

Herbert Hughes
Route 2
Foster, Ore 97345

2415

STATUS OF APPLICATION

Change in Point of Diversion
Date filed July 20, 1970
Date of hearing _____
Place of hearing _____
Date of order 2-10-71 Vol. 20, page 402
Date for application of water ~~10-1-71~~ 10-1-71
Proof mailed _____
Proof received _____
Certificate issued FEB 4 1975 Vol. 33, page 41632
9-9-74 uos

DESCRIPTION OF WATER RIGHT

Name of stream E. Fk. Lewis Creek
Trib. of — County of Linn
Use Irrigation
Quantity of water 0.055 cfs No. of acres 9⁰
Name of ditch — (private)
Date of priority June 26, 1953
In name of Herbert Hughes
_____ Adjudication, Vol. _____, page _____
App. No. 28564 Per. No. 22514 Cert. No. 28007
Certificate cancelled _____
Notation made on record by sl

FEES PAID

Date	Amount	Receipt No.
<u>7/20/70</u>	<u>25.00</u>	<u>20070</u>
TOTAL . . .		
<u>8-16-74</u>	<u>1.50</u> \$1 Cert. Fee	<u>42523</u>

FEES REFUNDED

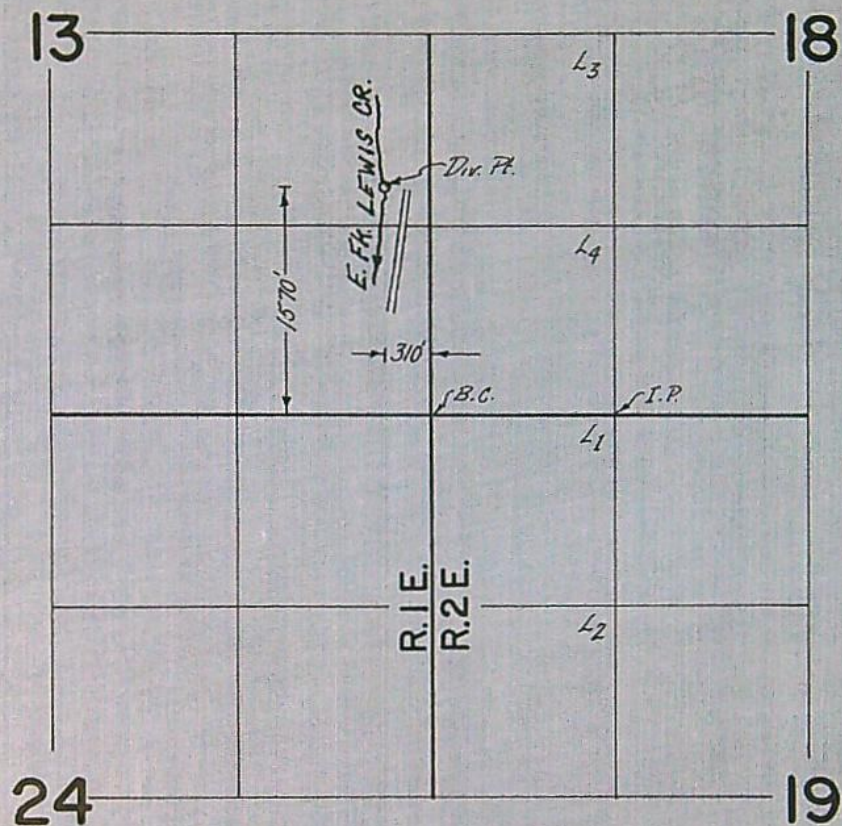
Date	Amount	Check No.

REMARKS

FINIS

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

T.13S., R.1&2E., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2415

Application No. Permit No.

IN NAME OF

HERBERT HUGHES

Surveyed 20 Sept. 1972, by D. Norby

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HERBERT HUGHES & Lee Slater
Rt. 2 of Foster, 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
East Fork Lewis Creek & Spring Creek
 a tributary of South Santiam River for the purpose of
 irrigation of 9.0 acres

under Permit No. 22514 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 26, 1953

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
0.11 cubic foot per second, being 0.055 c.f.s. from East Lewis Creek and 0.055
c.f.s. from Spring Creek

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 $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T. 13 S., R. 1 E.,
W.M. ^{EFF.} Lewis Creek, 1570 ft N & 310 ft W, Spring Creek, 450 ft N & 70 ft W
Both from the SE Cor. Sec. 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:

8.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
0.7 acre Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 19
T. 13 S., R. 2 E., W.M.

This certificate is issued to confirm a change in Pt. of Div approved by an order
 of the State Engineer entered Feb 10, 1971, and supersedes certificate of water
 right issued to Herbert Hughes and recorded at page 28007, Volume 20,
 State Record of Water Right Certificates.

this date. JANUARY 19 1961

LEWIS A. STANLEY

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF HERBERT HUGHES AND LEE SLATER)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
EAST FORK LEWIS CREEK)

ORDER APPROVING
TRANSFER NO. 2415

On July 20, 1970, Herbert Hughes and Lee Slater filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from East Fork Lewis Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Herbert Hughes and recorded at page 28007, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.055 cubic foot per second of water from East Fork Lewis Creek and 0.055 cubic foot per second of water from Spring Creek for the irrigation of 8.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.7 acre in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 19, Township 13 South, Range 2 East, W.M., with a date of priority of June 26, 1953. These lands are irrigated from East Fork Lewis Creek from a point of diversion located 1480 feet north and 310 feet west from the SE corner of Section 13 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 13 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1552 feet north and 310 feet west from the SE corner of Section 13 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 13 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 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.

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 East Fork Lewis Creek, to-wit:

From a point located 1480 feet north and 310 feet west from the SE corner of Section 13 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 13 South, Range 1 East, W.M.

To a point to be located 1552 feet north and 310 feet west from the SE corner of Section 13 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 13 South, Range 1 East, W.M.

for the irrigation of 8.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.7 acre in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 19, Township 13 South, Range 2 East, W.M., with a date of priority of June 26, 1953, 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 0.055 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 Herbert Hughes and recorded at page 28007, Volume 20, 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, a certificate of water right shall be issued to Herbert Hughes and Lee Slater confirming the change in point of diversion.

Dated at Salem, Oregon, this 10th day of February, 1971.

/s/ CHRIS L. WHEELER
State Engineer