

Name Mike de Luse & Shirley Peters

By _____

Address Rt 1E Box 229Eddynile, OR 97343Change in POD & POVDate filed Oct 30, 1979

Date of hearing _____

Place of hearing _____

Date of order 1-21-80 Vol. 32, page 650Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued FEB 25 1980 Vol. 42, page 4906467214
to per 11/81

REMARKS

Card for C NOV 20 1981

4320

DESCRIPTION OF WATER RIGHT

Name of stream Little Elk CreekTrib. of _____ County of LincolnUse IrrigationQuantity of water _____ No. of acres 4 1/2

Name of ditch _____

Date of priority December 14, 1965In name of Alford L. Pyeatt

_____ Adjudication, Vol. _____, page _____

App. No. 41704 Per. No. 31138 Cert. No. 34261

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-30-79</u>	<u>45.00</u>	<u>14773</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

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

W.R.I.S.

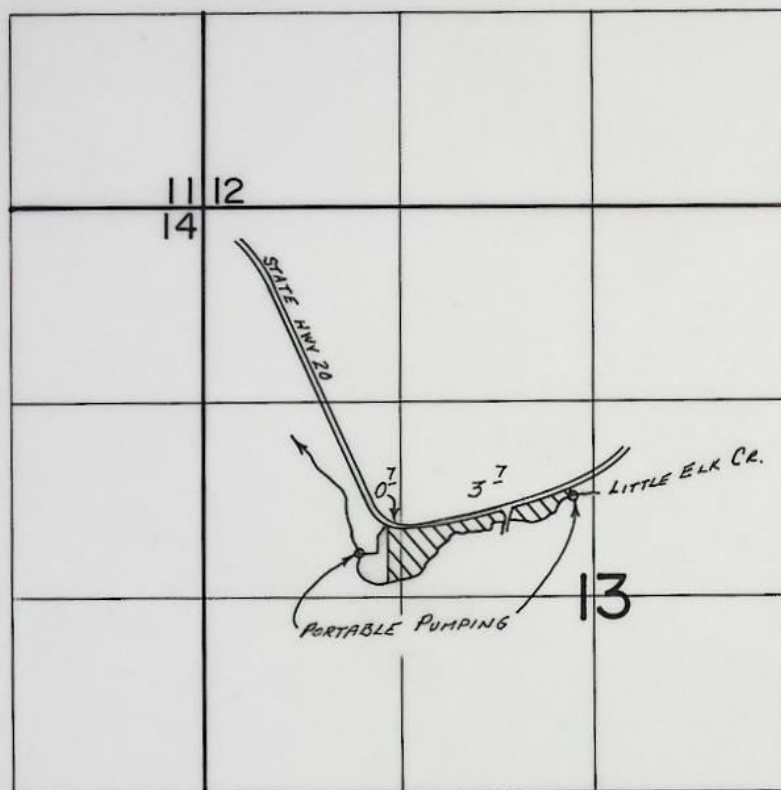
Assembled 4-3-85 by 300

Entered _____ by _____

Verified _____ by _____

218

T.11S., R.9W., W.M.



DIV. PT. LOC.: PORTABLE PUMPING BETWEEN 2350'S. & 1050'E AND
1960'S. & 2500'E FROM NW COR. SEC. 13.

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4320

IN NAME OF

MIKE DE LUSE & SHIRLEY PETERS

Surveyed SEPT. 21, 1983, by L.M. TOLL.....

POD
POU
USE
Add'l POD

Add'l POD

67214
3/9/92
✓

County Lincoln

1. Name Mike & Luse & Shirley Teller

2. Source of Supply Little Elk Cr. ✓, Trib of YARQUINA RIVER

4. Amount of Water 0.06 cfs ✓

6. Proposed Point of Diversion Station 2040'S & 980'E & 2130'S &

7. Completion Date 10-1-81

8. Place of Use:

[illegible]

INFO - SHIRLEY PETERS

Div - portable pump. they pump direct from creek where ever it is convenient for area being irrigated.

Pump-#1 ? Doc 1 1/2 x 1

Motor - Wisconsin 1 cyl gas

Pump-#2 ? Bett Drive 2 x 1 1/2

Motor - Wisconsin 1 cyl gas

3" motor -
4" pump } on a trailer

Pipe - 630' 4" Alum Main
840' 3" Alum Lat
400' 2" Alum Main & Lat

Heads - 21 - Rainrol 200 5/32 x 0
8 - RB 20 5/32 x 0

(max #1 - 10 Leads
#2 - 19 heads)

Both pumps some times run at same time but are not manifolded together.

Use Pasture

Lint - +5 to +15

TIE - 41041-172-246

Note: Surveyed all land irri from creek to this date. Shirley said they have a permit for additional land but unsure exactly what permit is for. For transfer include enough land in area requested to come up with total transferred. The rest can go under the permit.

Laffy Joll
WEB
9/21/83

HEADS:

$$\#1 = \frac{10(4.8)}{448.8} = 0.11 \text{ cfs @ } 45 \text{ psi.}$$

$$\#2 = \frac{19(4.8)}{448.8} = 0.20 \text{ cfs @ } 45 \text{ psi.}$$

PUMP:

$$\#1 - \frac{(6.6)x}{130} = 0.11 \text{ cfs @ } 45 \text{ psi.}$$
$$6.6x = 14.3 \text{ cfs @ } 45 \text{ psi.}$$
$$x \approx 2.2 \text{ Hp.}$$

$$\#2 - \frac{(6.6)x}{130} = 0.20 \text{ cfs @ } 45 \text{ psi.}$$
$$6.6x =$$

T-4320

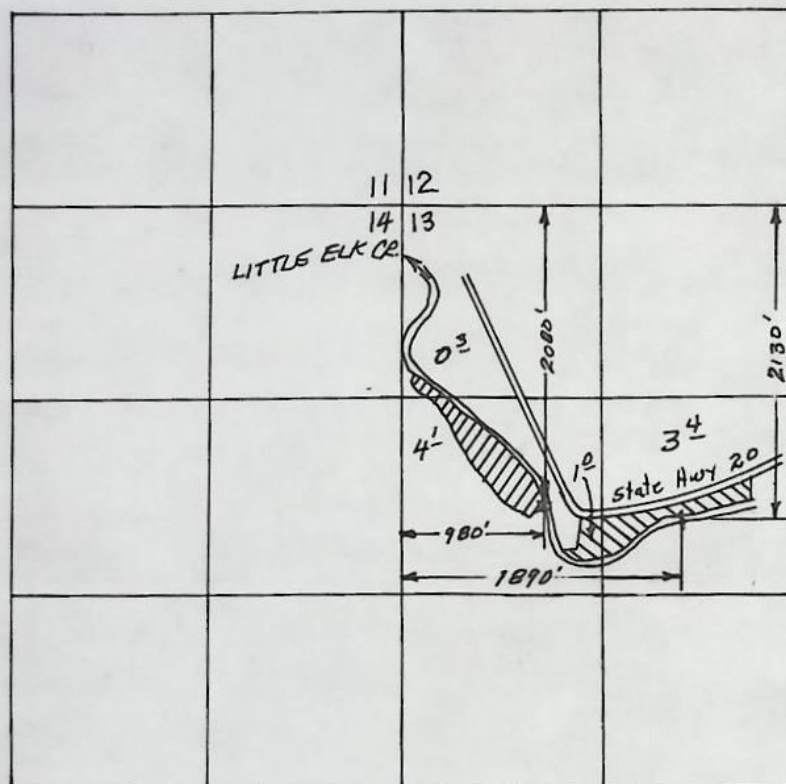
RECEIVED

OCT 20 1979

WATER RESOURCES DEPT
SALEM, OREGON

T.11S. R.9W.W.M.

4" = 1 mile.



FROM
TO

NOTE: WHEN THIS MAP WAS DRAFTED, THE ONLY LAND CROSS-HATCHURED REFLECTS THE TOTAL ACREAGE REQUESTED. ANOTHER APPLICATION (#59468) HAD BEEN FILED TO IRRIGATE ADDITIONAL LAND BUT AT THE TIME OF THIS SURVEY IT WAS UNKNOWN WHAT ADDITIONAL LAND WAS INTENDED. THE LINE AT THE WEST END OF THE PROPERTY IS THE BOUNDARY BETWEEN THE OLD WATER RIGHT & WHAT THE APPLICANTS ARE IRRIGATING. THE UN-CROSSHATCHURED AREA INCLUDES 1.2 ACRES OF IRRIGATION THAT CAN POSSIBLY BE ALLOWED UNDER APP #59468 WHEN IT IS SURVEYED.

STATE OF OREGON

COUNTY OF

LINCOLN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ALFORD L. PYEATT

of Route 1, Box 13, Eddyville, State of Oregon 97343, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Little Elk Creek

a tributary of Yaquina River for the purpose of irrigation of 11.5 acres

under Permit No. 31138 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 14, 1965 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 0.14 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 $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T. 11 S., R. 9 W., W.M.; Portable pumping between points located 2080 feet South and 980 feet East, and 980 feet South and 50 feet East, from the NW Corner, Section 13

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:

7.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
3.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 13
T. 11 S., R. 9 W., W.M.

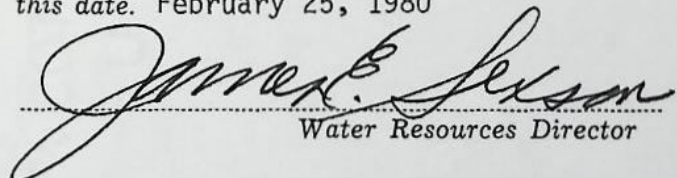
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 34261, Volume 26, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 21, 1980, approving transfer application No. 4320.

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. February 25, 1980


Water Resources Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINCOLN COUNTY

IN THE MATTER OF THE APPLICATION OF)
MIKE DeLUSE & SHIRLEY PETERS FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE &)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4320

On October 30, 1979, an application was filed in the office of the Water Resources Director by Mike DeLuse and Shirley Peters for approval of changes in place of use and point of diversion of water from Little Elk Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 34261, Volume 26, State Record of Water Right Certificates, in the name of Alford L. Pyeatt, describes a right which includes the use of not to exceed 0.06 cubic foot per second from Little Elk Creek for irrigation of 0.3 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 11 South, Range 9 West, W.M., with a date of priority of December 14, 1965.

Water for the said right is diverted from points located between 2080 feet South and 980 feet East and 980 feet South and 50 feet East from the Northwest Corner of Section 13, being within the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 13, Township 11 South, Range 9 West, W.M.

The applicants herein, contract owner of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 11 South, Range 9 West, W.M., from points located between 2080 feet South and 980 feet East and 2130 feet South and 1890 feet East from the Northwest Corner of Section 13, being within the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 13, Township 11 South, Range 9 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.

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 points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right.

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:

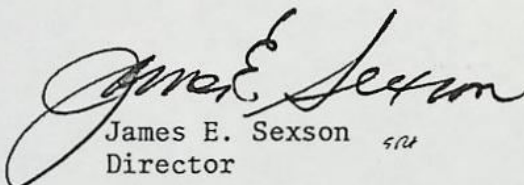
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 34261, Volume 26, 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 applicants herein.

Dated at Salem, Oregon this 21st day of January, 1980.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF LINCOLN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MIKE DeLUSE and SHIRLEY PETERS
ROUTE 1E, BOX 229
EDDYVILLE, OREGON 97343

confirms the right to use the waters of LITTLE ELK CREEK, a tributary of YAQUINA RIVER, for IRRIGATING 4.4 ACRES.

This right was perfected under Permit 31138. The date of priority is DECEMBER 14, 1965. This right is limited to 0.06 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 13, T 11 S, R 9 W, W.M.;
PORTABLE PUMPING BETWEEN POINTS LOCATED: 2350 FEET SOUTH AND 1050 FEET
EAST AND 1960 FEET SOUTH AND 2500 FEET EAST, BOTH FROM THE NW CORNER OF
SECTION 13.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4 NW 1/4 0.7 ACRE
SE 1/4 NW 1/4 3.7 ACRES
SECTION 13
TOWNSHIP 11 SOUTH, RANGE 9 WEST, W.M.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered January 21, 1980, approving transfer 4320, and together with Certificate 49064, supersedes Certificate 34261, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed
MARCH 9, 1992.

William H. Young

Recorded in State Record of Water Right Certificates numbered 67214.
T-4320.VRG

LITTLE ELK CR

WR T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T000043201 PERMIT NO. 031138 CERTIF. NO.
 ORIG. NO. A000417041 PREV. NO. A000417041 SUPER. NO.

NAME: DE LUSE & PETERSADDRESS: RT 1E, BOX 229CITY/STATE/ZIP/COUNTY: EDDYVILLE, OR 97343

21

STREAM-ID 18 0810 0050 0440

RIV. MI.

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

CANCEL YEAR--->

CONSTR. COMPLT---> 10 01 1981YR. LAST USED-----> NEXT ACTION DUE---> PRIORITY-----> 12 14 1965PUT TO USE-----> 10 01 1981LAST TRANS. DATE--> LAST TRANS. TYPE--> APPLICATION---> 10 30 1979

SURVEYED----->

EXAM. FEE-----> 20.00RECORDING FEE-----> 25.00PERMIT ISSUE---> 01 21 1980

CONCURRENCE----->

CYCLE STATUS-----> REPORTED FLAG-----> CONSTR. STRT.---> 01 21 1980

CERTIFIED----->

CORRES. INIT.-----> CORRES. DATE----->

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

RIV. MI.

RATE

STATUS S OR P

** REMARKS; - - - - ->
 ** DATED-->

1105 090W 13 B C 18 0810 0050 0440

0.060

V

P

** ROD: POINTS BETWEEN 2020'S &** 990' E & 2130'S & 1890' E PM NW** COR S 13. CHANGES POB & POD** PART OF C-34261. RRC-49064.

PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY

USE % CNSMTV

ACRES

STATUS

S OR P

**-----

**-----

**-----

1105 090W 13 B C 21 1R 100 1.00

V

P

B D)) 3.40

49064

W.R.I.S.

Assembled 4-3-85 by SMEntered by Verified by

RECEIVED

NOV 27 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

POU + POD from Little Elk Cr.

PURSUANT TO TRANSFER APPLICATION NO. 4320

I, Mike de Luse, 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 March 1, 1981.

Nov. 25, 81
Date

Mike de Luse
Signature

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

OK
Gin

T-4320

examination fee 20⁰⁰
 change in percentage 10⁰⁰
 change in point
 of diversion 15⁰⁰
 Total 45⁰⁰

Application for Transfer of Water Right

RECEIVED

OCT 30 1979

To the WATER RESOURCES DIRECTOR OF OREGON:

WATER RESOURCES DEPT
SALEM, OREGON

I, Mike de Luse AND SHIRLEY PETERS
 (Name of applicant)
 of RT 1 E BOX 229, Eddyville
 (Mailing address) (City)
 State of Oregon, 97343, 875-2164, do hereby make application for change
 (Zip Code) (Phone number)
IN POINT OF DIVERSION AND PLACE OF USE
 (In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? ALFORD L. PYEATT
 (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 31138 Number of certificate 34261

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 ELK CREEK

5. What is the date of priority of your water right? DEC. 14, 1965

6. The authorized point of diversion is located PORTABLE PUMPING BETWEEN POINTS
2080 ft. 5 and 980 ft. E from the NW
 (N. or S.) (E. or W.)

corner of SEC. 13 being within the W 1/2 NW 1/4 of Section 13 Tp. 11S R. 9W W. M.,
 (No. N. or S.) (No. E. or W.)
 in the county of LINCOLN The name of the ditch used is NONE

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

PORTABLE PUMPING BETWEEN POINTS

7. The proposed point of diversion is located 2080 ft. 5 and 1890 ft. E from the NW
 (N. or S.) (E. or W.)

corner of SEC. 13 being within the S 1/2 NW 1/4 of Section 13 Tp. 11S R. 9W W. M.,
 (No. N. or S.) (No. E. or W.)
 in the county of LINCOLN The name of the ditch to be used is NONE

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
11 S	9 W	13	NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3 AC
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.1 AC

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Contract Owner
(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.? Yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
11 S	9 W	13	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 AC
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.4 AC

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are AREA PRESENTLY IRRIGATED

CAN BE MORE ECONOMICALLY IRRIGATED FROM A SPRING.

PROPOSED AREA WILL ALLOW CONTINUOUS IRRIGATION

ON N'LY & W'LY SIDE OF CREEK

15. Construction work will be completed on or before

16. The water will be completely applied to the proposed use on or before OCT 1, 1980

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

x I, Mike de Luse & SHIRLEY PETERS, 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 29 day of October, 1980

Mike de Luse Shirley Peters
(Name of applicant)

Subscribed and sworn to before me this 29 day of October, 1980

[Notarial Seal]

Midgann M. Paulen
NOTARY PUBLIC FOR OREGON

My commission expires 8-23-83



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Jan 14, 1980FROM: ** Michael F. Ladd, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4320IN THE NAME OF Mike deLuse & Shirley Peters**RECEIVED**

JAN 17 1980

WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed changes in place of use & point of diversion from Little Elk Cr.

(MAY 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 . . .

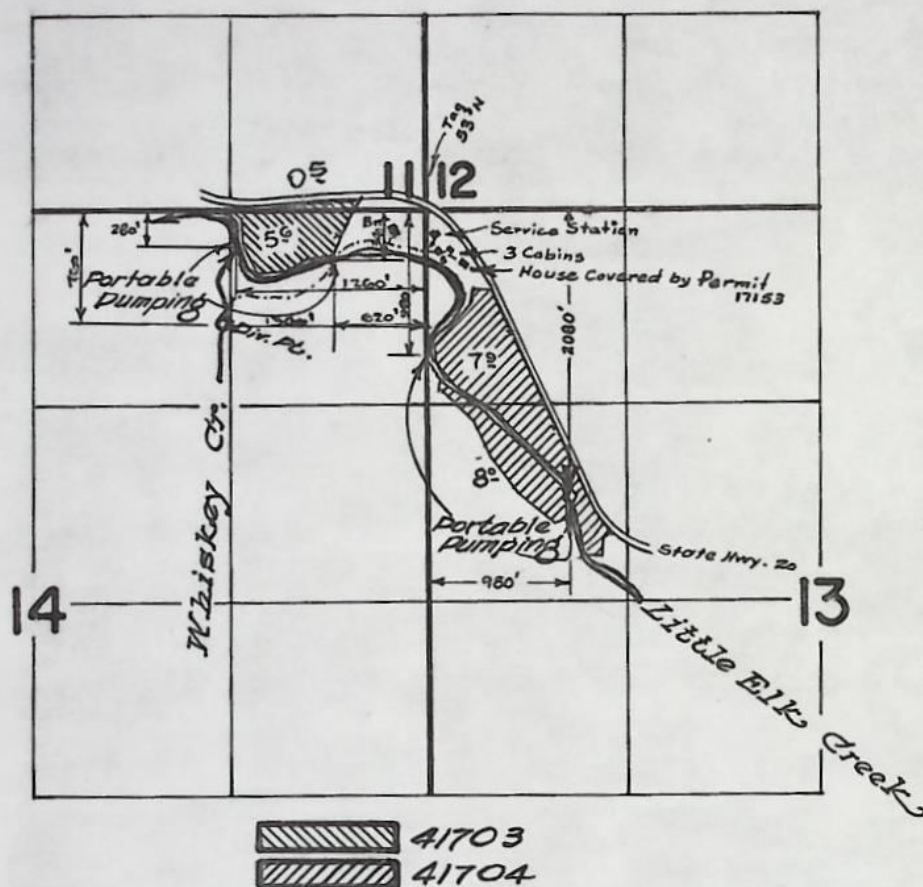
* The approval of this transfer application would result in injury to other water rights because

Information provided from Salem office
stating no intervening P.O.D. from
basin map in Salem.** M.F.L.

Watermaster's signature or initials

T-4320

T.IIS. R.9 W.W.M.



FINAL PROOF SURVEY UNDER

Application No. ~~21801~~ ~~41703~~ ~~41704~~ Permit No. ~~17153~~ ~~31137~~ ~~31138~~
IN NAME OF

ALFORD L. PYEATT

Surveyed Nov. 23, 1966, by

R. Jackson