

777 Shaft Rd.
Stayton, Ore. 97383

2459

STATUS OF APPLICATION

Change in Point of Diversion
Date filed October 29, 1970
Date of hearing _____
Place of hearing _____
✓ Date of order 3-19-71 Vol. 20, page 476
Date for application of water 10-1-71
Proof mailed _____
Proof received _____
Certificate issued APR 20 1971 Vol. 29, page 37494
Sept. 3, 1974 32 40852
To Survey 4/15/71

DESCRIPTION OF WATER RIGHT

Name of stream Thomas Creek
Trib. of - County of Linn
Use Irrigation
Quantity of water 0.61 cfs No. of acres 50^e
Name of ditch -
Date of priority October 19, 1960
In name of Peter W. & Amanda J. Toews
_____ Adjudication, Vol. _____, page _____
App. No. 34418 Per. No. 27034 Cert. No. 30495
Certificate cancelled _____
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
10-29-70	25.00	21418
TOTAL . . .		
11-25-70	⁰² \$1 Cert. Fee	21716
7-19-72	.50	29170

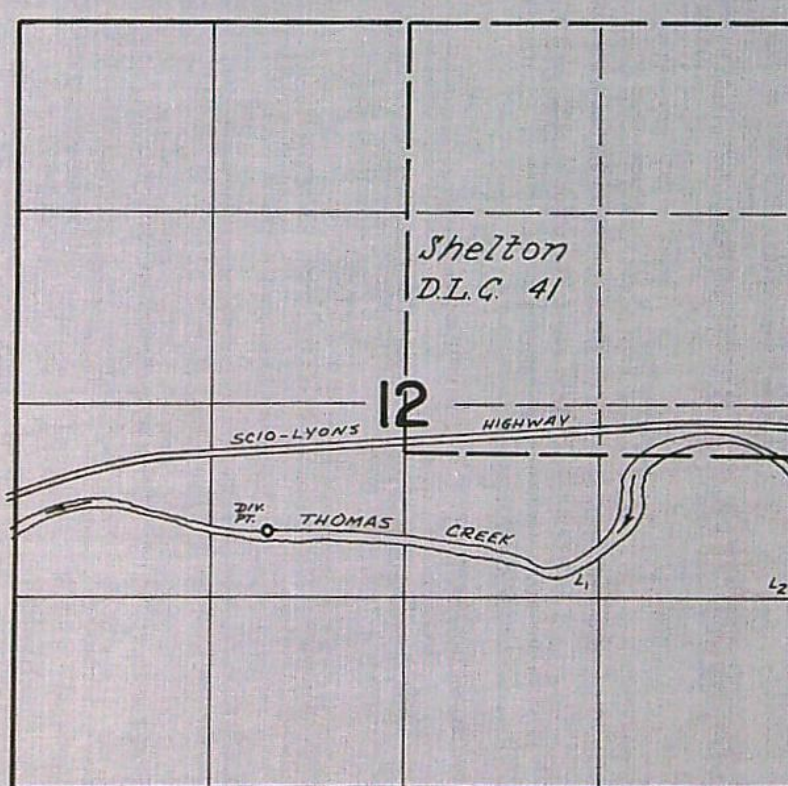
FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

T.IOS., R.IW., W.M.



DIV. PT. LOCATED: 530' S & 930' W FROM SE COR SHELTON D.L.C. 41.

FINAL PROOF SURVEY
UNDER

Transfer No. 2459
Application No. _____ Permit No. _____
IN NAME OF

W. J. ROBERTS

Surveyed Aug 31 1972, by D. Norby

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF W. J. ROBERTS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM THOMAS CREEK)

ORDER APPROVING
TRANSFER NO. 2459

On October 29, 1970, W. J. Roberts filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Thomas Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Peter W. and Amanda J. Toews and recorded at page 30495, Volume 22, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.70 cubic foot per second of water from Thomas Creek for the irrigation of, among other lands, 6.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 31.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 9.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 2.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 10 South, Range 1 West, W.M., with a date of priority of October 19, 1960. These lands are irrigated from a point of diversion located S 36 $\frac{1}{2}$ ° W 10 chains from the most westerly SW corner of Haman Shelton DLC 41 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 10 South, Range 1 West, W.M.

The applicant herein, contract purchaser of the lands above described, proposes to irrigate these lands from a point of diversion to be located S 58° 39' W 1105.5 feet from the most westerly SW corner of Haman Shelton DLC 41 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 10 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Vestal R. Garner, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

Peter Toews, contract seller of the lands involved, has submitted written approval of the change in point of diversion.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Thomas Creek, to-wit:

From a point located S $36\frac{1}{2}^{\circ}$ W 10 chains from the most westerly SW corner of Haman Shelton DLC 41 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 10 South, Range 1 West, W.M.

To a point to be located S $58^{\circ} 39'$ W 1105.5 feet from the most westerly SW corner of Haman Shelton DLC 41 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 10 South, Range 1 West, W.M.

for the irrigation of 6.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 31.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 9.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 2.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 10 South, Range 1 West, W.M., with a date of priority of October 19, 1960, is approved.

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, 1971.

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 and shall not exceed 0.61 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to Peter W. and Amanda J. Toews and recorded at page 30495, Volume 22, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to W. J. Roberts confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of March, 1971.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. J. Roberts
~~PETER W. and AMANDA J. TOEWS~~
 of 777 Shaff Rd. Dayton 97383
~~Route 1, Box 146, Seio~~, 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
 Thomas Creek

a tributary of South Santiam River for the purpose of
 irrigation of 50.0 ~~57.0~~ acres

under Permit No. 27034 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 October 19, 1960,

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

0.61 ~~0.70~~ 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 NE 1/4 SW 1/4, Section 12, T. 10 S., R. 1 W., W.M.
530 ft. S. & 930 ft. W. from SE. cor. Shelton DLC 41

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:

6.7 acres SW 1/4 NW 1/4
 31.6 acres SE 1/4 NW 1/4
9.4 ~~14.6~~ acres NE 1/4 SW 1/4
2.3 ~~4.1~~ acres NW 1/4 SW 1/4
 Section 12
 T. 10 S., R. 1 W., W.M.

This certificate is issued to confirm a change in pt. of Div. approved by an order
 of the State Engineer entered March 19, 1971, and Together with the cert recorded of page 37494 161 29
 right heretofore issued to Peter W. & Amanda J. Toews, and recorded at page 30495, Volume
22, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed

this date. JANUARY 11 1963

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 30495