

Rt. 1, Box 171-B  
Lacomb, Ore. 97354

2511

### STATUS OF APPLICATION

### DESCRIPTION OF WATER RIGHT

### FEES PAID

Change in Point of Diversion  
Date filed April 16, 1971  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 6-4-71 Vol. 21, page 113  
Date for application of water 10-1-72  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_

Name of stream Crabtree Creek  
Trib. of - County of Linn  
Use Irrigation  
Quantity of water 0.117 cfs - 3-24-52 No. of acres 32.0  
Name of ditch - 5-25-55  
Date of priority 5-25-55 (30002) 3-24-52 (23588)  
In name of James & Lois Kingsberry  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 30014 Per. No. 23634 Cert. No. 30002  
27011 21254 23588 ✓  
Certificate cancelled 15  
Notation made on record by slu

Date	Amount	Receipt No.
<u>4-16-71</u>	<u>25.00</u>	<u>23302</u>
TOTAL . . .		
<u>5-17-71</u>	<u>2</u> \$1 Cert. Fee	<u>23610</u>
<u>5-20-74</u>	<u>2.00</u>	<u>40195</u>

### FEES REFUNDED

Date	Amount	Check No.

Certificate issued July 6, 1971 Vol. 29, page 37639  
MAY 24 1974 32 40381  
To Survey 7/9/71 40419

### REMARKS

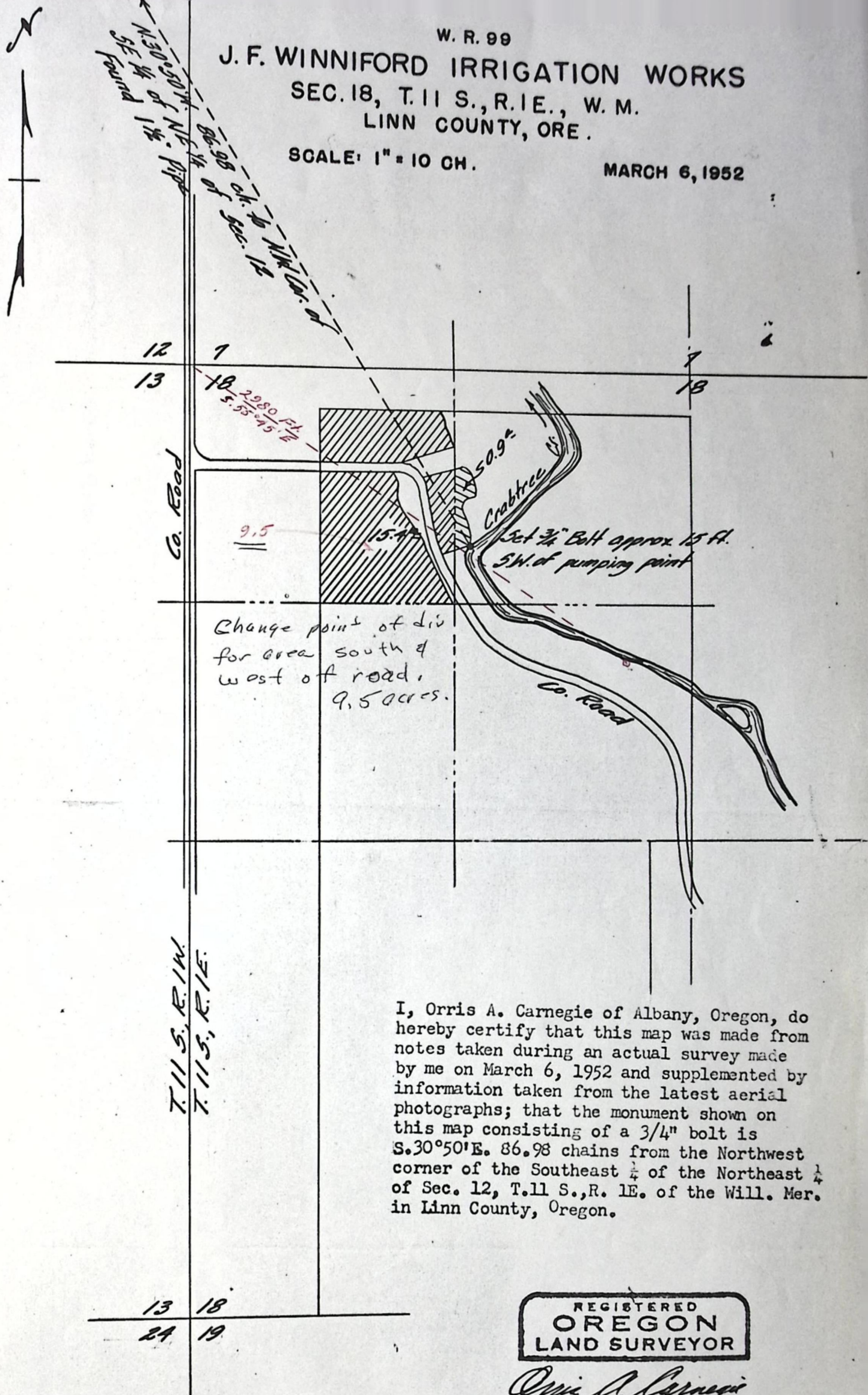
TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>slu</u>	
<input checked="" type="checkbox"/>	Stream		<u>slu</u>	
<input checked="" type="checkbox"/>	Pt. of Div.		<u>slu</u>	
<input checked="" type="checkbox"/>	Calendar		<u>slu</u>	
<input checked=""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



W. R. 99  
J. F. WINNIFORD IRRIGATION WORKS  
SEC. 18, T. 11 S., R. 1 E., W. M.  
LINN COUNTY, ORE.

SCALE: 1" = 10 CH.

MARCH 6, 1952



I, Orris A. Carnegie of Albany, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on March 6, 1952 and supplemented by information taken from the latest aerial photographs; that the monument shown on this map consisting of a 3/4" bolt is S. 30° 50' E. 86.98 chains from the Northwest corner of the Southeast 1/4 of the Northeast 1/4 of Sec. 12, T. 11 S., R. 1 E. of the Will. Mer. in Linn County, Oregon.

REGISTERED  
OREGON  
LAND SURVEYOR

*Orris A. Carnegie*  
MAY 9, 1947  
ORRIS A. CARNEGIE  
213

RECEIVED  
MAR 24 1952  
STATE ENGINEER  
SALEM, OREGON

Approved by No. 27011  
Permit No. 21215

27011







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

County Linn

6. Place of Use ---

[illegible]

ms. ~~DFH-152~~  
7-2-73  
DMN

Doesn't live on prop.  
6-9-72 DAB

14515  
21247  
27011  
30014  
45302  
48759



INFO - Mrs. Richey, they bought the land from Kingsberry, who filed original water rights, They apparently formed their own D.P. The whole thing was a little hard to figure out by this abstract. I located both div. Pts. and will figure out which is the new one in the office. I'm sure the e'l'y one is the new, not like it says on the front of this. The e'l'y one irrigates everything on the south and west of road, and the w'l'y one irrs. " on the north and east.

SOURCE - Crabtree Creek

Div. Pts - Both Directly off of Creek

MOTOR - E'L'Y - 3 $\phi$  Century  
20 # @ 3520

W'L'Y - 3 $\phi$  WESTINGHOUSE  
7 1/2 # @ 3465

PUMP - ~~B~~ Berkeley  
Cent D.D.  
4x3

Goulds  
Cent D.D.  
2 1/2 x 2

PIPE 6" mainline

4" mainline

HEADS 37 RB 30 3/16 x 0  
37 max

LIFT - +10

CROP - HAY, Pasture

TIE - Photo DFM-1P-15Z

David Forby  
F.E.  
7-2-73



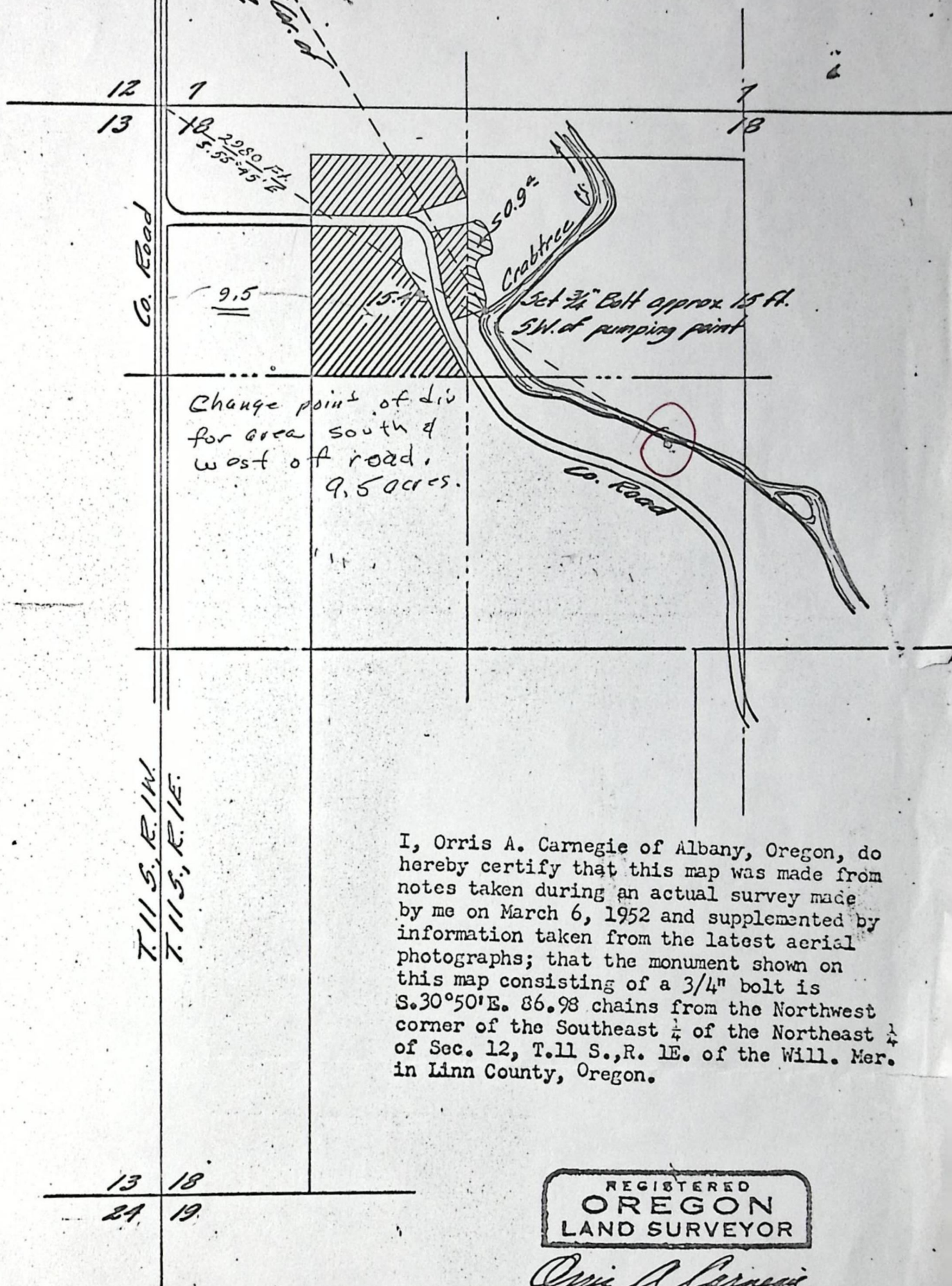
W. R. 99

# J. F. WINNIFORD IRRIGATION WORKS

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27011



BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION )  
OF PURMAN RICHEY FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM CRABTREE CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 2511

On April 16, 1971, Purman Richey filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Crabtree Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to James S. and Lois Kingsberry and recorded at page 23588, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.20 cubic foot per second of water from Crabtree Creek for the irrigation of, among other lands, 9.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 18, Township 11 South, Range 1 East, W.M., with a date of priority of March 24, 1952.

Certificate of water right issued to James S. and Lois Kingsberry and recorded at page 30002, Volume 22, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.28 cubic foot per second of water from Crabtree Creek for the irrigation of 18.4 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.1 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 18, Township 11 South, Range 1 East, W.M., with a date of priority of May 25, 1955.

These lands are irrigated from a point of diversion located 14.5 chains south and 23.5 chains east from the NW corner of Section 18 being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18, Township 11 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be



located S 55° 45' E 2980 feet from the NW corner of Section 18 being within the SE¼ NW¼ of Section 18, Township 11 South, Range 1 East, W.M.

Notice by publication as provided by DRS 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. 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 Crabtree Creek, to-wit:

From a point located 14.5 chains south and 23.5 chains east from the NW corner of Section 18 being within the NE¼ NW¼ of Section 18, Township 11 South, Range 1 East, W.M.

To a point to be located S 55° 45' E 2980 feet from the NW corner of Section 18 being within the SE¼ NW¼ of Section 18, Township 11 South, Range 1 East, W.M.

for the irrigation of 9.5 acres in NW¼ NW¼, with a date of priority of March 24, 1952, 18.4 acres in SW¼ NW¼ and 4.1 acres in SE¼ NW¼, with a date of priority of May 25, 1955, Section 18, Township 11 South, Range 1 East, W.M., 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 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 0.117 cubic foot per second, with a date of priority of March 24, 1952, and 0.28 cubic foot per second, with a date of priority of May 25, 1955.

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 the certificates of water right heretofore issued to James S. and Lois Kingsberry and recorded at page 23588, Volume 17, and page 30002, Volume 22, State Record of Water Right Certificates, be canceled and in lieu thereof a new certificate be issued to James S. and Lois Kingsberry 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 changes in point of diversion, a certificate of water right shall be issued to Purman Richey confirming the change in point of diversion for the irrigation of the lands under a priority date of March 24, 1952 and a new certificate for the irrigation of the lands under a priority date of May 25, 1955.

Dated at Salem, Oregon, this 4<sup>th</sup> day of June, 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

June 2, 1971

CHRIS L. WHEELER  
State Engineer

File No. 2511

Mr. Trevor Jones, Assistant  
State Engineer's Office  
1178 Chemeketa Street N.E.  
Salem, Oregon 97310

Dear Mr. Jones:

Mr. Purman Richey has filed an application for the approval of a change in point of diversion of water from Crabtree Creek.

This proposed change is approximately 1200 feet upstream. It appears that the change can be made without injury to existing rights.

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

Very truly yours,

Vestal R. Garner  
Watermaster District No. 2

VRG:mor



May 28, 1971

2511

Mr. Vestal R. Garner  
Watermaster District No. 2  
1178 Chemeketa Street N.E.  
Salem, Oregon 97310

Dear Mr. Garner:

Mr. Purman Richey filed an application for the approval of a change in point of diversion of water from Crabtree Creek.

The rights involved were established under permits numbered 23634 and 21215 in the names of James and Lois Kingsberry and are for the use of the waters from Crabtree Creek for irrigation. The present point of diversion is located 14.5 chains south and 23.5 chains east from the NW corner of Section 18 being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18, Township 11 South, Range 1 East, W.M.

The proposed point of diversion is to be located S 55° 45' E 2980 feet from the NW corner of Section 18 being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18, Township 11 South, Range 1 East, W.M.

Would you please advise if the proposed change may be made without injury to existing rights and which provision for the installation of measuring devices should be included in the order?

Very truly yours,

Trevor Jones  
Assistant

slv

Enclosure



## STATE OF OREGON

COUNTY OF LINN

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** JAMES and LOIS KINGSBERRY

of Star Route 1, Box 173, Lacombe, 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 Crabtree Creek

a tributary of South Santiam River for the purpose of irrigation of 22.5 acres

under Permit No. 23634 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 25, 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 0.28 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 18, T. 11 S., R. 1 E., 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:

18.4 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
4.1 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 18  
T. 11 S., R. 1 E., 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 date. AUGUST 24 1962

CHRIS L. WHEELER

State Engineer



# Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Purman Richey  
(Name of applicant)

of Rt 1 Box 171B Lacombe  
(Postoffice), County of Lincoln

State of Ore, do hereby make application for change of point of diversion

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

1. The source of present water right is Crooktree Creek  
(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 pump

4. The point of diversion is located 14 1/2 <sup>chs</sup> S and 23 1/2 <sup>chs</sup> E from the NW  
(N. or S.) (E. or W.)

corner of Sec 18 being within the N 1/4 NW 1/4  
(Section or subdivision)

of Section 18 Tp. 11S R. 1E W. M., in the County of Lincoln  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate 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
11S	1E	18							18 1/4	4 1/4	Cert	30002						
-	-	18						9 1/2			Cert	23588						

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. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? Cert 30002 May 25 1955  
✓ 23588 March 24 1952

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number  
(Yes or No)

of permit 23634  
21215



10. Do you hold a water right certificate? Yes If so, give number of certificate 30002  
(Yes or No) 23588

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

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

12. Is the water right recorded in your name? James A. Hois Kingsberry  
(If not, give name)

13. 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 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

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 555' 45" E 2980 ft ft. OK and          ft. from the NW  
(N. or S.) (E. or W.)  
corner of Sec. 18 being within the SE 1/4 NW 1/4 of Section 18 Tp. 1S R. 1E W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of Lin. The name of the ditch to be used is         

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

16. 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.

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

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Do not own land where  
existing div. pt. located



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

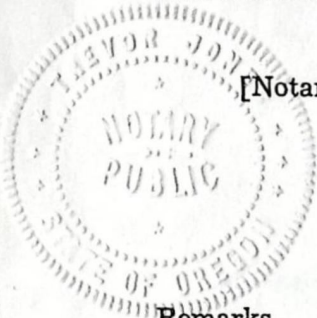
County of Marion } ss.

I, Hermon Richey, 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 16 day of April, 1971.

Hermon Richey  
(Name of applicant)

Subscribed and sworn to before me this 16 day of April, 1971.



[Notarial Seal]

Trevor Jones  
NOTARY PUBLIC FOR OREGON

My commission expires Aug 11, 1972

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.