

STATUS OF APPLICATION

Change in Place of Use
 Date filed Sept. 18 1972
 Date of hearing _____
 Place of hearing _____
 Date of order 1-8-73 Vol. 22, page 395
 Date for application of water 10-1-73
 Proof mailed _____
 Proof received _____
 Certificate issued MAY 22 1975 Vol. 34, page 42176

DESCRIPTION OF WATER RIGHT

Name of stream N. Fork VALENTINE Creek
 Trib. of North Santiam River County of MARION
 Use Irrigation
 Quantity of water _____ No. of acres 37³
 Name of ditch _____
 Date of priority Feb. 25 1957
 In name of Etzel Brothers
 _____ Adjudication, Vol. _____, page _____
 App. No. 31381 Per. No. 24742 Cert. No. 29655
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-18-72</u>	<u>21.20</u>	<u>30736</u>
TOTAL . . .		
<u>9-18-72</u>	<u>1.50</u> Cert. Fee	<u>30737</u>

FEES REFUNDED

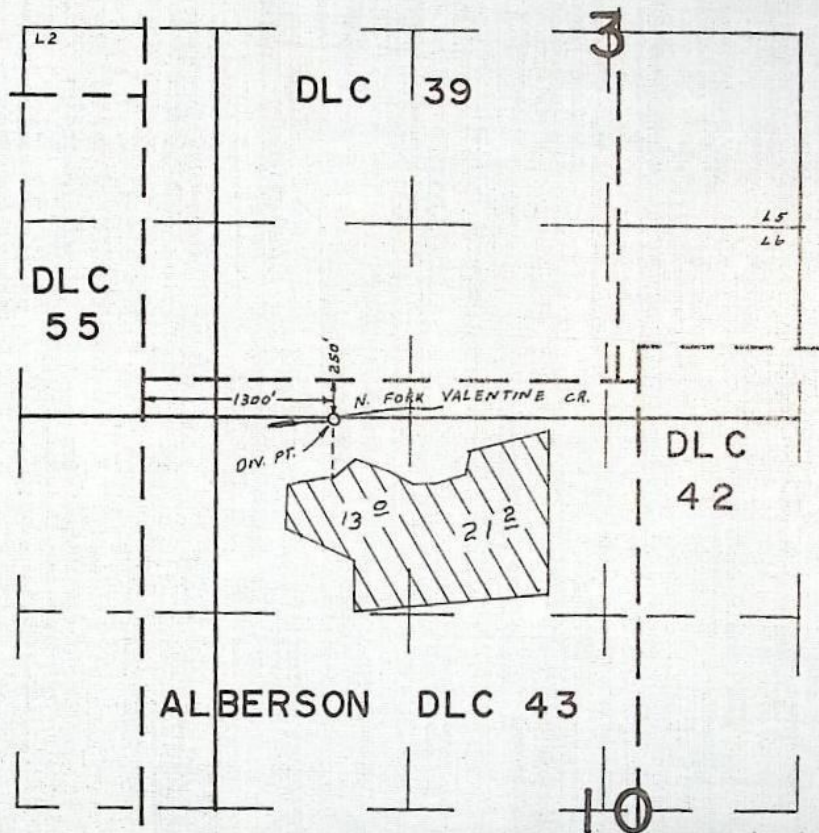
Date	Amount	Check No.

REMARKS

Trans to prop of Dick Heater

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

T.9S. R.1E. W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2714

Application No. _____ Permit No. _____
IN NAME OF

ETZEL BROTHERS

Surveyed JUL 5 1974, by LH NUNN

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF ETZEL BROTHERS FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM NORTH FORK VALENTINE CREEK)

ORDER APPROVING
TRANSFER NO. 2714

On September 18, 1972, Etzel Brothers filed an application in the office of the State Engineer for the approval of a change in place of use of water from North Fork Valentine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Etzel Brothers and recorded at page 29655, Volume 21, State Record of Water Right Certificates, confirms a right to the use of 0.47 cubic foot per second of water from North Fork Valentine Creek for the irrigation of 0.5 of an acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 24.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 12.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 9 South, Range 1 East, W.M., with a date of priority of February 25, 1957.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 22.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 9 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 McGinnis, 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 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 0.5 of an acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 24.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 12.8 acres in S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 9 South, Range 1 East, W.M., with a date of priority of February 25, 1957, be severed therefrom and simultaneously and without loss of priority, transferred to 22.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 9 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, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to Etzel Brothers and recorded at page 29655, Volume 21, 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 Etzel Brothers confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 8th day of January, 1973.

CHRIS L. WHEELER
State Engineer



STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ETZEL BROTHERS

of Route 1, Box ³⁰⁰231, Stayton, State of ⁹⁷³⁸³Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Fork Valentine Creek

a tributary of North Santiam River
irrigation of ^{34.2}97.3 acres

for the purpose of

under Permit No. 24742 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 February 25, 1957

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 ~~0.47~~ cubic foot per second

^{0.43}

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Alberson D1C ~~43~~ 43 Section 3, T. 9 S., R. 1 E., W. M. ^{250 ft. S. & 1300 ft. E. from the NW cor}

^{Alberson D1C 43}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:

0.5 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Lane D1C 39
24.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ " "
12.8 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ " "
Section 3
T. 9 S., R. 1 E., W. M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 21.2
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13.0
both as proj. w/in Alberson D1C 43
Section 10
T. 9 S. R. 1 E. W. M.

This certificate is issued to confirm a change in Place of use approved by an order of the State Engineer entered Jan. 8, 1973, and supersedes certificate of water right heretofore issued to Etzel Brothers and recorded at page 29655, Volume 21, State Record of Water Right Certificates.

State Engineer

Recorded in State Record of Water Right Certificates, Volume 21, page 29655