

3016

3016

STATUS OF APPLICATION

Change in point of diversion
 Date filed 4-9-74
 Date of hearing _____
 Place of hearing _____
 Date of order 5-28-74 Vol. 24, page 449
 Date for application of water 10-1-75
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 30 1976 Vol. 35, page 43605
OCT 28 1980 43 49716

DO w/47289
 Seemey

DESCRIPTION OF WATER RIGHT

Name of stream Beaver Creek
 Trib. of _____ County of Linn
 Use irrigation
 Quantity of water _____ No. of acres 20.7
 Name of ditch _____
 Date of priority Dec. 2, 1966
 In name of Bea E. & Jane M. Smee
 _____ Adjudication, Vol. _____, page _____
 App. No. 43084 Per. No. 32187 Cert. No. 37957
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-9-74</u>	<u>30.00</u>	<u>39445</u>
TOTAL . . .	<u>3.00</u>	
<u>4-9-74</u>	Cert. Fee	<u>39446</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

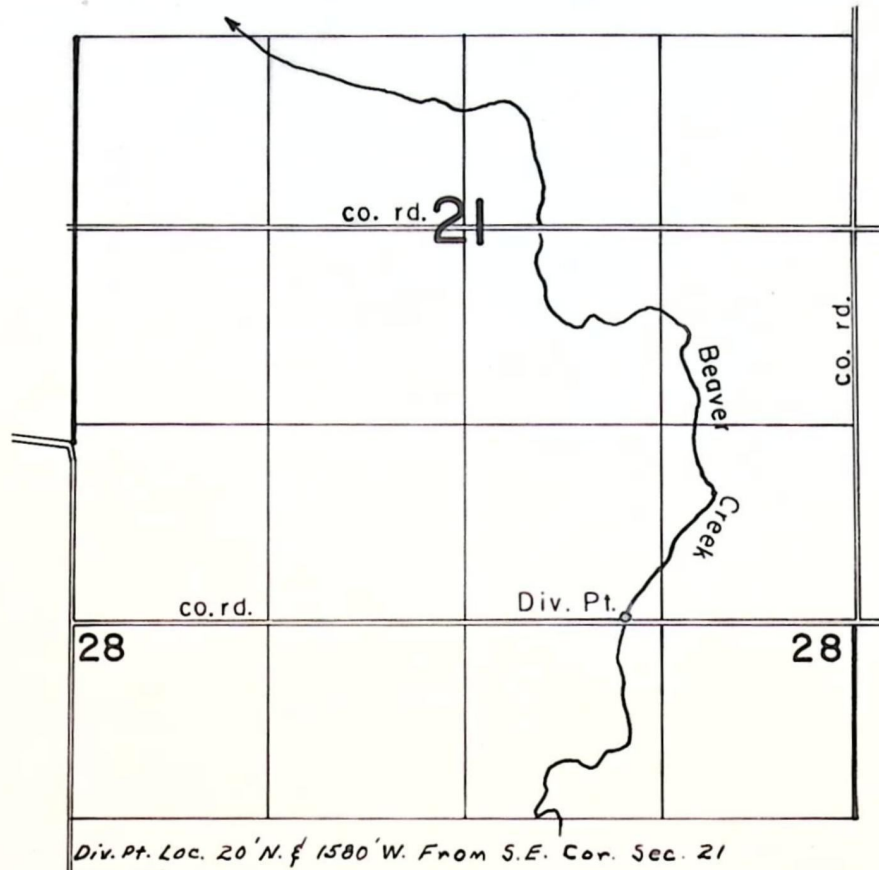
chkl & ES

INDEX CARDS: Entered Checked

<u>WN</u> Name	<u>✓</u>	<u> </u>
<u>WN</u> Stream	<u>✓</u>	<u> </u>
<u>WN</u> Pt. of Div.	<u> </u>	<u> </u>
<u>WN</u> Calendar	<u>✓</u>	<u> </u>
<u>WN</u> Twp. & Rge.	<u>✓</u>	<u> </u>
<u>WN</u> Decree-vault	<u> </u>	<u> </u>
<u>WN</u> Decree-safe	<u> </u>	<u> </u>
<u>WN</u> Cert. of W/R	<u>✓</u>	<u> </u>
<u>WN</u> Per. Folder	<u>✓</u>	<u> </u>
<u>WN</u> Chindex	<u> </u>	<u> </u>
<u>WN</u> Cross Ref.	<u> </u>	<u> </u>
<u>WN</u> Power Claim	<u> </u>	<u> </u>
<u>WN</u> Abstracts	<u> </u>	<u> </u>

TO BE ENTERED WHERE CHECKED

T.IIS., R.IW., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3016

Application No. Permit No.
IN NAME OF

..... DAVID & BEVERLY COEN

Surveyed Sept...7... 19.78, by J.S. DONALDSON

STATE OF OREGON
COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DAVID & BEVERLY COEN

of Route 3, Box 342, Lebanon, State of Oregon ⁹⁷³⁵⁵, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Beaver Creek

a tributary of Crabtree Creek (~~South Santiam River~~) for the purpose of irrigation of ~~62.3~~ ^{202.4} acres

under Permit No. 32187 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 December 2, 1966

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 ~~0.58~~ ^{0.19} cubic foot per second, *if available at the original point of diversion;*
~~0.39~~ ²⁰ *SWSE Sec 21 T11S, R1W W. M., 330' N & 1350' W from SE*
Cor Sec 21

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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, T. 11 S., R. 1 W., W. M. *1580*
~~Diversion point located:~~ ~~330~~ ²⁰ feet North and ~~1350~~ ¹⁵⁸⁰ feet West from SE Corner, Section 21.

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:

20.7 ac SE $\frac{1}{4}$ SW $\frac{1}{4}$
~~20.7 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$~~
~~37.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$~~
~~4.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$~~
Section 21
T. 11 S., R. 1 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered May 28, 1974 and together with certificate of water right recorded at page 43605 Vol. 35 SRWRC supersedes certificate of water right recorded at page 37957 Vol. 30 SRWRC.

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

Recorded in State Record of Water Right Certificates, Volume ~~30~~, page ~~57957~~

C-49716

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That BERT E. and JUNE M. SMEE

of Route 3, Box 342, Lebanon, 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 Beaver Creek

a tributary of Crabtree Creek (South Santiam River) for the purpose of irrigation of ~~62.3~~ ^{41.6} acres

under Permit No. 32187 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 December 2, 1966

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

0.39

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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, T. 11 S., R. 1 W., W. M. Diversion point located: 330 feet North and 1350 feet West from SE Corner, Section 21.

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:

~~20.7 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$~~
~~37.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$~~
~~4.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$~~
Section 21

T. 11 S., R. 1 W. W. M.

An order of the ~~Water Resources~~ ^{S. E.} Director entered May 28, 1974 approved a change in point of diversion for the irrigation of 20.7 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Bert E. & June M. Smece recorded at page 37957, State Record of Water Right Certificates.

this date. December 29, 1971

~~CHRIS L. WHEELER~~

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 37957

C-43605

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION
OF BERT E. SMEE FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM BEAVER CREEK

ORDER APPROVING
TRANSFER NO. 3016

On April 9, 1974, Bert E. Smea filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Beaver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Bert E. and June M. Smea and recorded at page 37957, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.58 cubic foot per second of water from Beaver Creek for the irrigation of, among other lands, 20.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 11 South, Range 1 West, W.M., with a date of priority of December 2, 1966. These lands are irrigated from a point of diversion located 330 feet North and 1350 feet West from the Southeast corner of Section 21, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 11 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 20 feet North and 1580 feet West from the Southeast corner of Section 21, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 11 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. Gene McGinnis, Watermaster of District No. 2, 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.

Elmer H. and Virginia Swanson, contract purchasers and the Federal Land Bank, mortgage holder, have submitted written approval of the proposed change in point of diversion.

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 Beaver Creek, to wit:

From a point located 330 feet North and 1350 feet West from the Southeast corner of Section 21, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 11 South, Range 1 West, W.M.

To a point to be located 20 feet North and 1580 feet ^{West} East from the Southeast corner of Section 21, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 11 South, Range 1 West, W.M.

for the irrigation of 20.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 11 South, Range 1 West, W.M., with a date of priority of December 2, 1966, 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 0.19 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 Bert E. and June M. Smee and recorded at page 37957, Volume 30, 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 Bert E. Smee confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of May, 1974.

/s/ CHRIS L. WHEELER
State Engineer