

3021

STATUS OF APPLICATION

Change in *point of diversion*  
 Date filed *4-18-74*  
 Date of hearing *6-18-74*  
 Place of hearing *Salem*  
 Date of order *6-25-74* Vol. *25*, page *10-12*  
 Date for application of water *10-1-75*  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued **MAY 19 1978** Vol. *38*, page *45685*

*Survey*

DESCRIPTION OF WATER RIGHT

Name of stream *Silver Creek*  
 Trib. of \_\_\_\_\_ County of *Marion*  
 Use *irrigation*  
 Quantity of water \_\_\_\_\_ No. of acres *40.0*  
 Name of ditch \_\_\_\_\_  
 Date of priority *May 5, 1961*  
 In name of *Mesle Bowen*  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. *34878* Per. No. *27374* Cert. No. *31825*  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<i>4-18-74</i>	<i>30.00</i>	<i>39613</i>
<i>4-18-74</i>	<i>40.00 P.O.N.</i>	<i>39614</i>
TOTAL . . .		
<i>5-14-74</i>	<i>\$1.50</i> Cert. Fee	<i>From P.O.N.</i>

FEES REFUNDED

Date	Amount	Check No.
<i>5-14-74</i>	<i>\$7.96 P.O.N.</i>	<i>5768</i>

REMARKS

*Chad LES parents*

INDEX CARDS:	Entered	Checked
<i>WC</i> Name	<i>✓</i>	
<i>WC</i> Stream	<i>✓</i>	
<i>WH</i> Pt. of Div.		
<i>WH</i> Calendar	<i>✓</i>	
<i>W</i> Twp. & Rge.	<i>✓</i>	
Decree-vault		
Decree-safe		
<i>WC</i> Cert. of W/R	<i>✓</i>	
<i>WC</i> Per. Folder	<i>✓</i>	
Chainindex		
Cross Ref.		
Power Claim		
Abstracts		



## STATE OF OREGON

COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That <sup>Leroy E. Beals</sup>~~HERLE BOWEN~~

of Route 2, Box <sup>78AA</sup>~~53~~, Silverton, State of Oregon <sup>97381</sup>, 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  
irrigation of 40.0 acres

for the purpose of

under Permit No. 27374 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 May 5, 1961,

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 0.50 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 <sup>SW</sup>~~1/4~~ <sup>SW</sup>~~1/4~~, as projected within Cox DLC 45, Section 33, T. 6 S., R. 1 W., W. M., 440' S from the NE cor Cox DLC 45

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 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:

14.4 acres NW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>  
19.4 acres SW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>  
1.9 acres NE <sup>1</sup>/<sub>4</sub> NW <sup>1</sup>/<sub>4</sub>  
4.3 acres SE <sup>1</sup>/<sub>4</sub> NW <sup>1</sup>/<sub>4</sub>  
all as projected within Cox DLC 43  
Section 33  
T. 6 S., R. 1 W., W. M.

This certificate is issued to confirm a change in ~~place of use and~~ point of diversion approved by an order of the WRD entered June 25, 1974 and supersedes certificate of water right recorded on page 31805, Volume 23, SRWRC.

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 date. January 27, 1965

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31805



BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION  
OF LEROY E. BEALS FOR THE APPROVAL  
OF A CHANGE IN POINT OF DIVERSION  
OF WATER FROM SILVER CREEK

ORDER APPROVING  
TRANSFER NO. 3021

On April 18, 1974, LeRoy E. Beals 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 Merle Bowen and recorded at page 31805, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.50 cubic foot per second of water from Silver Creek for the irrigation of 14.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 19.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.9 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.3 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 33, Township 6 South, Range 1 West, W.M., with a date of priority of May 5, 1961. These lands are irrigated from a point of diversion located 620 feet South and 1780 feet West from the Northeast corner of S. Cox DIC #45, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 6 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 338 feet South from the Northeast corner of S. Cox DIC #45, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 33, Township 6 South, Range 1 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Salem, Oregon, on June 18, 1974, at 9:30 a.m. The notice was published in the Oregon Statesman, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of April 25, May 2 and 9, 1974. The date set for hearing in said



notice was not less than thirty days after the last publication of the notice.

Mr. E. Michael Ricks, 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 620 feet South and 1780 feet West from the Northeast corner of S. Cox DIC #45, being within the  $NE\frac{1}{4} SW\frac{1}{4}$  of Section 33, Township 6 South, Range 1 West, W.M.

To a point to be located 338 feet South from the Northeast corner of S. Cox DIC #45, being within the  $SW\frac{1}{4} NE\frac{1}{4}$  of Section 33, Township 6 South, Range 1 West, W.M.

for the irrigation of 14.4 acres in  $NW\frac{1}{4} NE\frac{1}{4}$ , 19.4 acres in  $SW\frac{1}{4} NE\frac{1}{4}$ , 1.9 acres in  $NE\frac{1}{4} NW\frac{1}{4}$ , and 4.3 acres in  $SE\frac{1}{4} NW\frac{1}{4}$ , Section 33, Township 6 South, Range 1 West, W.M., with a date of priority of May 5, 1961, 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 0.50 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 Merle Bowen and recorded at page 31805, Volume 23, 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 LeRoy E. Beals confirming the change in point of diversion.

Dated at Salem, Oregon, this 25th day of June, 1974.

/s/ CHRIS L. WHEELER  
State Engineer



# NOTICE OF FILING APPLICATION

## FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that LeRoy E. Beals has filed an application for the approval of a change in point of diversion of water from Silver Creek.

Certificate of water right issued to Merle Bowen and recorded at page 31805, Volume 23, State Record of Water Right Certificates, confirms a right to the use of 0.50 cubic foot per second from Silver Creek for the irrigation of 14.4 acres in the NW 1/4 NE 1/4, 19.4 acres in the SW 1/4 NE 1/4, 1.9 acres in the NE 1/4 NW 1/4 and 4.3 acres in the SE 1/4 NW 1/4, Sec. 22, T. 6 S., R. 1 W., W.M., with a date of priority of May 5, 1961.

Water for this use is diverted from a point located 620 feet S. and 1700 ft. W. from the NE corner of South Cox D.L.C. No. 45, being within the NE 1/4 SW 1/4 of Sec. 33, T. 6 S. R. 1 W., W.M.

The applicant herein, owner of the land above described, proposes to change the point of diversion to a point 338 ft. S. from the NE corner of South Cox D.L.C. No. 45, being within the SW 1/4 NE 1/4, Sec. 33, T. 6 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Salem, Oregon, on June 18, 1974, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on LeRoy E. Beals, Rt. 2, Box 78AA, Silverton, Oregon 97381, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 22nd day of April, 1974.

CHRIS L. WHEELER  
State Engineer

OS April 25, May 2, 9, 1974

# Affidavit of Publication

STATE OF OREGON,

County of Marion, } ss.

I, Robert Pritchard, being first duly  
Advertising Director  
sworn, depose and say that I am the .....  
of THE OREGON STATESMAN, a newspaper of general circulation as defined  
by sections 193.010 to 193.110, Oregon Revised Statutes; printed and pub-  
lished at Salem in the aforesaid county and state; that the, .....  
Notice of Filing Application of a Change in Diversion  
of Water ..... a printed copy of which is hereby annexed, was published  
in the entire issue of said newspaper for three ..... successive and  
consecutive times in the following issues: .....  
April 25, May 2, 9, 1974

Subscribed and sworn to me this 10  
May 74  
day of 19

RECEIVED

MAY 13 1974

STATE ENGINEER  
SALEM, OREGON

Notary Public for Oregon

My commission expires 12/10/77

OK



# NOTICE OF FILING APPLICATION

## FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that LeRoy E. Beals has filed an application for the approval of a change in point of diversion of water from Silver Creek.

Certificate of water right issued to Merle Bowen and recorded at page 31805, Volume 23, State Record of Water Right Certificates, confirms a right to the use of 0.50 cubic foot per second from Silver Creek for the irrigation of 14.4 acres in the NW 1/4 NE 1/4, 19.4 acres in the SW 1/4 NE 1/4, 1.9 acres in the NE 1/4 NW 1/4 and 4.3 acres in the SE 1/4 NW 1/4, Sec. 22, T. 6 S., R. 1 W., W.M., with a date of priority of May 5, 1961.

Water for this use is diverted from a point located 620 feet S. and 1700 ft. W. from the NE corner of South Cox D.L.C. No. 45, being within the NE 1/4 SW 1/4 of Sec. 33, T. 6 S. R. 1 W., W.M.

The applicant herein, owner of the land above described, proposes to change the point of diversion to a point 338 ft. S. from the NE corner of South Cox D.L.C. No. 45, being within the SW 1/4 NE 1/4, Sec. 33, T. 6 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Salem, Oregon, on June 18, 1974, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on LeRoy E. Beals, Rt. 2, Box 78AA, Silverton, Oregon 97381, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 22nd day of April, 1974.

CHRIS L. WHEELER  
State Engineer

OS April 25, May 2, 9, 1974

# Affidavit of Publication

STATE OF OREGON,

County of Marion, } ss.

I, ..... Robert Pritchard ..... , being first duly  
Advertising Director  
sworn, depose and say that I am the .....

of THE OREGON STATESMAN, a newspaper of general circulation as defined  
by sections 193.010 to 193.110, Oregon Revised Statutes; printed and pub-  
lished at Salem in the aforesaid county and state; that the, .....

~~Notice of Filing Application for a Change in Diversion~~  
~~of Water~~..... a printed copy of which is hereby annexed, was published

in the entire issue of said newspaper for ~~three~~..... successive and  
consecutive times in the following issues: .....

~~April 25, May 2, 9, 1974~~.....

Subscribed and sworn to me this ..... 10  
May ..... 74  
day of ..... 19 .....

RECEIVED

MAY 13 1974

STATE ENGINEER  
SALEM, OREGON

Notary Public for Oregon

My commission expires 12/27/77