED TO FILE			
<input type="checkbox"/>	Typ. & Rep.	_____	_____
<input type="checkbox"/>	Deed-map	_____	_____
<input type="checkbox"/>	Deed-sal.	_____	_____
<input checked="" type="checkbox"/>	Cert. of W.	_____	_____
<input checked="" type="checkbox"/>	Per. Power	_____	_____
<input type="checkbox"/>	Catchment	_____	_____
<input type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Chain	_____	_____
<input type="checkbox"/>	Abstracts	<u>ly</u>	_____

T13S. R7W. WM.



FINAL PROOF SURVEY
UNDER

Transfer No. 3951
Application No. Permit No.
IN NAME OF

FLOYD M. & MIMI K. STOUT

Surveyed Aug. 16, 1979, by C. L. HUGHES

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION)
OF FLOYD M. & MIMI K. STOUT FOR)
APPROVAL OF CHANGES IN POINTS OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3951

On May 2, 1978, an application was filed in the office of the Water Resources Director by Floyd M. and Mimi K. Stout for approval of changes in points of diversion from North Fork Alsea River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 26435, Volume 18, State Record of Water Right Certificates, in the name of Cecil M. Hayden, describes a right for the use of not to exceed 0.19 cubic foot per second from North Fork Alsea River for irrigation of 1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, all as projected within Haydon D.L.C. No. 38, of Section 32, Township 13 South, Range 7 West, W.M., with a date of priority of December 23, 1952.

The certificate recorded at page 42367, Volume 34, State Record of Water Right Certificates, in the name of Floyd M. Stout, describes a right which includes the use of water from North Fork Alsea River, being not to exceed 0.266 cubic foot per second with a date of priority of February 16, 1968 and 0.06 cubic foot per second with a date of priority of April 11, 1968, for the irrigation of 4.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; and supplemental irrigation of 1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 5.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, all as projected within Haydon D.L.C. No. 38, of Section 32, Township 13 South, Range 7 West, W.M. Evidence from the records indicates that an error was made in the preparation of said certificate of water right in listing the acreage covered by the water right for supplemental irrigation in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32, wherein said certificate should have listed 5.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The certificate recorded at page 37898, Volume 29, State Record of Water Right Certificates, in the name of Jack Taylor, describes a right for the use of not to exceed 0.46 cubic foot per second from Alsea River for the irrigation of

21.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 5.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, all as projected within T. Haydon D.L.C. No. 38, of Section 32, Township 13 South, Range 7 West, W.M., with a date of priority of June 29, 1966.

The authorized point of diversion for the rights described in said certificates recorded at pages 26435 and 42367 is located 1670 feet North and 250 feet West from the Southeast Corner of Haydon D.L.C. No. 38, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 13 South, Range 7 West, W.M.; and the authorized point of diversion for the right described in said certificate recorded at page 37898 is located 910 feet South and 2410 feet East from the Northwest Corner of Section 32, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 13 South, Range 7 West, W.M.

new The applicants herein, owners of the lands above described, propose to change the points of diversion therefrom, without loss of priority, to one point located 1580 feet South and 2165 feet East from the Northwest Corner of Section 32, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 13 South, Range 7 West, W.M.

Mr. Clifton R. King, Watermaster, has filed a statement to the effect that the proposed changes in points of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in points of diversion as described herein, without loss of priority, are 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 points of diversion under the subject rights, and shall not exceed 0.976 cubic foot per second.

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;

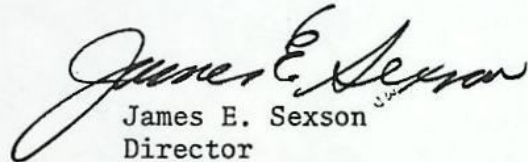
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 said certificates of water right heretofore recorded at page 26435, Volume 18; page 42367, Volume 34; and page 37898, Volume 29, State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 2nd day of June, 1978.


James E. Sexson
Director

JS

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~Floyd M. & Min. K. Stout~~ CECIL M. HAYDEN

of ~~Alsea Star Route 1 Box 172~~ Alsea, State of Oregon 97324, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Fork Alsea River a tributary of Alsea River for the purpose of irrigation of 20.0 acres,

under Permit No. 21999 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 December 23, 1952,

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 0.19 cubic foot per second, if available at the original point of diversion;
SE 1/4 NW 1/4 Haydon DLC 38, Sec 32 T13S R7W W.M., 1670' N & 250' W from
SE cor Haydon DLC 38
or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the SE 1/4 NW 1/4 as projected within Haydon DLC X38,
Section 32, Township 13 South, Range 7 West, W. M. 2490' N & 425' W, DL 38

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 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:

- 1.0 acres SW 1/4 NW 1/4 ✓
- 4.0 acres NW 1/4 SW 1/4 ✓
- 10.0 acres NE 1/4 SW 1/4 ✓
- 5.0 acres SE 1/4 NW 1/4 ✓
- all as projected within Haydon DLC X38
- Section 32
- Township 13 South, Range 7 West, W.M.

all out

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered June 2 '78 and supersedes certificate of water right recorded at page 26435 Vol. 18 SRWRC.

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

.....LEWIS A. STANLEY.....
State Engineer

C-49761

78

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ^{Floyd M. & Mimi K. Stout} JACK TAYLOR

Star Rt 1 Box 172

of Box 104, Alsea

, State of Oregon ⁹⁷³²⁴, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Fork Alsea River

a tributary of Pacific Ocean Alsea River
irrigation of 36.8 acres

for the purpose of

under Permit No. 31743 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 June 29, 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 0.46 cubic foot per second, if available at the original point of diversion; NE NW 1/4 Haydon DLC 38, Sec 32 T13S R7W Wm, 910'S & 2410'E from NW cor Sec 32

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 NW 1/4 as projected within X Haydon DLC 38, Section 32, T. 13 S., R. 7 W., W. M. Diversion point located: 910 feet South and 2410 feet East from NW Corner, Section 32.

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 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:

- 21.6 acres NE 1/4 NW 1/4 ✓
- 5.6 acres NW 1/4 NW 1/4 ✓
- 3.8 acres SW 1/4 NW 1/4 ✓
- 5.8 acres SE 1/4 NW 1/4 ✓

all as projected within X Haydon DLC 38
Section 32
T. 13 S., R. 7 W., W. M.

all out

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered June 2, 1978 and supersedes certificate of water right recorded at page 37898 Vol. 29 SRWRC.

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

C-49762

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

FLOYD M. STOUT

SUPERSEDED

CERTIFICATE NO. 46245

MIMI K. STOUT

97324

of Star Route 1, Box 2, 172 Alsea, 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 North Fork Alsea River and an unnamed spring

a tributary of Alsea River for the purpose of irrigation of 21.3 acres, supplemental irrigation of 20.0 acres, and stock

under Permit No. 33275 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 February 16, 1968 for 0.269 cubic foot per second and April 11, 1968 for 0.06 cubic foot per second

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

0.329 cubic foot per second, being 0.326 c.f.s. from Alsea River for irrigation and 0.003 c.f.s. for stock from spring if available at the original point of diversion, SE 1/4 NW 1/4 in Haydon DLC 38, Sec 32, T13S R7W W. M., 1670' N & 250' W from SE cor Haydon DLC 38 or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the River-SE 1/4 NW 1/4, Spring-SW 1/4 NW 1/4, both as projected within Haydon DLC 38, Section 32, T. 13 S., R. 7 W., W. M., River-1670 feet North 2490' N and 250 feet West, Spring-1780 feet North and 1880 feet West from SE Corner, Haydon DLC 38

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 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

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:

Primary	Supplemental	
4.1 acres and stock	1.0 acre	SW 1/4 NW 1/4
10.0 acres	5.0 acres	SE 1/4 NW 1/4
2.9 acres	10.0 acres	NE 1/4 SW 1/4
4.3 acres	4.0 acres	NW 1/4 SW 1/4

All as projected within Haydon DLC 38
Section 32
T. 13 S., R. 7 W., W. M.

correctly describe the place of use as well as to

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered June 2, 1978 and together with certificate of water right recorded at page 46245 Vol. 38 SRWRC supersedes certificate of water right recorded at page 42367 Vol. 34 SRWRC.

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

James E. Sexson
Water Resources Director State Engineer

Recorded in State Record of Water Right Certificates, Volume 34, page 42367

C-49763

T-3951