

31-11 Maurice Hynes
Silverton
Oregon 924 Bank St

3137

STATUS OF APPLICATION

Change in point of diversion
Date filed 10-4-74
Date of hearing _____
Place of hearing _____
Date of order 4-14-75 Vol. 25, page 288-90
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued **JUN 17 1977** Vol. 36, page 44538
JAN 31 1978 45194

DESCRIPTION OF WATER RIGHT

Name of stream Silver Creek
Trib. of _____ County of Marion
Use irrigation
Quantity of water _____ No. of acres 0.25
Name of ditch _____
Date of priority July 12, 1955
In name of Enosh L and Rita E Henkel
_____ Adjudication, Vol. _____, page _____
App. No. 30136 Per. No. 23780 Cert. No. 23724
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-4-74</u>	<u>30.00</u>	<u>43222</u>
TOTAL . . .		
<u>4-28-77</u>	<u>4</u> Cert. Fee	<u>60062</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See ap 29494-30136

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>WA</u>	<u> </u>
<input checked="" type="checkbox"/>	Stream	<u>WA</u>	<u> </u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>WA</u>	<u> </u>
<input checked="" type="checkbox"/>	Calendar	<u>WA</u>	<u> </u>
CARDS TO RECORDS:			
<input checked="" type="checkbox"/>	Two page	<u>WA</u>	<u> </u>
<input type="checkbox"/>	Bureau-vault	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Deed-sale	<u>WA</u>	<u> </u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>WA</u>	<u> </u>
<input checked="" type="checkbox"/>	Per. folder	<u>WA</u>	<u> </u>
<input type="checkbox"/>	Chainindex	<u> </u>	<u> </u>
<input type="checkbox"/>	Cross Ref.	<u> </u>	<u> </u>
<input type="checkbox"/>	Power Claim	<u> </u>	<u> </u>
<input type="checkbox"/>	Abstracts	<u> </u>	<u> </u>

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BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION }
OF MAURICE HYNES FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM SILVER CREEK }

ORDER APPROVING
TRANSFER NO. 3137

On October 4, 1974, Maurice Hynes filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Silver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ernest L. and Reta E. Henkel and recorded at page 23724, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.01 cubic foot per second of water from Silver Creek for the irrigation of, among other lands, 0.25 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 7 South, Range 1 West, W.M., with a date of priority of July 12, 1955. These lands are irrigated from a point of diversion located South 49 degrees 04 seconds West 1365.5 feet and South 56 degrees 10 seconds West 116.82 feet from the Northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 7 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located South 49 degrees 04 seconds West 1365.5 feet, then West 165 feet from the Northeast corner of NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 7 South, Range 1 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. Keith Palmer, Watermaster of District No. 16, 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.

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 change in point of diversion of water from Silver Creek, to wit:

From a point located South 49 degrees 04 seconds West 1365.5 feet and South 56 degrees 10 second West 116.82 feet from the Northeast corner NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 7 South, Range 1 West, W.M.

To a point to be located South 49 degrees 04 second West 1365.5 feet then West 165 feet from the Northeast corner of NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 7 South, Range 1 West, W.M.

for the irrigation of 0.25 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 7 South, Range 1 West, W.M., with a date of priority of July 12, 1955, 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, 1975.

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 0.003 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 head-gates 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 Ernest L. and Reta E. Henkel and recorded at page 23724, Volume 17, 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 Maurice Hynes confirming the change in point of diversion.

Dated at Salem, Oregon, this 14th day of April, 1975.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF

MARION

FILED

MARION COUNTY, OREGON

1977 JUL 22 PM 1:41

CERTIFICATE OF WATER RIGHT

P. MORGAN, CLERK

BY R/K DEPUTY

This Is to Certify, That ERNEST L. & RETA E. HENKEL

REEL 19 PAGE 1584

of P. O. Box 155, Silverton, State of Oregon, 97381, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Silver Creek

a tributary of Pudding River for the purpose of the irrigation of 0.65 acre

under Permit No. 23780 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 July 12, 1955

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 0.007 cubic foot per second

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 2, T. 7 S., R. 1 W., 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:

SEE NEXT PAGE

RECEIVED

AUG - 5 1977

WATER RESOURCES DEPT
SALEM, OREGON

0.65 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 2
 T. 7 S., R. 1 W., W. M.

Land on which water is to be used is part of that described as follows:
 Parcel #1-Beginning at an iron pipe at the most southerly corner of Lot 10 in Johnson's Addition to Silverton, Marion County, Oregon; thence North 33 degrees 50 minutes West 165 feet to an iron pipe at the most westerly corner of Lot 10, Johnson's Addition; thence North 56 degrees 10 minutes East 110 feet to an iron pipe set on the center line of the extension of Barger Street, thence South 33 degrees 50 minutes East 165 feet along the center line of Barger Street extension to an iron pipe, thence South 56 degrees 10 minutes West 110 feet to the place of beginning. Parcel #2-Beginning at an iron pipe at the most southerly corner of Lot 10 in Johnson's Addition to Silverton, Marion County, Oregon, thence South 56 degrees 10 minutes West 116.82 feet to the East bank of Silver Creek, thence North 45 degrees 53 minutes West 168.72 feet downstream along the East bank of Silver Creek, thence North 56 degrees 10 minutes East 152.05 feet to an iron pipe at the most westerly corner of Lot 10 Johnson's Addition thence South 33 degrees 50 minutes East 165 feet to the place of beginning.

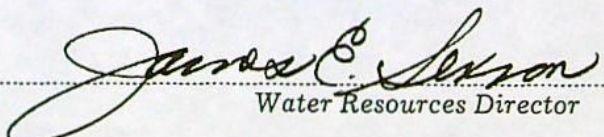
This certificate describes that portion of the water right confirmed by the prior certificate 23724, NOT modified by the provisions of an order entered on April 4, 1975, approving transfer application No. 3137.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. June 17, 1977


 Water Resources Director

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

Ernest L. + Reta E. Henkel

STATE OF OREGON,

County of *Marion* } ss.

I CERTIFY, that the within was received
and duly recorded by me in *Reel*
Volume *19*
of Record of Water Right Certificates, at
page *1584* on the *22nd* day
of *July*, 19*77*.

EDWIN P. MORGAN, County Clerk

County Clerk

SP*32957-690

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ERNEST L. & RETA E. HENKEL

of P. O. Box 155, Silverton, 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 Silver Creek a tributary of Pudding River for the purpose of irrigation under Permit No. 23780 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 July 12, 1955

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 0.01 cubic foot per second

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 2, Township 7 South, Range 1 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: 0.9 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 2

Township 7 South, Range 1 West, W.M.

Land on which water is to be used is part of that described as follows:

Parcel #1 - Beg. at an iron pipe at the most S/ly cor. of Lot 10 in Johnson's Addition to Silverton, Marion County, Ore.; th. N 33° 50' W 165 ft to an iron pipe at the most W/ly cor. of Lot 10, Johnson's Addition; th. N 56° 10' E 110 ft. to an iron pipe set on the center line of the extension of Barger St., th. S 33° 50' E 165 ft. along the center line of Barger St. extension to an iron pipe; th. S 56° 10' W 110 ft. to the place of beg. Parcel #2 - Beg. at an iron pipe at the most S/ly cor. of Lot 10 in Johnson's Addition to Silverton, Marion County, Ore.; th. S 56° 10' W 116.82 ft. to the E bank of Silver Creek; th. N 45° 53' W 168.72 ft. downstream along the E bank of Silver Creek; th. N 56° 10' E 152.05 ft. to an iron pipe at the most W/ly cor. of Lot 10, Johnson's Addition th. S 33° 50' E 165 ft. to the place of beg.

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 3rd day of February, 1958.

LEWIS A. STANLEY

State Engineer