

2384 Marjorie S. & Harold M. Washburn Sr.  
Washburn, Ore.  
97304

2384

STATUS OF APPLICATION

Change in Place of Use  
Date filed May 21, 1970  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 8-20-70 Vol. 20, page 24  
Date for application of water 10-1-71  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued \_\_\_\_\_ Vol. 20, page 38784-0  
To Survey 9/8/70  
38785

DESCRIPTION OF WATER RIGHT

Name of stream Spring  
Trib. of - County of Polk  
Use Domestic  
Quantity of water - No. of acres -  
Name of ditch -  
Date of priority July 31, 1956  
In name of Grace Shepard  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 30987 Per. No. 24383 Cert. No. 24461  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>5/21/70</u>	<u>25.00</u>	<u>18758</u>
TOTAL . . .		
<u>7/24/70</u>	<u>\$2 Cert. Fee</u>	<u>20143</u>
<u>1-3-73</u>	<u>1.00</u>	<u>31953</u>

FEES REFUNDED

Date	Amount	Check No.

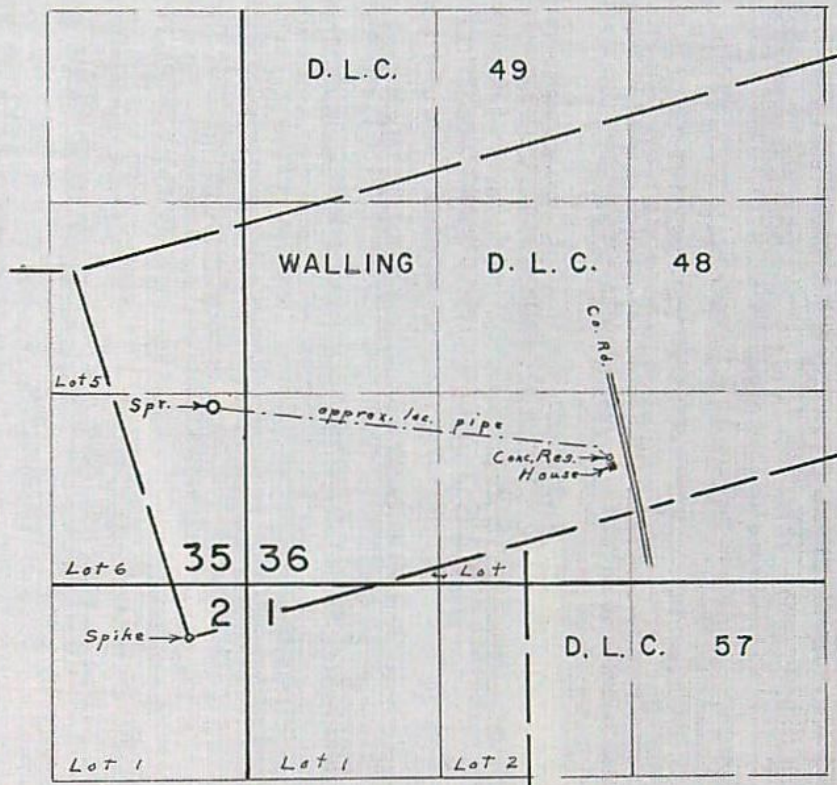
REMARKS

Remain Cert to Marjorie S. & Harold M. Washburn Sr.  
Confirm " to " " " " Jr.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>slw</u>	
<input checked="" type="checkbox"/>	Stream		<u>slw</u>	
<input checked="" type="checkbox"/>	Pt. of Div.		<u>slw</u>	
<input checked="" type="checkbox"/>	Calendar		<u>slw</u>	
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>slw</u>	<u>9</u>
<input checked="" type="checkbox"/>	Decree-vault			
<input checked="" type="checkbox"/>	Decree-safe			
<input checked="" type="checkbox"/>	Cert. of W/R		<u>slw</u>	
<input checked="" type="checkbox"/>	Per. Folder		<u>slw</u>	
<input checked="" type="checkbox"/>	Chainindex			
<input checked="" type="checkbox"/>	Cross Ref.			
<input checked="" type="checkbox"/>	Power Claim			
<input checked="" type="checkbox"/>	Abstracts			



T. 6 & 7 S. R. 4 W. W. M.



Spring located 1600' N. & 170' E. from S. W. Cor. Walling D.L.C. 48

# FINAL PROOF SURVEY

## UNDER

Application No. \_\_\_\_\_ Transfer 2384  
Permit No. \_\_\_\_\_  
IN NAME OF \_\_\_\_\_

H. M. &amp; M. S. WASHBURN, Sr.

Surveyed May 16, 19, by L. E. Gould



C-date 10/1/71

DFP-222-196 & DFP-2D-35-  
May 16, 1972  
L.F.G.

County Polk

1. Name H. M. & M. S. Washburn, Sr. Address Rt. 1, Box 755, Salem, Ore. 97304
2. Source of Supply spring, Trib. of Spring Valley Creek
3. Amount of Water --- Priority Date July 31, 1956 ✓
4. Use Domestic use of 1 family
5. Proposed Point of Diversion Spring located 1600' N. & 170' E. from  
S.W. Cor. Walling D.L.C. 48

[illegible]



Info: H. M. Washburn Jr.

Spring: Concrete collection box. ~~4' x 6' x 4' deep~~ <sup>6' square &</sup>  
4' deep at one end & 2' deep at the other, with alum.  
corr. roofing for top. (wood frame for alum. roofing)

Pipe: <sup>(3000.0')</sup> 1 mile  $1\frac{1}{2}$ " Galv. Iron.  
(said to be)

Res. Concrete 7' x 4' x 4' deep

Located approx. 30' N. from Ho. (See Photo DFP-2D-35)

Pump:  $\frac{1}{2}$  H.P. Sears, 1 ph., 3450  
Dir. Dr. " Cent.  $1" \times 1\frac{1}{2}"$

Fall: Approx. 150' (Spring to 7' x 4' x 4' Res.)

Note: Above pump sits on top of 7' x 4' x 4' Res.  
To provide pressure to Ho.

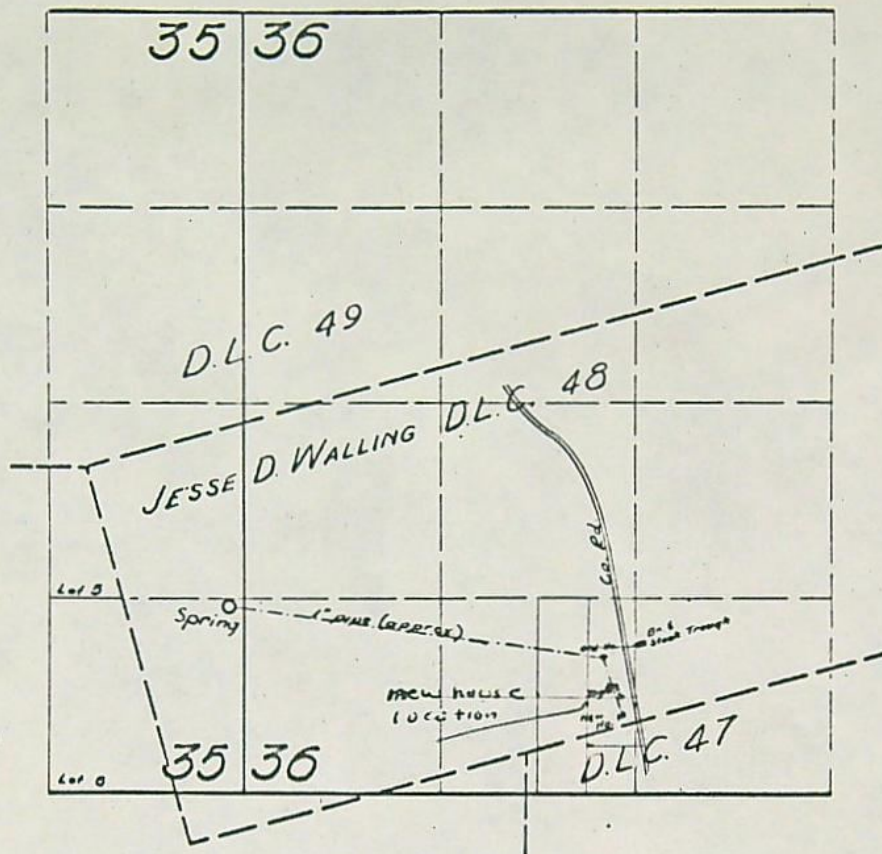
Use: Domestic use for 1 family.

Tie: Present place of use shown on Photo  
DFP-2D-35.

May 16, 1972, L. E. Gould  
Field Engineer



T. 6 S. R. 4 W. W. M.



# FINAL PROOF SURVEY

UNDER

Application No. 30987 Permit No. 24383

IN NAME OF

GRACE SHEPHARD

Surveyed 22 Mar. 1957, by *E. S. Whiting*



Received  
5-21-70

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, HAROLD M. SR. & MARJORIE S. WASHBURN  
(Name of applicant)

of SALEM, OREGON 97304, County of POLK  
(Postoffice)

State of OREGON, do hereby make application for change in place of  
USE  
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is SPRING  
(Name of stream)

2. The use to which the water is applied is DOMESTIC  
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is PIPE

4. The point of diversion is located 1260 ft. N and 100 ft. W from the SE  
(N. or S.) (E. or W.)

corner of Sec. 35 being within the SE 1/4 SE 1/4  
(Section or subdivision)

of Section 35 Tp. 6S R. 4W W. M., in the County of POLK  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
<u>6S</u>	<u>4W</u>	<u>35</u>												<u>1 1/2</u> <u>dom</u>				

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

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

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? YES

8. What is the date of priority of your water right? July 31, 1956

9. Was your water right acquired by State Engineer's Permit? YES If so, give number  
(Yes or No)

of permit 24383



10. Do you hold a water right certificate? YES If so, give number of certificate 24461  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

NO If so, give title of proceedings  
(Yes or No)

12. Is the water right recorded in your name? NO GRACE SHEPARD  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
65	44W36													1A down				

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ..... ft. .... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

15. Are you the owner of the land on which the proposed point of diversion is to be located? .....

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? .....

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
DOES NOT PERTAIN		

20. Reasons for the proposed changes are .....

BUILDING A NEW HOUSE AND WANT TO  
TRANSFER WATER RIGHTS FROM ONE HOUSE  
TO NEW HOUSE TO BE OWNED BY  
HAROLD M WASHBURN JR  
Rt 1 BOX 755  
SALEM, OREGON 97304  
POLK CO.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Polk

SS.

I, Harold M. Washburn Sr. & Margorie S. Washburn, 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 20 day of May, 1970

Harold M. Washburn Sr.

Margorie S. Washburn

(Name of applicant)

Subscribed and sworn to before me this 20<sup>th</sup> day of May, 1970

[Notarial Seal]

Violet Yungen

NOTARY PUBLIC FOR OREGON

My commission expires 2-19-72

Remarks

North House not involved in this proceeding  
stock use East of county road is no longer used  
(need name & address of owner)

GLEN L. ALLEN JR.

61 CREST AVE.

WALNUT CREEK

CALIFORNIA

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION )  
OF HAROLD M. WASHBURN, SR. AND )  
MARJORIE S. WASHBURN FOR THE AP- )  
PROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM A SPRING )  
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ORDER APPROVING  
TRANSFER NO. 2384

On May 21, 1970, Harold M. Washburn, Sr. and Marjorie S. Washburn filed an application in the office of the State Engineer for the approval of a change in place of use of water from a spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Grace Shepard and recorded at page 24461, Volume 17, State Record of Water Right Certificates, confirms a right to, among other uses, the use of 0.02 cubic foot per second of the waters of a spring for domestic use of one family within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36, Township 6 South, Range 4 West, W.M., with a date of priority of July 31, 1956.

The applicants herein, owners of the lands to which the above described right is appurtenant, propose to transfer the water right therefrom, without loss of priority, to a house being constructed by Harold M. Washburn, Jr. within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36, Township 6 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Clayton J. Gardner, Watermaster District No. 1, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury



to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to domestic use of one family within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36, Township 6 South, Range 4 West, W.M., with a date of priority of July 31, 1956, be severed therefrom and simultaneously and without loss of priority, transferred to a house being constructed by Harold M. Washburn, Jr. within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36, Township 6 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1971.

It is FURTHER ORDERED that the quantity of water to be appropriated under the change hereby approved shall be limited to the amount beneficially used not exceeding 0.0075 cubic foot per second.

It is FURTHER ORDERED that certificate of water right heretofore issued to Grace Shepard and recorded at page 24461, Volume 17, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate shall be issued covering the balance of the right not involved in this proceeding and excluding the right to the use of 0.005 cubic foot per second of water for stock until completion of cancelation proceedings when a new certificate will be issued covering the right to the use of water for stock if it is determined that such right has not been forfeited and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Harold M. Washburn, Jr. confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 20<sup>th</sup> day of August, 1970

/s/ CHRIS L. WHEELER  
State Engineer



A F F I D A V I T

**RECEIVED**  
JUN 8 1970  
STATE ENGINEER  
SALEM OREGON

STATE OF OREGON }  
County of Polk } ss.

We, Marjorie S. and Harold M. Washburn, Sr. being first duly sworn, depose and say that we are the owners of a water right and the land to which it is appurtenant, which is for the appropriation of 0.005 cubic foot per second of water from a spring for stock use in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 36, Township 6 South, Range 4 West, W.M., under a priority date of July 31, 1956, as evidenced by the certificate recorded at Page 24461, Volume 17, State Record of Water Right Certificates; that we have abandoned any and all interest in and to said right and request the same be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of June, 1970.

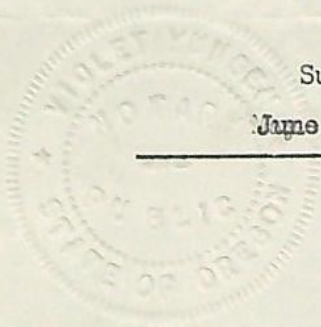
Harold M. Washburn Sr.

Marjorie S. Washburn

Subscribed and sworn to before me this 5th day of June, 1970.

Violet Yungers  
Notary Public for Oregon

My Commission expires 2-19-72





BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF )  
THE CANCELLATION )  
OF A WATER RIGHT )  
-----

O R D E R

On July 29, 1970, and October 23, 1970, notice was given by certified mail in accordance with the provisions of ORS 540.631 to 540.650 to Glenn L. Allen, Jr., 61 Crest Avenue, Walnut Creek, California as owner and Mr. and Mrs. Ronald Roth, Route 1, Box 754-L, Salem, Oregon as tenants of the lands to which a water right is appurtenant, of the State Engineer's intention to cancel said right.

That part of the water right in question is for the use of not to exceed 0.005 cubic foot per second of the waters of a spring for stock use in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 6 South, Range 4 West, W.M., with a date of priority of July 31, 1956, evidenced by certificate of water right issued in the name of Mrs. Grace Shepard and recorded at page 24461, Volume 17, State Record of Water Right Certificates.

The certificate recorded at page 24461, Volume 17, State Record of Water Right Certificates, included the right to the use of 0.015 cubic foot per second of the waters of a spring for domestic purposes. Harold M. Washburn, Sr. and Marjorie S. Washburn submitted an application for change in place of use of water for one family domestic use and claimed that no right exists for use of water for stock for Glenn L. Allen, Jr. property as the contract of sale under which Glenn Allen, Jr. purchased the property specifically provided for removal of a part of the pipeline to Glenn Allen, Jr. property and no use of water for stock could have been made since September, 1964.

NOW, THEREFORE, it is hereby ORDERED that the right to the use of not to exceed 0.005 cubic foot per second of the waters of a



spring for stock use in SW¼ SE¼, Section 36, Township 6 South, Range 4 West, W.M., with a date of priority of July 31, 1956, as evidenced by certificate of water right recorded at page 24461, Volume 17, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 28<sup>th</sup> day of December, 1970.

/s/ CHRIS L. WHEELER  
State Engineer



OLD COUNCIL TREE

ONIONSKIN

100% COTTON FIBER



NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

**RECEIVED**  
AUG 31 1970  
STATE ENGINEER  
SALEM, OREGON

Transfer No. 2384

I, \_\_\_\_\_ hereby certify that  
on \_\_\_\_\_, 19\_\_\_\_, the water has been applied to the lands to  
which the water right was transferred by an order of the State Engineer  
dates August 20, 1970, approving an application for a change in place  
of use of water from \_\_\_\_\_ a spring \_\_\_\_\_.

Aug 27 1970  
Date

Margie S. Washburn  
Harold M. Washburn Sr.  
Signature