

2670 Robt. D. & EARLEEN FOX
Rt. 3, Box 85 A3
Soc. Sec. 07374

STATUS OF APPLICATION

Change in AN ADDITIONAL Pt of Diversion
Date filed June 29, 1972
Date of hearing _____
Place of hearing _____
Date of order 8-10-79 Vol. 32, page 336
Date for application of water complete
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Slough
Trib. of South Santiam River County of Linn
Use Irrigation
Quantity of water _____ No. of acres 7⁰
Name of ditch _____
Date of priority Jan. 20, 1958
In name of C.R. & Marie Billings
_____ Adjudication, Vol. _____, page _____
App. No. 32068 Per. No. 25320 Cert. No. 24581
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6/29/72</u>	<u>25.00</u>	<u>29423</u>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>bcj</u>	<u>—</u>
<input checked="" type="checkbox"/> Stream	<u>bcj</u>	<u>—</u>
<input checked="" type="checkbox"/> Pt. of Div.	<u>bcj</u>	<u>—</u>
<input checked="" type="checkbox"/> Calendar	<u>bcj</u>	<u>—</u>
CHECKED TO REC:	<u>bcj</u>	<u>—</u>
<input type="checkbox"/> App. No.	<u>—</u>	<u>—</u>
<input type="checkbox"/> Per. No.	<u>—</u>	<u>—</u>
<input type="checkbox"/> Cert. No.	<u>—</u>	<u>—</u>
<input checked="" type="checkbox"/> W/R	<u>bcj</u>	<u>—</u>
<input type="checkbox"/> Per. holder	<u>—</u>	<u>—</u>
<input type="checkbox"/> Chain index	<u>—</u>	<u>—</u>
<input type="checkbox"/> Gross Ref.	<u>—</u>	<u>—</u>
<input checked="" type="checkbox"/> Power Claim	<u>bcj</u>	<u>—</u>
<input type="checkbox"/> Abstracts	<u>—</u>	<u>—</u>

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

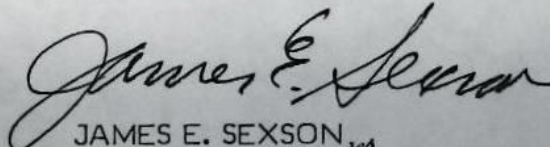
IN THE MATTER OF TRANSFER)	
APPLICATION 2670 IN THE)	
NAME OF ROBERT D. AND)	LOSS OF RIGHT
EARLEEN L. FOX)	

Transfer Application 2670, in the name of Robert D. and Earleen Fox, proposed an additional point of diversion of water from an unnamed slough of South Santiam River under a certain right with a priority date of January 20, 1958, to irrigate a certain 4.0 acres in NW 1/4 SE 1/4 and 3.0 acres in SW 1/4 SE 1/4, Section 28, Township 10 South, Range 2 West, WM.

The order of the Water Resources Director, entered August 10, 1979, approving Transfer Application 2670, provided: "that no time need be fixed for completion as the change in point of diversion is completed."

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order, therefore, the additional point of diversion is no longer valid.

Dated at Salem, Oregon this 17th day of September, 1981.


JAMES E. SEXSON, ^{DA}
Director

6895A

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT D. & EARLEEN L. FOX FOR)
APPROVAL OF AN ADDITIONAL POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 2670

On June 29, 1972, an application was filed in the office of the Water Resources Director by Robert D. and Earleen L. Fox for approval of an additional point of diversion of water from an unnamed slough of South Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24581, Volume 17, State Record of Water Right Certificates, in the names of C. R. and Marie Billings, describes a right which includes the use of not to exceed 0.09 cubic foot per second from an unnamed slough of South Santiam River for irrigation of a certain 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 10 South, Range 2 West, W.M., with a date of priority of January 20, 1958.

Water for the said right is diverted from a point located South 65 degrees, 30 minutes West, 36 chains from the East Quarter Corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28.

The applicants propose to maintain the aforesaid point of diversion and to establish an additional point of diversion, without loss of priority, at a point located 1023 feet North and 1650 feet West from the Southeast Corner of Section 28, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28, for irrigation of said lands.

Mr. L. Gene McGinnis, Watermaster, has filed a statement 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 requested additional point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right,

and shall not exceed 0.09 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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;

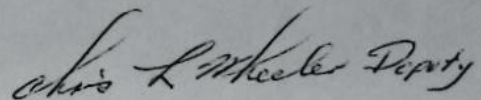
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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

The balance of the water right described by the certificate recorded at page 24581, Volume 17, State Record of Water Right Certificates, was canceled by an order of the State Engineer dated January 25, 1973; therefore,

It is FURTHER ORDERED that the certificate recorded at page 24581, Volume 17, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 10th day of August, 1979.

A handwritten signature in cursive script, appearing to read "James E. Sexson".

James E. Sexson^W
Director

STATE OF OREGON, }
County of Marion. } ss.

I, _____ James E. Sexson _____, Water Resources Director of the State of Oregon,
do hereby certify that the foregoing copy of _____ order entered August 10, 1979, and recorded
at page 336, Volume 32, Special Order Record of the Water Resources Department
has been compared with the original and that it is a correct transcript therefrom and the whole of
such original _____ special order _____ as the same appears
_____ of record _____ in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ 10th _____ day of
_____, August, 19 79.

Director

By _____

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. R. and MARIE BILLINGS

of Route 2, Box 349, Albany, 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 slough of South Santiam River a tributary of South Santiam River for the purpose of irrigation of 27.0 acres under Permit No. 25320 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 January 20, 1958,

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 ~~0.34~~ cubic foot per second, 0.09

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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 10 South, Range 2 West, 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 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:

4 $\frac{0}{2}$ - 24.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 20 $\frac{0}{2}$ cane SpOr 1-25-73
3 $\frac{0}{2}$ - 3.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 28
Township 10 South, Range 2 West, 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 17th day of March, 1959.

Lewis A. Stanley

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

On August 1, 1972, Marvin E. and Mary L. Glaser submitted an affidavit that they are the owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 0.25 cubic foot per second of the waters from an unnamed slough of the South Santiam River for the irrigation of 20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 10 South, Range 2 West, W.M., with a date of priority of January 20, 1958, and is evidenced by certificate of water right recorded at page 24581, Volume 17, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.09 cubic foot per second of the waters of an unnamed slough of the South Santiam River for the irrigation of 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 10 South, Range 2 West, W.M., with a date of priority of January 20, 1958, is not in question.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 0.25 cubic foot per second of the waters of an unnamed slough of the South Santiam River for the irrigation of 20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 10 South, Range 2 West, W.M., with a date of priority of January 20, 1958, is canceled.

OLD COUNCIL TREE
UNIONSKIN
100% COTTON FIBER

Dated at Salem, Oregon, this 25th day of January, 1973.

CHRIS L. WHEELER
State Engineer



OLD COUNCIL TREE
UNIONSKIN

Linn County

TRANSFER NO. 2670

FROM _____

The applicant herein, _____ of the lands above described,
maintain the aforesaid POD and to
proposes to establish an addition POD, and without loss of priority,
to at a point located 1023 Ft N & 1650 Ft W from the SE Cor
of Sec 28, being within the SW⁴ SE⁴ of said Sec 28
for irrigation of said lands.

No copy to applicant
Copy to WM
Set up for survey,

Notice of the application, pursuant to ORS 540.520(2), was published in the _____, a newspaper printed and having general circulation in _____ County, Oregon, for a period of three weeks in the issues of _____.

Mr. L. Gene McGinnis, Watermaster, has filed a statement to the effect that the proposed change in POD may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested ~~change in~~ additional POD, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.09 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried ~~out~~ prior to the diverting of water at the new point of diversion as herein ~~confirmed~~:

effective when in the judgment 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.

No time need be allowed

The balance of the water right described by the certificate recorded at page 24581, Volume 17, State Record of Water Right Certificates, was canceled by an order of the State Engineer dated January 25, 1973. Therefore,

~~to beneficially use or for~~

It is FURTHER ORDERED that the certificate of water right ~~heretofore~~ issued to _____ and recorded at page 24581, Volume 17, State Record of Water Right Certificates, is canceled, ~~and in lieu thereof a new certificate be issued covering the balance of the right~~ ~~not involved in this proceeding~~, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this _____ day of _____, 19____.