

2613 Clive L. Mitchell  
P.O. Box 448  
Mehama, Ore. 97384

## STATUS OF APPLICATION

Change in Pt. of Diversion & Place of Use  
Date filed MARCH 29, 1972  
Date of hearing  
Place of hearing  
Date of order 8-24-72 Vol. 22, page 192  
Date for application of water Complete  
Proof mailed  
Proof received  
Certificate issued FEB 26 1974 Vol. 31, page 39849

FEB 26 1974

Vol. 31

39349

11-28-72 Survey  
11-30-73 yes

### DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Stream  
Trib. of Little North Fork Santiam River County of MARION  
Use Domestic & Fire Protection  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority June 28, 1938  
In name of Clive L. & Reba F. Mitchell  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 17393 Per. No. 13093 Cert. No. 15388  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

**FEE PAID**

Date	Amount	Receipt No.
3-29-72	30.00	27864
TOTAL . . .	1.50	
11-1-73	\$1 Cert. Fee	37267

## FEES REFUNDED

[illegible]

## REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<input type="checkbox"/>	Name		
<input checked="" type="checkbox"/>	Stream			
<input type="checkbox"/>	Pt. of Div.			
<input type="checkbox"/>	Calendar			
	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Typ. & Ege.	ds		
<input type="checkbox"/>	Districts			
<input type="checkbox"/>	Districts			
<input checked="" type="checkbox"/>	Cert. of W/R	ds		
<input checked="" type="checkbox"/>	Per. Folder	ds		
<input type="checkbox"/>	Chainindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Index Chain			
<input type="checkbox"/>	Abstracts			



STATE OF OREGON  
COUNTY OF MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** CLIVE L. and REBA F. MITCHELL  
97384

of P. O. Box 998, Mehama, 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 an unnamed creek

a tributary of Little North Fork of Santiam River for the purpose of domestic use of one family and fire protection

under Permit No. 13093 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 June 23, 1938

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 0.01 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 $\frac{1}{4}$ , Section 14, T. 9 S., R. 2 E., W. M., 506 feet South and 950 feet East from the NW Corner, Section 14.

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 ----- of one cubic foot per second per acre,

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:

SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 11  
T. 9 S., R. 2 E., W. M.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the State Engineer entered August 24, 1972, and supersedes certificate of water right heretofore issued to Clive L. Mitchell and Reba F. Mitchell and recorded at page 15388, Volume 13, State Record of Water Right Certificates.

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

WITNESS the signature of the State Engineer, affixed  
this date. February 26, 1974

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39849



BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF CLIVE L. MITCHELL FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION AND PLACE OF USE OF )  
WATER FROM AN UNNAMED CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2618

On March 29, 1972, Clive L. Mitchell filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from an unnamed creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Clive L. Mitchell and Reba F. Mitchell and recorded at page 15388, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.01 cubic foot per second of waters of an unnamed creek for the purpose of domestic and fire protection in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14, Township 9 South, Range 2 East, W.M., with a date of priority of June 28, 1938. The point of diversion for these purposes is located 850 feet South and 1,000 feet East from the NW corner of Section 14, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 9 South, Range 2 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right from the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 9 South, Range 2 East, W.M., without loss of priority, to the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 9 South, Range 2 East, W.M. and to divert water for these purposes from a point to be located 506 feet South and 950 feet East from the NW corner of Section 14, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 9 South, Range 2 East, 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 place of use or for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Gene McGinnis, Watermaster of District No. 2, has filed a report to the effect that the proposed change in place of use and point of diversion 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 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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 9 South, Range 2 East, W.M., with a date of priority of June 28, 1938, be severed therefrom and simultaneously and without loss of priority transferred to the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 9 South, Range 2 East, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from an unnamed creek, to-wit:

From a point located 850 feet South and 1,000 feet East from the NW corner of Section 14, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 9 South, Range 2 East, W.M.

To a point to be located 506 feet South and 950 feet East from the NW corner of Section 14, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 9 South, Range 2 East, W.M.

for the domestic and fire protection of the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, Township 9 South, Range 2 East, W.M., with a date of priority of June 28, 1938, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed and the new diversion is in operation.



It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.01 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 the certificate of water right heretofore issued to Clive L. Mitchell and Reba F. Mitchell and recorded at page 15388, Volume 13, State Record of Water Right Certificates is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and application of water to beneficial use, a certificate of water right shall be issued to Clive L. Mitchell confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 24th day of August, 1972.

/s/ CHRIS L. WHEELER  
State Engineer

NOTED  
MILERS  
Gibson  
Oregon State



## STATE OF OREGON

COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That CLIVE L. MITCHELL AND REBA F. MITCHELL

of Mehama, 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  
unnamed creek

a tributary of Little North Fork of Santiam River for the purpose of  
domestic and fire protection

under Permit No. 13093 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 June 23, 1938

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  
0.01 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 $\frac{1}{4}$ , Section 14, Township 9 South, Range  
2 East, W. M.

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 - - - of one cubic foot per second  
per acre,

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:

NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 14  
T. 9 S., R. 2 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this 15th day of July, 1948

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15388