

Name Lee Gillins

By _____

Address 13405 Elkins RoadMonmouth, OR 97361Change in POU + PODDate filed March 23, 1979

Date of hearing _____

Place of hearing _____

Date of order 5-14-79 Vol. 32, page 100Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued SEP 4 1980 Vol. 43, page 49473

4178

DESCRIPTION OF WATER RIGHT

Name of stream Little Luckiamute RiverTrib. of _____ County of POLK

Use _____

Quantity of water _____ No. of acres 2¹

Name of ditch _____

Date of priority Aug 15, 1962In name of Jesse Payne

_____ Adjudication, Vol. _____, page _____

App. No. 37956 Per. No. 28307 Cert. No. 37344

Certificate cancelled _____

Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|----------------|------------------------|-------------|
| <u>3-23-79</u> | <u>45⁰⁰</u> | <u>9840</u> |
| TOTAL . . . | | |
| | Cert. Fee | |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

REMARKS

W.R.I.S.

Assembled 7-25-85 by SWD

Entered _____ by _____

Verified _____ by _____

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: | |
|-------------------------------------|--------------|-------------------------------------|
| | Entered | Checked |
| <input checked="" type="checkbox"/> | Name | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Stream | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Pt. of Div. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Calendar | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Twp. & Rgn. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Decree-vault | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Decree-sale | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Cert. of W/R | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Per. Folder | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Chaindex | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Cross Ref. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Power Claim | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Abstracts | <input checked="" type="checkbox"/> |

RECEIVED

MAR 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

Dir. Pt. loc.: 150 ft S & 230 ft W from NE cor Gilliam D.L.C. 57.

LEE Gillins



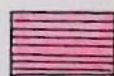
Permit No.
39091
Lee Gillins



Area Covered
by Transfer
from Jesse Payne
Permits



Permit No.
27073
Jesse Payne



Permit No.
28307
Jesse Payne

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF LEE GILLINS FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4178

On March 23, 1979, an application was filed in the office of the Water Resources Director by Lee Gillins for approval of changes in place of use and point of diversion of water from Little Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 37344, Volume 29, State Record of Water Right Certificates, in the name of Jesse Payne, describes a right for the use of not to exceed 0.17 cubic foot per second from Little Luckiamute River for irrigation of a certain 6.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 and 5.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 9 South, Range 5 West, W.M., with a date of priority of August 15, 1962.

The authorized point of diversion of record for said right is located 350 feet South and 80 feet West from the Northeast Corner of D.L.C. No. 57, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion, without loss of priority, by severing the right from a certain 1.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 of the lands above described and in lieu thereof irrigate a certain other 2.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 9 South, Range 5 West, W.M., and to irrigate said lands together with the remaining 5.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9 and 5.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16 from a point of diversion located 150 feet South and 230 feet West from the Northeast Corner of D.L.C. No. 57, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 9 South, Range 5 West, W.M.

Mr. Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

130,000

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point 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 point of diversion under the subject right and shall not exceed 0.17 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:

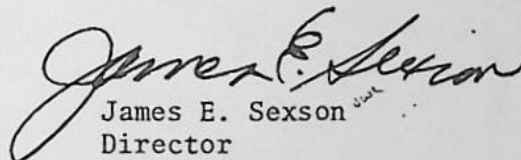
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 37344, Volume 29, 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 14th day of May, 1979.


James E. Sexson
Director

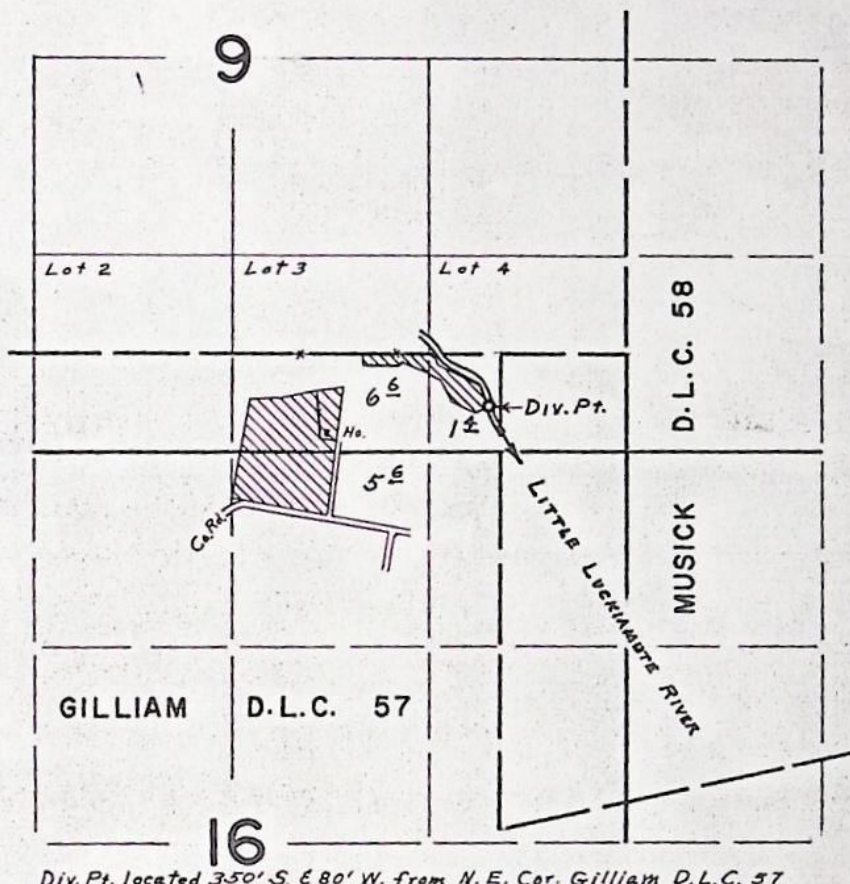
T-4178

RECEIVED

MAR 28 1979

WATER RESOURCES DEPT
SALEM, OREGON

T. 9 S. R. 5 W. W. M.



Div. Pt. located 350' S. & 80' W. from N.E. Cor. Gilliam D.L.C. 57

FINAL PROOF SURVEY UNDER

Application No. 37956 Permit No. 28307

IN NAME OF

JESSE PAYNE

Surveyed March 20, 1969, by L. E. Gould

RECEIVED

MAR 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Lee Gillins

(Name of applicant)

of 13405 Elkins Road

(Mailing address)

Monmouth

(City)

State of Oregon97361

(Zip Code)

838-0541

(Phone number)

do hereby make application for change
place of use and point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No. Jesse Payne

(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings

(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 28307 Number of certificate 37344, Vol. 29

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Little Luckiamute River5. What is the date of priority of your water right? August 15, 19626. The authorized point of diversion is located 350 ft. S and 80 ft. W from the NE

(N. or S.)

(E. or W.)

corner of DLC 57 being within the SE 1/4 SE 1/4 of Section 9 Tp. 9 S R. 5 W W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Polk The name of the ditch used is Pump

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 150 ft. S and 230 ft. W from the NE

(N. or S.)

(E. or W.)

corner of DLC 57 being within the SE 1/4 SE 1/4 of Section 9 Tp. 9 S R. 5 W W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Polk The name of the ditch to be used is Pump

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

| Township North or South | Range E. or W. of Willamette Meridian | Section | List 1/4-1/4 of Section | Number Acres To Be Irrigated | |
|----------------------------|---|---------|-------------------------|------------------------------|-----------------|
| 9 S | 5 W | 9 | SW1/4 SE1/4 | POU&POD 1.3 | POD only 5.3 |
| | | | SE1/4 SE1/4 | 1.4 | |
| | | | | 2.7 | |
| | | 16 | NW1/4 NE1/4 | | 5.6 |
| | | | | | |
| | | | | | |

(If more space required, attach separate sheet)

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

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

| NATURE OF ENCUMBRANCE | HELD BY | AMOUNT |
|-------------------------------|---------|------------|
| Mortgage to Federal Land Bank | | \$ 64,000. |
| | | |

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

| Township North or South | Range E. or W. of Willamette Meridian | Section | List 1/4-1/4 of Section | Number Acres To Be Irrigated | |
|----------------------------|---|---------|-------------------------|------------------------------|--|
| 9 S | 5 W | 9 | SW1/4 SE1/4 | 2.2 | |
| | | | NW1/4 NE1/4 | 0.5 | |
| | | | | 2.7 | |
| | | | | | |
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(If more space required, attach separate sheet)

14. Reasons for the proposed changes areto complete irrigation coverage of the field.

The areas that were covered will not be irrigated in the future.

15. Construction work will be completed on or beforeOct. 1, 1980

16. The water will be completely applied to the proposed use on or beforeOct. 1, 1981

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I,, 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 23rd day of March, 1979.

Lee H. Gillins
(Name of applicant)

Subscribed and sworn to before me this 23rd day of March, 1979.

[Notarial Seal]

James W. Carver
NOTARY PUBLIC FOR OREGON

My commission expires 8-8-80

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***WATER RIGHT NO. 1000041781 PERMIT NO. 028307 CERTIF. NO. 0049473
ORIG. NO. A000379561 PREV. NO. A000379561 SUPER. NO.

NAME: LEE GILLINIS

ADDRESS: 13405 ELKINS RD

CITY/STATE/ZIP/COUNTY: MONMOUTH, OR 97361 27

STREAM-ID 02 1140 1140 0080

RIV. MI.

WM. DIST. 18 W.R. TYPE SA STATUS V

CANCEL YEAR-->

CONSTR. COMPLT--> 06 28 1979 YR. LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> 08 15 1962

PUT TO USE--> 06 28 1979 LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 03 23 1979

SURVEYED--> 07 19 1979 EXAM. FEE-->

RECORDING FEE-->

PERMIT ISSUE--> 05 14 1979

CONCURRENCE--> 07 19 1979 CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT--> 05 14 1979

CERTIFIED--> 09 04 1980 CORRES. INIT.-->

CORRES. DATE-->

POINT-OF-DIVERSION DATA:
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

0905 050W 09 D D 02 1140 1140 0080

0.170

V P

** REMARKS: - - - - ->
** DATED-->

** POD: 150'S & 230'W FM NE COR

** D-LC 57. CHANGES POB & POD

** C-37349

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

0905 050W 09 D C 27 1R 100 7.50 V P

16 AB 6.10

** - - - - -

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W.R.I.S.

Assembled 7-25-85 by SNV

Entered by

Verified by

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

Transfer NO. 4178

County Polk

Old Certificate NO. 37344

1. Name Lee Gillins
Address 13405 Elkins Road Monmouth, OR 97361
2. Source of Supply Little Luckiamute River, Trib of _____
3. Use irrigation
4. Amount of Water _____ Priority Date August 15, 1962
5. Proposed Point of Diversion 150 Feet South and 230 Feet West From the NE Corner, DLC 57, being w/4 SE 1/4 SE 1/4, Section 9, Township 9 South, Range 5 West, W.M.
6. Completion Date October 1, 1980
7. Place of Use:

| Township | Range | Section | Forty Acre Tract | Use for Which Transfer Made |
|-----------|-----------|-----------|----------------------|-----------------------------|
| <u>9S</u> | <u>5W</u> | <u>9</u> | <u>SW 1/4 SE 1/4</u> | <u>2.2 Acres</u> |
| | | <u>16</u> | <u>NW 1/4 NE 1/4</u> | <u>0.5</u> |
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473 64/6/14
1/19/80

Info: Lee Gillins son. Irr. as applied

Source: Little Luckiamute R. Div. dir. through 5" suction

Use: Irr. of pasture for dairy

Equip: pump - GE 30HP @ 3550 RPM

Cornell CDD 5x4½ running @ 92 psi
pipe - 5" mainline } plenty
3" laterals }

heads - 3-100 gal guns man

Lift: see quad

Tie: Inspection.

Chris Hughes
FE

7/19/79

RECEIVED
JUN 28 1979
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

~~place of use & point of diversion from Little Luckiamute River~~

PURSUANT TO TRANSFER APPLICATION NO. 4178

I, Lee H. Gillins, hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving said water right transfer application was accomplished by June 27, 1979

June 27, 1979
Date

Lee H. Gillins
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
LH



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

May 1, 1979

Lee Gillins
13405 Elkin Road
Monmouth, Oregon 97361

RE: Files Nos. T-4177, T-4178

Dear Mr. Gillins:

We have been withholding action toward considering approval of your water right transfer applications No. 4177 and 4178, which propose changes in place of use and points of diversion of water from Little Luckiamute River, pending receipt of the statement from the Federal Land Bank, holder of the mortgage, advising that they are in agreement with your proposed changes in place of use.

Will you please advise us of when we can expect to receive the required statements. If you are no longer interested in the changes proposed by the applications, you may request that they be withdrawn. We could then close the files and refund the unearned fees we are holding in the amount of \$50.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: April 27, 1979.FROM: **Michael F. Ladd, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4178IN THE NAME OF Lee Gillins**RECEIVED**

APR 30 1979

WATER RESOURCES DEPT.
SALEM, OREGONIn my opinion the proposed changes in POU & POD from Little Luckiamute RiverMAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? NO
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
- ☒ (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water rights because _____

**

Michael F. Ladd

Watermaster's signature or initials