

3964

Kirk

3964

Name Terrence & Joyce Kirk

By _____

Address 4686 St. Paul Hwy NESt. Paul, OR 97137Change in POUDate filed May 7, 1978

Date of hearing _____

Place of hearing _____

Date of order 5-31-78 Vol. 30, page 696Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued JUN 7 1983 Vol. 46, page 51605

DESCRIPTION OF WATER RIGHT

DVA Notification

Name of stream a wellTrib. of _____ County of Marion

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority July 7, 1970In name of Edward T. Brentano

Adjudication, Vol. _____, page _____

App. No. G-5241 Per. No. G-5097 Cert. No. 42233

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-25-78</u>	<u>45.25</u>	<u>3174</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
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exam 20⁰⁰
 POU 25²⁵ - short 0²⁵
45²⁵

REMARKS

CARD FOR C DEC 26 1979

W.R.I.S.

Assembled 6-5-85 by SOP

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

Entered

Checked

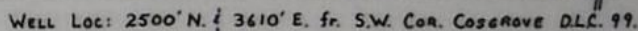
TO BE ENTERED WHERE CHECKED

☒ Name
☒ Stream
☒ Pt. of Div.
☒ Calendar
☒ Twp. & Rgn.
☒ Decree-vault
☒ Decree-safe
☒ Cert. of W/R
☒ Per. Folder
☒ Chubindex
☒ Cross Ref.
☒ Power Claim
☒ Abstracts

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T.4S. R.2W. W.M.



FINAL PROOF SURVEY

UNDER

Transfer No. 3964
Application No. Permit No.
IN NAME OF

TERRANCE & JOYCE KIRK.....

Surveyed July 10, 1980, by C. L. Hughes

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION)
OF TERRENCE & JOYCE KIRK FOR AP-)
PROVAL OF A CHANGE IN PLACE OF)
USE OF GROUND WATER)

ORDER APPROVING
TRANSFER NO. 3964

On May 25, 1978, an application was filed in the office of the Water Resources Director by Edward T. Brentano, subsequently assigned to Terrence and Joyce Kirk, for approval of a change in place of use of ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 42233, Volume 34, State Record of Water Right Certificates, in the name of Edward T. Brentano, describes a right which includes the use of not to exceed 1.14 cubic feet per second from a certain ground water aquifer for irrigation of 2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.6 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20; 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 28.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 29.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 23.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, all as projected within Cosgrove D.L.C. No. 99, in Township 4 South, Range 2 West, W.M., with a date of priority of July 7, 1970.

Water for the said right is diverted from a well located 2500 feet North and 3610 feet East from the Southwest Corner of Cosgrove D.L.C. No. 99, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 4 South, Range 2 West, W.M.

The applicant herein, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof, a certain 15.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 15.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 15.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 9.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; 1.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17; 1.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20; 3.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 9.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 9.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 9.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 4 South, Range 2 West, W.M.

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

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

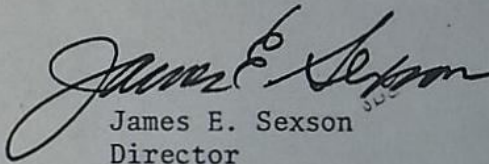
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

An administrative order entered May 31, 1978 by the Water Resources Director canceled the balance of the water right described in said certificate of water right recorded at page 42233, Volume 34, State Record of Water Right Certificates, NOT involved in this proceeding; therefore,

It is FURTHER ORDERED that the certificate of water right heretofore issued to Edward T. Brentano and recorded at page 42233, Volume 34, 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 applicant herein.

Dated at Salem, Oregon this 31st day of May, 1978.


James E. Sexson
Director

24521

GR-2002
G-2000
G-2001
G-2004
G-470
G-5827
CE
This I
4686
Star R
of
to the satisfaction

Terrance & Joyce Kirk
~~EDWARD T. BRENTANO~~

4686 St. Paul Hwy NE 97137
Star Route, Box 28, St. Paul, State of Oregon

a tributary of Mission Creek
irrigation of ~~106.4~~ acres
91.2

G-5097

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 1.33 cubic feet 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 $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Cosgrove DLC 99, Section 21, T. 4 S., R. 2 W., W. M., 2500 feet North and 3610 feet East from SW Corner, Cosgrove DLC 99.

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 or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ 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: ~~2.6 acres NE 1/4 NE 1/4~~ 14.6 acres SW 1/4 SW 1/4
15.3 acres SE 1/4 SW 1/4

A description of the place of use under the right hereby conferred, and to which such right is appurtenant, is as follows:

All

Both as projected within Cosgrove DLC 99

Section 20 16

4.0 3.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

10.1 28.9 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

3.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

10.5 29.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

11.2 23.6 28.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ ~~cancel 5.2~~

5.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ ~~cancel 5.4~~

4.6 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ ~~cancel 4.6~~

All as projected within Cosgrove DLC 99

Section 21

T. 4 S., R. 2 W., W. M.

(0.12 of result)

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

THIS CERTIFICATE IS ISSUED TO CONFIRM A CHANGE IN PLACE OF USE
APPROVED BY AN ORDER OF THE WRD ENTERED MAY 31, 1978 AND TOGETHER
WITH THE ORDER OF THE WRD ENTERED MAY 31, 1978 CANCELING A PORTION OF
CERTIFICATE OF WATER RIGHT RECORDED AT PAGE 42233 Volume 34 SRWRC, SUPER-
SEDES CERTIFICATE 42233.

THE ISSUANCE ETC.

516 Q5