

2838

2838 Kan. Dent  
Route 1, Box 107  
Sci. O. C.

## STATUS OF APPLICATION

Change in Place of Use  
 Date filed June 25, 1973  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 12-17-73 Vol. 23, page 454  
 Date for application of water 10-1-74  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued NOV 23 1976 Vol. 36, page 44013

## DESCRIPTION OF WATER RIGHT

Name of stream Bilgeu Creek  
 Trib. of \_\_\_\_\_ County of Linn  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 16 1/4  
 Name of ditch \_\_\_\_\_  
 Date of priority Nov 20, 1950  
 In name of \_\_\_\_\_  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 25442 Per. No. 20010 Cert. No. 27143  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>6-25-73</u>	<u>20.00</u>	<u>35039</u>
TOTAL . . .		
<u>11-19-74</u>	<u>1.50</u> Cert. Fee	<u>From P. 6</u>

## FEES REFUNDED

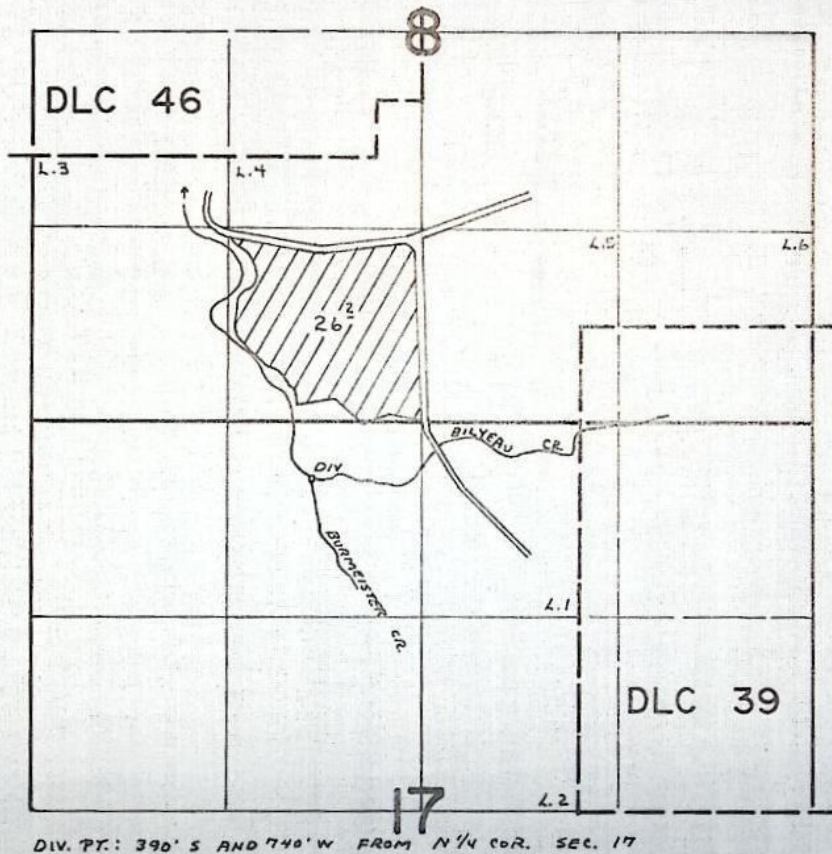
Date	Amount	Check No.
<u>11-19-74</u>	<u>1.50</u>	<u>6069</u> <u>Refund</u>
<u>11-19-74</u>	<u>1.50</u>	<u>6069</u> <u>(#6)</u>

## REMARKS

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



T.IOS.,R.IE.,W.M.



DIV. PT.: 390' S AND 740' W FROM N 1/4 COR. SEC. 17

**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2838  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF  
RON BENTZ

Surveyed APRIL 22 1975, by L. Toll



STATE OF OREGON  
COUNTY OF LINN

# CERTIFICATE OF WATER RIGHT

*Ron Bontz*

This Is to Certify, That ~~ROY H. & KATHRYN DATES~~

of Route 1, Box 107 Scio, State of Oregon *97374* has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Bilyeu and Bermeister Creeks a tributary of Thomas Creek, for the purpose of irrigation of 26.2 acres,

under Permit No. 20010 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 November 20, 1950.

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 0.24 cubic foot per second, being 0.12 cubic foot per second from each stream,

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 $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 10 South, Range 1 East, W.M., *390' S & 740' W from the N $\frac{1}{4}$  cor. of Sec 17*

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:

*26.2* ~~9.8~~ acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 8

~~26.4~~ acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 17  
Township 10 South, Range 1 East, W.M.

*This certificate is issued to confirm a change in place of use as approved by an order of the SE entered Dec 17, 1973 as well as to describe that portion of the water right confirmed by the prior certificate recorded at Page 27143, Vol 19, SRVRC, NOT modified by the provisions of the same order approving transfer application number 2838.*

*The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.*



BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION  
OF RON BENTZ FOR THE APPROVAL OF  
A CHANGE IN PLACE OF USE OF WATER  
FROM BILYEU CREEK AND BURMEISTER  
CREEK  
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ORDER APPROVING  
TRANSFER NO. 2838

On June 25, 1973, Ron Bentz filed an application in the office of the State Engineer for the approval of a change in place of use of water from Bilyeu Creek and Burmeister Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Roy H. and Kathryn Bates and recorded at page 27143, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.24 cubic foot per second of water from Bilyeu Creek and Burmeister Creek for the irrigation of, among other lands, 16.4 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 10 South, Range 1 East, W.M., with a date of priority of November 20, 1950. These lands are irrigated from a point of diversion located 300 feet South and 700 feet West from the N  $\frac{1}{4}$  corner of Section 17, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 10 South, Range 1 East, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 16.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 8, Township 10 South, Range 1 East, 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. Gene Mc Ginnis, Watermaster of District No. 2, 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 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 16.4 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 10 South, Range 1 East, W.M., with a date of priority of November 20, 1950, be severed therefrom and simultaneously and without loss of priority transferred to 16.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 8, Township 10 South, Range 1 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Roy H. and Kathryn Bates and recorded at page 27143, Volume 19, State Record of Water Right Certificates, is canceled 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 Ron Bentz confirming the extent to which the water has been applied beneficially and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 17th day of December, 1973.

/s/ CHRIS L. WHEELER  
State Engineer

Gibraltar Onion Skin  
MILLERS FALLS  
ALL COTTON