

2530 Floyd Lander
Rt. 1, Box 295
Hibany, Ore. 97321

2530

STATUS OF APPLICATION

Change in Point of Diversion
Date filed May 27, 1971
Date of hearing _____
Place of hearing _____
Date of order 9-20-71 Vol. 21, page 215
Date for application of water 10-1-72
Proof mailed _____
Proof received _____

Certificate issued SEP 30 1971 Vol. 29, page 37667
To Survey JUN 28 1974 32 40636

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Pump Well No. 1
Trib. of - County of Linn
Use Irrigation
Quantity of water 0.107 cfs No. of acres 8⁶
Name of ditch -
Date of priority July 25, 1958
In name of Floyd Lander
_____ Adjudication, Vol. _____, page _____
App. No. G-1090 Per. No. G-1035 Cert. No. X-30594
Certificate cancelled _____
Notation made on record by slw

FEES PAID

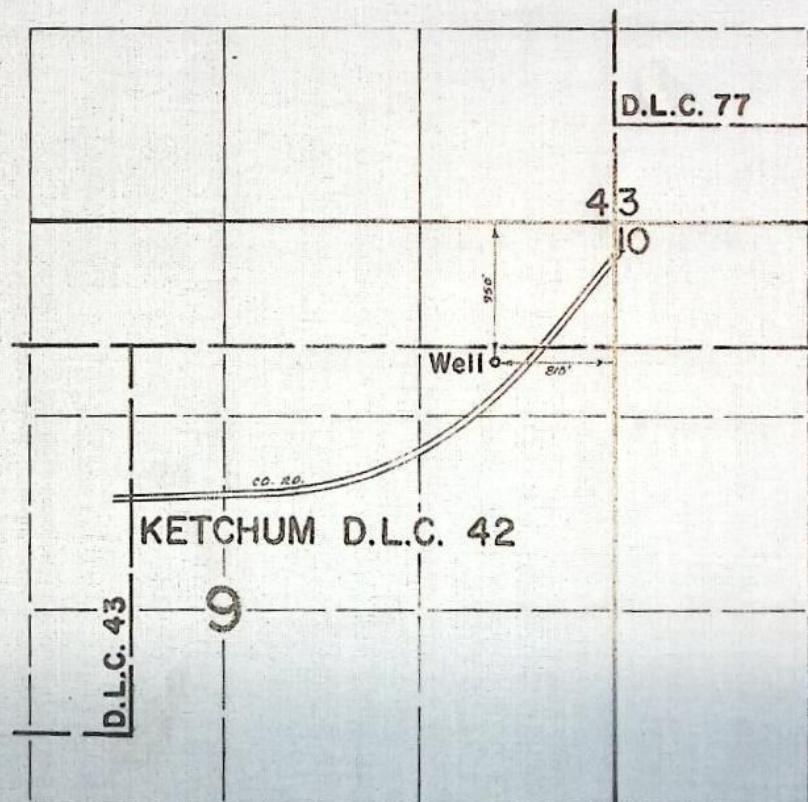
Date	Amount	Receipt No.
<u>5-27-71</u>	<u>25.00</u>	<u>23732</u>
TOTAL . . .		
<u>6-15-71</u>	<u>\$1 Cert. Fee</u>	<u>24091</u>
<u>5-23-74</u>	<u>1.50</u>	<u>40364</u>

FEES REFUNDED

Date	Amount	Check No.

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

T.11S., R.2W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. **2530**
Application No. _____ Permit No. _____
IN NAME OF
FLOYD LANDER

Surveyed **June 18, 1973**, by **D. Norby**

FLOYD LANDER
RT. 1, BOX 295
ALBANY, OREGON 97321

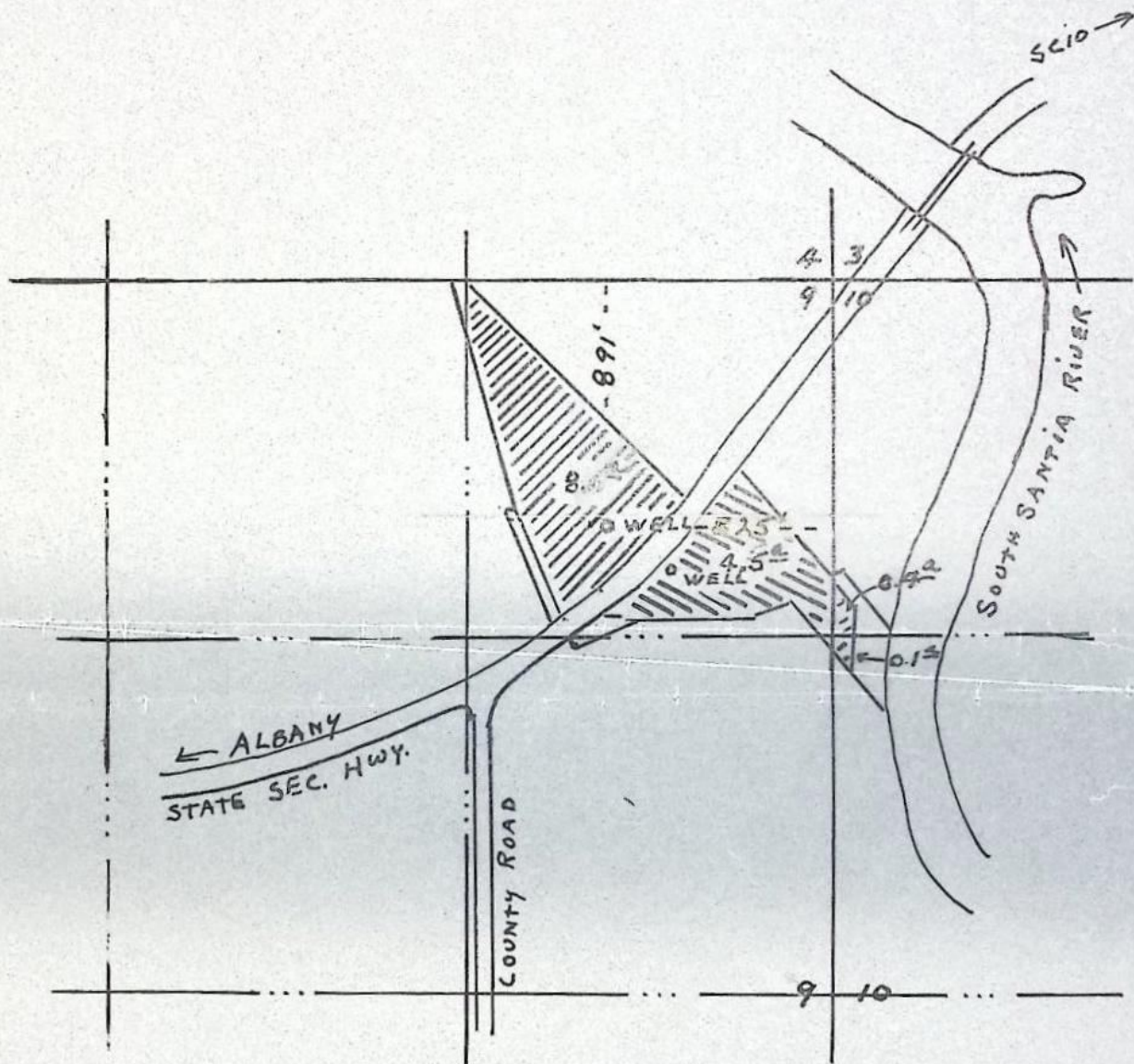
SECTIONS 9 & 10, TOWNSHIP 11 S, RANGE 2 WWM

SCALE 1 INCH = 660 FEET

MAP DRAWN FROM WR 647 prepared by
Orris A. Carnegie, Linn County Surveyor

RECEIVED
MAY 27 1971
STATE ENGINEER
SALEM OREGON

RECEIVED
JUN 15 1971
STATE ENGINEER
SALEM OREGON



DFM-6LL-237
6-18-73
DML

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN POINT OF DIVERSION OF WATER

Transfer No. 2530 County Linn

1. Name Floyd Lander ✓ Address Rt. 1, Box 295, Albany, Ore. 97321

2. Source of Supply Pump Well No. 1, Trib. of ---

3. Amount of Water 0.107 cfs Priority Date July 25, 1958

4. Use Irrigation 810 ✓

5. Proposed Point of Diversion 891 ft. S & 892 ft. W from the NE corner of Sec. 9

being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, T. 11 S., R. 2

W. W. M.

6. Place of Use -----

[illegible]

INFO - Mr. Lander is disabled and can no longer run Irrigation. He plans on selling the land on the South side and is leasing out the north part. To keep a water right on both parts he developed the well on the north portion. He has sold all the equipment he had but has it set up where the person renting the north part can hook his sprinklers onto the well. He said he ran 34 heads from it when he was able to irrigate.

WELL - 27' Deep
10" Casing

MOTOR - 3 ϕ G.E.
10 HP @ 3530

Pump - Universal
Cent D.D.
3x2

PIPE - See Info

LIFT - 0

Crop - Grain, Hay

TIE - Photo DFM-6LL-237

David Forby
G.E.
6-18-73

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF FLOYD LANDER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM A WELL)

ORDER APPROVING
TRANSFER NO. 2530

On May 27, 1971, Floyd Lander filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from a well, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Floyd Lander and recorded at page 30594, Volume 22, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.17 cubic foot per second of water from a well for the irrigation of, among other lands, 8.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 11 South, Range 2 West, W.M., with a date of priority of July 25, 1958. These lands are irrigated from a well located 1023 feet south and 528 feet west from the NE corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a well to be located 891 feet south and 825 feet west from the NE corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 2 West, 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. William B. McCall, Geologist for this department, has filed a report to the effect that the proposed change in point of

diversion of water may be made without injury to existing rights if the new well will be developing water from the same ground water reservoir.

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 a well, to-wit:

From a well located 1023 feet south and 528 feet west from the NE corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 2 West, W.M.

To a well to be located 891 feet south and 825 feet west from the NE corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 2 West, W.M.

for the irrigation of 8.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 11 South, Range 2 West, W.M., with a date of priority of July 25, 1958, 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, 1972.

It is FURTHER ORDERED that the new well shall be so constructed that water will be withdrawn only from the ground water reservoir which supplied the old well and shall not penetrate the marine sediments below a depth of approximately 50 feet.

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 0.107 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 Floyd Lander and recorded at page 30594, Volume 22, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 Floyd Lander confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of September, 1971.

/s/ CHRIS L. WHEELER
State Engineer



STATE ENGINEER

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL
GOVERNOR

September 10, 1971

CHRIS L. WHEELER
State Engineer

File No.

Mr. Trevor Jones, Assistant
State Engineer
1178 Chemeketa St. N.E.
Salem, Oregon 97310

Dear Mr. Jones

Mr. Floyd Landers has filed an application for the approval of a change in point of diversion from a well.

I have discussed this matter with the Ground Water division of the State Engineers office and have concluded that the source of water for each well is the same.

It appears that this change can be made without inquiry to existing rights.

Provision 2, relative to the installation of measuring devices, should be included in the transfer order.

Very truly yours,

Vestal R. Garner
Watermaster District #2

VRG:jrk



STATE OF OREGON

INTEROFFICE MEMO

TO: Trevor Jones

DATE: September 1, 1971

FROM: William B. McCall

SUBJECT: Certificate number 30594 and Application for transfer of water right No. 2530 in the name of Floyd Lander

The applicant wishes to transfer part of the certified right under the above certificate number with a new point of diversion located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 11 South, Range 2 West, W.M. The old well is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$. The primary well under the subject certificate number is 20 feet deep and develops water from shallow sands and gravels. The area in question is underlain by shallow alluvium consisting of interbedded sand and gravel to a depth of approximately 40 to 50 feet. Alluvial materials in the area are in turn underlain by marine sediments consisting of clay, sandstone, siltstone and shale.

The application for a transfer and new point of diversion is recommended provided the applicant develops shallow ground waters in the overlying alluvial materials and does not penetrate the marine sediments below a depth of approximately 50 feet.

Wm. S. Bartholomew / *for*

WILLIAM B. McCALL
Hydrogeologist

WBM:cjs

RECEIVED
MAY 27 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
JUN 15 1971
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Floyd Lander
(Name of applicant)
of Rt. 1, Box 295, Albany, County of Linn
(Postoffice)
State of Oregon 97321, do hereby make application for change in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Pump Well No. 1
(Name of stream)
2. The use to which the water is applied is Irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is _____
4. The point of diversion is located 1023 ft. S and 528 ft. W from the NE
(N. or S.) (E. or W.) OK
corner of Section 9 being within the NE 1/4 of NE 1/4
(Section or subdivision)
of Section 9 Tp. 11 S R. 2 W W. M., in the County of Linn
(No. N. or S.) (No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
11 S	2 W	9	8.6															

Handwritten: 13.6 0.17

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)
7. What is the priority date of your water right? July 25, 1958
8. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)
of permit G-1035

30594
9. Do you hold a water right certificate? Yes If so, give number of certificate G-1035
(Yes or No)

10. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

11. Is the water right recorded in your name? Yes
(If not, give name)

12. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
11 S	2 W	9	8.6															

(Attach separate sheet if necessary)

NOTE: Do not answer questions 13, 14 and 15, if the application is not for change in point of diversion.

13. The proposed point of diversion is located 891 ft. S and 325 ft. W from the NE corner of S. 9 being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Tp. 11 S R. 2 W W. M.,
(N. or S.) (E. or W.)
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Linn The name of the ditch to be used is

14. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

15. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

16. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Do not answer questions 17 and 18 if application is for change in point of diversion only.

17. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

18. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

19. Reasons for the proposed changes are New well was drilled in 1963 and will be used for all the acreage north of the state secondary highway. This well is 27 feet deep, is cased with a 27 feet steel 10 inch casing, static water level is 8 feet, and 180 gallons per minute will be used.
It is my plan to sell the property on the south side of the highway and I want the well covered by Certificate No. G-1035 to go with that property. The well drilled in 1963 will then be used for the remaining acreage on the north side of the highway.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of LINN

ss.

I, Floyd Lander, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 25 day of MAY, 1957.

Floyd Lander
(Name of applicant)

Subscribed and sworn to before me this 25 day of MAY, 1957.

[Notarial Seal]

[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires My Commission Expires July 15, 1978

Remarks

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

Beginning a $\frac{1}{2}$ " bolt on the Northwesterly right of way line of the State Secondary Highway, said bolt being S.43°15'E. 101.40 feet and S.37°32'W. 955.20 feet from the Northeast corner of Section 9 in T.11 S., R. 2W. of the Will. Mer. in Linn County, Oregon; and running thence N.45°48'W. 1200.47 feet to the center of the old channel of the South Santiam River; thence S.23°25'W. 22.83 feet to a 5/8" bolt at the Southwest corner of Lot 8 in Section 4 in said Township and Range; thence S.16°31'E. along said old channel 896.74 feet to a 5/8" rod on the North line of the Walter Ketchum D.L.C. No. 42; thence N.89°15'W. on said North line a distance of 54.76 feet to an iron rod which bears S.89°15'E. 2112.0 feet from the Northwest corner of said D.L.C. No. 42; thence S.24°48'E. 467.14 feet to the Northwesterly right of way line of said State Secondary Highway; thence on a 2496.67 foot radius curve to the left, the chord of which bears N.45°49'E. a distance of 631.27 feet; thence N.37°32'E. 34.24 feet to the place of beginning and containing 10.011 acres.

RECEIVED
MAY 27 1971
STATE ENGINEER
SALEM, OREGON

Beginning at a $\frac{1}{2}$ " iron rod on the Southeasterly right-of-way line of the State Highway, said rod being S. $43^{\circ}15'E.$ 202.71 feet and S. $37^{\circ}32'W.$, 740.90 feet from the Northeast corner of Section 9 in T.11 S., R. 2W., Will. Mer., Linn County, Oregon; and running thence S. $41^{\circ}52'E.$, 474.38 feet to a large spike in the center of an old county road; thence N. $57^{\circ}11'E.$, 39.40 feet to a large spike in said road; thence S. $39^{\circ}12'E.$, 267.55 feet to a mark on a concrete revetment along the West bank of the S. Santiam River; thence S. $5^{\circ}03'W.$, 299.60 feet to a mark on said revetment; thence N. $40^{\circ}35'W.$ (equivalent to old bearing of N. $43^{\circ}20'W.$) 507.00 feet to the center of said old county road; thence S. $67^{\circ}05'W.$ along said road (equivalent to old bearing of S. $64^{\circ}20'W.$) 171.60 feet to a $\frac{5}{8}$ " iron rod; thence S. $88^{\circ}00'W.$ along said road 388.08 feet to an iron bolt; thence S. $59^{\circ}39\frac{1}{2}'W.$ along said road (equivalent to old bearing of S. $58^{\circ}W.$) 244.31 feet; thence N. $40^{\circ}08'W.$, 13.05 feet to the Southeasterly right-of-way line of said State Highway; thence on a 2596.67 foot radius curve to the left, the chord of which bears N. $44^{\circ}55\frac{1}{2}'E.$ a distance of 652.83 feet; thence N. $37^{\circ}32'E.$, 232.32 feet to the place of beginning and containing 6.625 acres.