

3216

STATUS OF APPLICATION

Change in point of diversion  
Date filed 5-2-75  
Date of hearing 7-6-76  
Place of hearing Albany  
Date of order 7-22-76 Vol. 27, page 243  
Date for application of water 10-1-77 10-1-78  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued OCT 18 1976 Vol. 35, page 437794  
JAN 19 1981 43 49787

DESCRIPTION OF WATER RIGHT

Name of stream Santiago River  
Trib. of \_\_\_\_\_ County of Lincoln  
Use irrigation  
Quantity of water 0.28 No. of acres 10.1  
Name of ditch \_\_\_\_\_  
Date of priority Nov 8, 1962  
In name of \_\_\_\_\_  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 38225 Per. No. 28481 Cert. No. 37327  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

DVA Notification

FEEES PAID

Date	Amount	Receipt No.
5-2-75	30.00	46631
5-2-75	40.00 p.o.n.	46632
6-25-76	(400)	46632
TOTAL . . .	400	
6-25-76	Cert. Fee	46632

FEEES REFUNDED

Date	Amount	Check No.
6-25-76	8.03	674

REMARKS

to survey 10/78

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



: POD  
POU  
USE  
Add'1 POD

County Linn

1. Name Charles E & Lucille H. Higgins ; 39323 PLAGMAN DR

Address ~~RT 1, Box 195A~~, Lebanon, 97355

2. Source of Supply Santian River, Trib of

3. Use irrigation

4. Amount of Water 0.28 cfs Priority Date Nov. 8, 1962

5. Proposed Point of Diversion 950 ft S. & 300 ft W. from NE Cor  
of Sec 29, w/c NE NE, S 29, T 12 S, R 1 W.

6. Completion Date extended to 10-1-78

7. Place of Use:

12 max  
8 gpa spirit

[illegible]

Not Home  
5-2-79



MAY 3, 1979

INFO: MR. HIGGINS

Source: South Santiam River

USE: irrigation as shown

Crop: pasture

Pump: GE 5 hp  $\Phi$  Berkley pump

Pipe: 340' 4" PVC; 1320' 3" LATERAL; MAIN; 320' 2" LATERAL

heads: 5 -  $\frac{3}{32} \times 0$ ; 7 -  $\frac{1}{64} \times 0$ ; 8 -  $\frac{5}{32} \times \frac{3}{32}$ ; ALL RB 20' 30'; 12 MAX

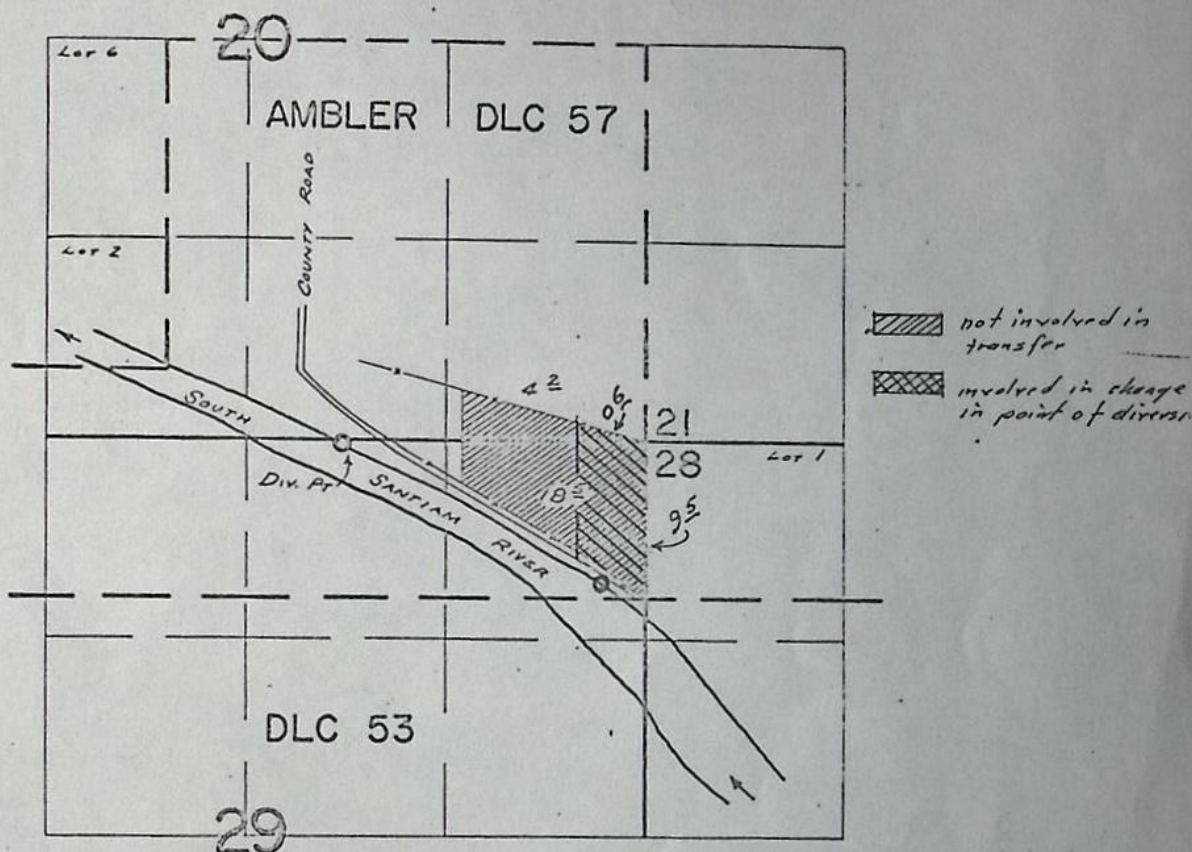
lift: suction 10' discharge + 20'

tie Photo DFM-ILL-2

Hyph. Brown  
FIELD ENGINEER

RECEIVED  
MAY 21 1975  
STATE ENGINEER  
SALEM, OREGON

T.12S.R.1W.W.M.



Present Div. Pt. Located 130' S. & 2000' W. From N.E. Cor. Sec. 29

Proposed Div. Pt. for 10.1 acres located: 950 ft. S. & 300 ft. W.  
from the NE Corner of  
Section 29

# FINAL PROOF SURVEY UNDER

Application No. 38225... Permit No. 28481...  
IN NAME OF

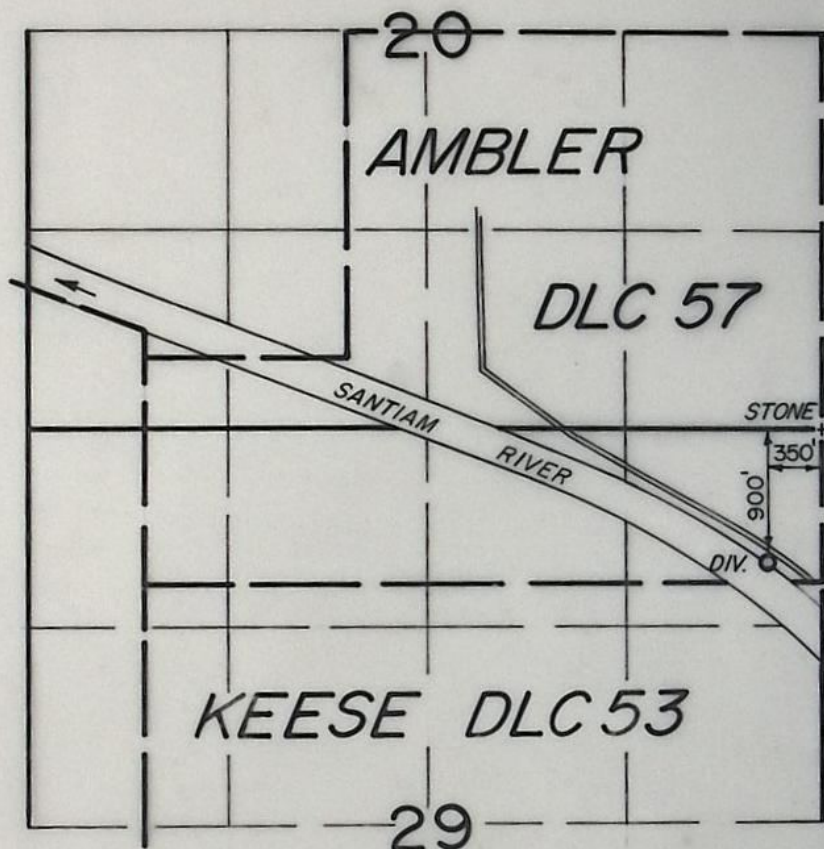
CARL A. PLAGMANN

Surveyed JULY 31, 1969, by W. RUPPERT.

T-3216



T.12S.,R.1W.,W.M.



**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3216

IN NAME OF

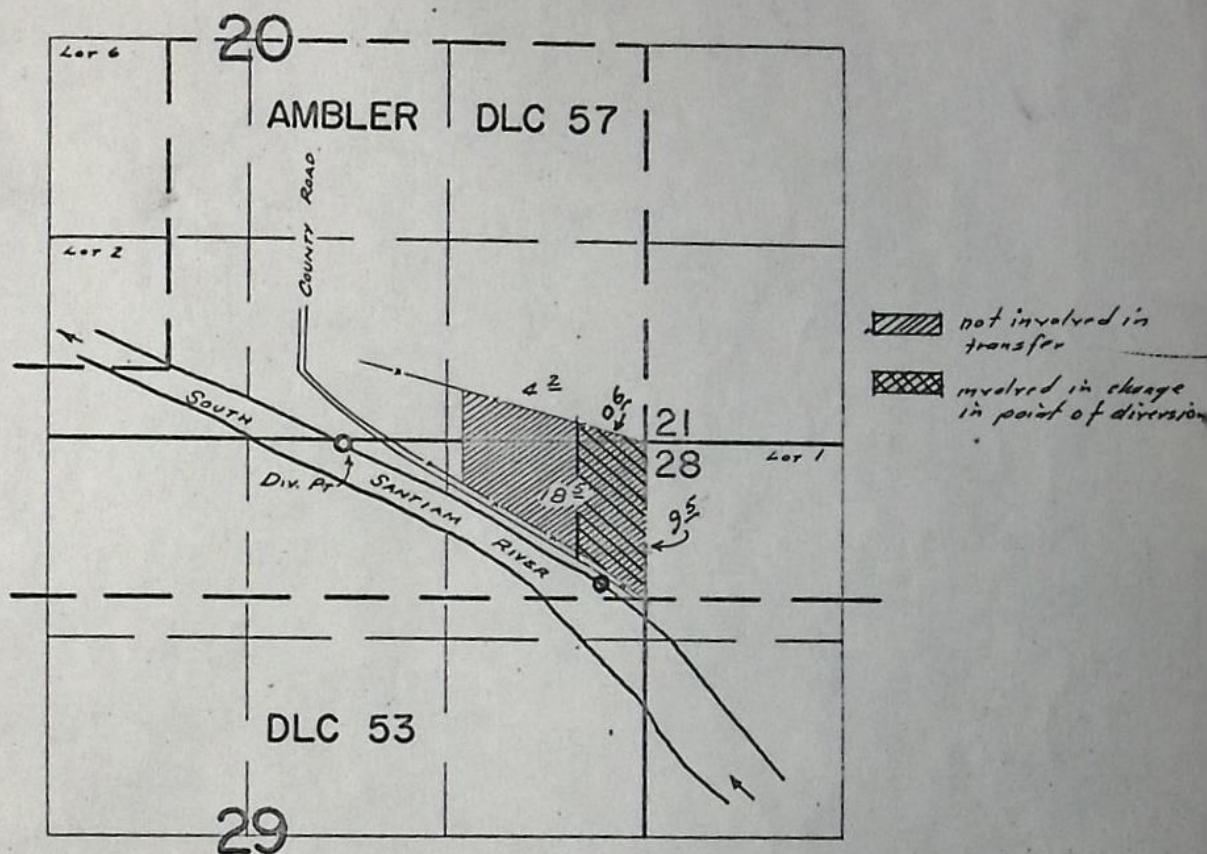
Charles E. & Lucille H. Higgins

Surveyed MAY 3, 1979, by JB Brown



RECEIVED  
MAY 21 1975  
STATE ENGINEER  
SALEM, OREGON

T.12 S.R.1 W.W.M.



Present Div. Pt. Located 130' S. & 2000' W. From N.E. Cor. Sec. 29

Proposed Div. Pt. for 10.1 acres located: 950 ft. S. & 300 ft. W.  
from the NE Corner of  
Section 29

### FINAL PROOF SURVEY UNDER

Application No. 38225... Permit No. 28481...  
IN NAME OF

CARL A. PLAGMANN

Surveyed JULY 31, 1969, by W. RUPPERT.

T-3216



OREGON



Department of Veterans' Affairs

## NOTICE OF INTEREST IN WATER RIGHT

TO: Director of Water Resources  
3850 Portland Road N.E.  
Salem, Oregon 97310

DATE SENT TO  
WATER RESOURCES

FEB 07 1986

DATE RETURNED  
TO DVA

DATE REC'D BY WATER RESOURCES

**RECEIVED**

FEB 07 1986

WATER RESOURCES DEPT  
SALEM, OREGON

This is to notify you of an interest in the following described water right:

LOAN NUMBER <b>P44080</b>	FIELD OFFICE <b>Salem</b>	COUNTY <b>Linn</b>	ACREAGE IRRIGATED: ORIGINAL APPRAISAL _____ ACTUAL _____
NAME OF BORROWER (LAST, FIRST, M.I.) <b>Britton, Darold W.</b>			
MAILING ADDRESS _____			

COMMENTS \_\_\_\_\_

## PROPERTY AND WATER RIGHT INFORMATION

TOWNSHIP	<b>12 S</b>		
RANGE	<b>1 W</b>		
SECTION	<b>29</b>		
APPLICATION	NUMBER:	<b>T 3216</b>	
PERMIT	NUMBER: ACRES: STATUS:		
CERTIFICATE	NUMBER: ACRES:	<b>49787 10.1 AC</b>	
IRRIGATION DISTRICT	NUMBER:		
DOMESTIC WATER	NUMBER:		

COMMENTS \_\_\_\_\_

2-10-86

DM

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above-described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon 97310 Attention: Butch Gehley, Operations Compliance Manager.

Attachments:

☒ Legal Descriptions    ☒ Plat Maps    ☐ Please return copy to ODVA    ☐







BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Idaho County

IN THE MATTER OF THE APPLICATION  
OF CHARLES E. AND LUCILLE H. HIGGINS }  
FOR THE APPROVAL OF A CHANGE IN }  
POINT OF DIVERSION OF WATER FROM }  
SANTIAM RIVER }  
-----

ORDER APPROVING  
TRANSFER NO. 3216

On May 2, 1975, Charles E. and Lucille L. Higgins filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Carl A. Flaggman and recorded at Page 37327, Volume 29, 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 South Santiam River for the irrigation of, among other lands, 0.6 acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 9.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 12 South, Range 1 West, W.M., with a date of priority of November 8, 1962. These lands are irrigated from a point of diversion located 30 feet South and 2000 feet West from the Northeast corner of Section 29, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 12 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 950 feet South and 300 feet West from the Northeast corner of Section 29, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 12 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 Albany, Oregon, on July 6, 1976, at 9:30 a.m. The notice was published in the Lebanon Express, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of May 13, 20 and 27, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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.

No objection 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 Santiam River, to wit:

From a point located 30 feet South and 2000 feet West from the Northeast corner of Section 29, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 12 South, Range 1 West, W.M.

To a point to be located 950 feet South and 300 feet West from the Northeast corner of Section 29, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 12 South, Range 1 West, W.M.

for the irrigation of 0.6 acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 9.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 12 South, Range 1 West, W.M., with a date of priority of November 8, 1962, 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, 1977.

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 0.125 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 the certificate of water right heretofore issued to Carl A. Flagmann and recorded at Page 37327, Volume 29, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Charles E. and Lucille L. Higgins confirming the change in point of diversion.

Dated at Salem, Oregon, this 22nd day of July, 1976.

/s/ JAMES E. SEXSON  
Director



RECEIVED

OCT 3 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

Transfer No. 3216

NOTICE OF COMPLETION OF CONSTRUCTION

I, Charles E. Higgins hereby certify  
that the construction work has been completed and the change in point of  
diversion of water made as set forth in the order of the Water Resources  
Director dated Jan 31, 1978, approving an application  
for a change in point of diversion of water from \_\_\_\_\_  
\_\_\_\_\_.

Sept 29, 1978  
Date

Charles E. Higgins  
Name

OK Sue



378-3066

January 31, 1978

Charles E. and Lucille L. Higgins  
39323 Plagman Drive  
Lebanon, Oregon 97355


RE: File No. T-3216

Dear Mr. and Mrs. Higgins:

This will acknowledge receipt of an application for extension of the time limits in which to complete the change in point of diversion under transfer application No. 3216, and your fees in the amount of \$10.00, for which our receipt No. 874 is enclosed.

From the examination of your application for extension, it appears due diligence has been exercised and the time, therefore, is being extended to October 1, 1978, to allow you the opportunity to fully complete the authorized change in point of diversion of water from Santiam River.

Sincerely,

  
James W. Carver, Jr.  
Engineer

JWC:lcj  
cc: L. Gene McGinnis, Watermaster



RECEIVED

Application No. 3216

JAN 30 1978  
WATER RESOURCES DEPT  
SALEM, OREGON  
Application for Extension of Time  
for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Charles E & Lucille L. Higgins  
(Name of applicant)  
of 39323 Blagman Dr, Lebanon,  
(Mailing address) (City)  
State of One, 97355, 258-6032  
(Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete

a change in: (X) point of diversion

( ) place of use

( ) use heretofore made of water

under the terms of an order of the Water Resources Director entered on

July 22, \_\_\_\_\_, 1976, approving transfer application No. 3216,

in the name of Charles E. & Lucille L. Higgins \*.

The following has been accomplished toward completion of the  
change within the time allowed, which expired on \_\_\_\_\_, 19\_\_:

Pipe has been purchased & culvert installed  
across county road. Due to excessive cost  
for 3 phase electricity we are going to  
purchase a gasoline motor will be in operation for  
(if for irrigation, how many acres, total, are now irrigated) summer of '78  
not now in use, will irrigate 10 acres

\*If you are not the applicant named above, please explain your interest in  
this matter. \_\_\_\_\_

Rec 874  
\$10.00

Ex to 10-1-78  
JWC



To fully complete the change, it will be necessary to accomplish the following: obtain gas powered pump

I am unable to complete the change under the terms of the order, within the time allowed, because

3 phase electricity was not attainable  
after an excessive length of time the  
engineers came up with cost of \$3500.00  
there were 2 customers  
and request that the time for completion be extended to 7/30/78.

#### AFFIDAVIT OF APPLICANT

I, Charles E. Higgins, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of January

1978.

Charles E. Higgins

Subscribed and sworn to before me this 27th day of January, 1978.

[Notarial Seal]

Gerard Burtner  
Notary Public for Oregon

My commission expires 8/8/78

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00

TO:

Water Resources Department  
MILL CREEK OFFICE PARK  
555 13th STREET N.E.  
SALEM, OREGON 97310



The take out point has been established for over a year & culvert has been installed under County Road to bring through irrigation pipe. Pipe has been purchased.

Our problem is the power Co wants \$3500.<sup>00</sup> to bring in 3 phase electricity in & they require at least two customers. So our plan this year is to purchase a gasoline engine pump system so we can start this season using our irrigation. This is the only way it is feasible for only 10 acre piece of property

Charles E. Higgins



RECEIVED

JAN 16 1978

WATER RESOURCES DEPT.  
SALEM, OREGON





**Water Resources Department**  
**MILL CREEK OFFICE PARK**

555 13th STREET N.E., SALEM, OREGON 97310

**RECEIVED**

**JAN 16 1978**

**WATER RESOURCES DEPT.**  
**SALEM, OREGON**

**PHONE 378-3066**

January 12, 1978

Charles E. & Lucille L. Higgins  
Route 1, Box 195 A  
Lebanon, Oregon 97355

*Same place { Change of address  
39323 Plagman Dr  
Lebanon, Ore 97355*

RE: File No. T- 3216

Dear Mr. and Mrs. Higgins:

The time allowed for completion of the change in point of diversion of water from Santiam River, proposed by your water right transfer application No. 3216, expired on October 1, 1977.

If the authorized change was accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were dilligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

*James W. Carver Jr.*  
James W. Carver, Jr.  
Engineer

JWC:lcj

-----  
**STATEMENT OF COMPLETION**

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3216 was accomplished by \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

*sent 1/19/78  
Send → lg*



Please send form for application for extension of time limit.



## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Charles F. & Lucille L. Higgins

(Name of applicant)

of Route 1 Box 195 A Lebanon, County of Linn

(Postoffice)

State of Oregon 97355, 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 Santiam River

(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 30 ft. 5 and 2000 ft. W from the N.E.

(N. or S.)

(E. or W.)

corner of Section 29 being within the NW 1/4 NE 1/4

(Section or subdivision)

of Section 29 Tp. 12 S R. 1 W W. M., in the County of Linn

(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
125	1W	20																0.6
125	1W	29	9.5															

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? November 8, 1962

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number

(Yes or No)

of permit 28481



10. Do you hold a water right certificate? Yes If so, give number of certificate 37327  
(Yes or No)

11. 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)

12. Is the water right recorded in your name? No -- Carl A. Flaggman  
(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 $\frac{1}{4}$	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 $\frac{1}{4}$

(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 950 ft. S and 300 ft. W from the NE  
(N. or S.) (E. or W.)  
corner of Sec. 29 being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29 Tp. 12S R. 1W W. M.,  
(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 PUMP

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? Yes

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.? Yes  
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>Land Contract</u>	<u>Allen Johnson</u>	<u>\$20,000-</u>

20. Reasons for the proposed changes are land has been divided

and I need a take out point for my 10'a piece



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Marion

} ss.

I, Charles E and Lucille L. Higgins, 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 2nd day of May, 1975

Charles E Higgins

(Name of applicant)

Lucille L. Higgins

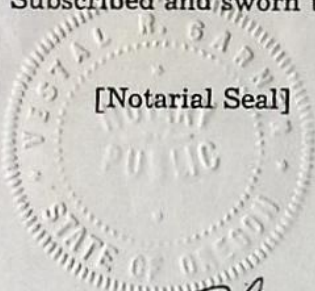
Subscribed and sworn to before me this

2nd

day of

May

, 1975



[Notarial Seal]

Vestal R. Garner

NOTARY PUBLIC FOR OREGON

My commission expires

May 12, 1978

Remarks

Please publish in Lebanon Express  
newspaper

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.



NOTICE OF FILING  
APPLICATION FOR A  
CHANGE IN POINT OF  
DIVERSION OF WATER

Notice is given hereby that Charles E. and Lucille L. Higgins have filed an application for the approval of a change in point of diversion of water from Santiam River.

Certificate of water right issued to Carl A. Plagmann and recorded at page 37327, Vol. 29, State Record of Water Right Certificates, confirms a right to the use of 0.23 c.f.s. from South Santiam River for the irrigation of, among other lands, 0.6 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 20, and 9.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 29, T. 12 S., R. 1 W., W.M., with a date of priority of Nov. 8, 1962. Water for this use is diverted from a point located 30 ft. S. and 2000 ft. W. from the NE corner of Sec. 29, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 29, T. 12 S., R. 1 W., W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion to a point 950 ft. S. and 300 ft. W. from the NE corner of Sec. 29, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, T. 12 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Albany, Oregon, on July 6, 1976, 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 Charles E. and Lucille L. Higgins, Rt. 1, Box 195A, Lebanon, Oregon 97355, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 7th day of May, 1976.

JAMES E. SEASON  
Director  
May 13-20-27, 1976

# Affidavit of Publication

STATE OF OREGON, }  
County of Linn. } ss.

I, EMMA FAIR, being first duly sworn, depose and say that I am CLERK of The Lebanon Express, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; published at Lebanon in the aforesaid county and state, that the

NOTICE OF FILING APPLICATION FOR A DIVERSION  
OF WATER

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for THREE (3) successive and consecutive weeks in the following issues:

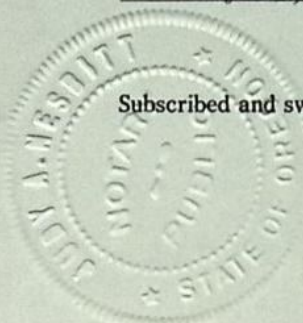
May 13, 20, 27, 1976

Subscribed and sworn to before me this 27th day of May 19 76

Judy A. Nesbitt

Notary Public for Oregon

(My Commission expires October 5, 1976.)





No. \_\_\_\_\_

In the \_\_\_\_\_ Court of the

STATE OF OREGON  
for the  
COUNTY OF LINN

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## Affidavit of Publication

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Filed \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Clerk.

\_\_\_\_\_  
Deputy.

From the Office of

Attorney for \_\_\_\_\_

RECEIVED

MAY 28 1976

WATER RESOURCES DEPT  
SALEM, OREGON







STATE OF OREGON

INTEROFFICE MEMO

TO: Wayne Overcash

DATE: May 19, 1976

FROM: Gene Mc Ginnis  
Watermaster

SUBJECT: Charles E. & Lucille L. Higgins  
Change in point of diversion  
Certificate # 37327 Application # T-3216

Mr. Charles Higgins has filed an application for change in point of diversion for land irrigated from the South Santiam River.

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

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

Very truly yours,

Gene Mc Ginnis



NOTICE OF FILING APPLICATION FOR A  
CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Charles E. and Lucille L. Higgins have filed an application for the approval of a change in point of diversion of water from Santiam River.

Certificate of water right issued to Carl A. Flaggmann and recorded at page 37327, Vol. 29, State Record of Water Right Certificates, confirms a right to the use of 0.28 c.f.s. from South Santiam River for the irrigation of, among other lands, 0.6 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 20, and 9.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 29, T. 12 S., R. 1 W., W.M., with a date of priority of Nov. 8, 1962. Water for this use is diverted from a point located 30 ft. S. and 2000 ft. W. from the NE corner of Sec. 29, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 29, T. 12 S., R. 1 W., W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion to a point 950 ft. S. and 300 ft. W. from the NE corner of Sec. 29, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, T. 12 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Albany, Oregon, on July 6, 1976, 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 Charles E. and Lucille L. Higgins, Rt. 1, Box 195A, Lebanon, Oregon 97355, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 7th day of May, 1976.

JAMES E. SEXSON  
Director







Re: Trans. # 3216

Dated 5/2/75

involves Appl - No 38225

Certificate No 37327

**RECEIVED**

JUL 18 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

May 2, 1975 We applied to change  
take out point of irrig water from  
South Santiam River

As yet we have received no reply  
on this matter & are now ready to  
make change. Please let us know



if it is alright to proceed with work  
Thank you

Charles E. & Lucille L. Higgins

Rt 1 Box 195A

Lebanon

Ore 97355

STATE OF OREGON  
WATER RESOURCES DEPT.

7001 81032

RECEIVED

DEC 2/5/52



## WARRANTY DEED

**RECEIVED**  
MAY 21 1975  
STATE ENGINEER  
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That GLEN D. JOHNSON and MARY E. JOHNSON,  
husband and wife,

hereinafter called the grantor, for the consideration hereinafter  
stated, to grantor paid by CHARLES E. HIGGINS and LUCILLE L. HIGGINS,  
husband and wife,

hereinafter called the grantee,  
does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors  
and assigns, that certain real property, with the tenements, hereditaments and appurtenances there-  
unto belonging or appertaining, situated in the County of Linn and State of  
Oregon, described as follows, to-wit:

Beginning at a C.S. stone at the Northeast corner of Section 29 in  
Township 12 South, Range 1 West of the Willamette Meridian, in Linn  
County, Oregon; thence South  $1^{\circ} 10'$  East 1046.1 feet to a C.S. stone marking  
the Southeast corner of Donation Land Claim No. 57; thence North  $63^{\circ} 45'$   
West 518.08 feet; thence North  $1^{\circ} 10'$  West 945.22 feet to a  $5/8"$  iron rod  
which bears North  $74^{\circ} 30'$  West from the place of beginning; thence South  
 $74^{\circ} 30'$  East 480.0 feet to the place of beginning. SAVE AND EXCEPT that  
portion of the above described tract of land lying within the boundaries  
of public roads and highways.

Recorded By

WILLAMETTE  
VALLEY TITLE CO.

23367-C

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns  
forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and  
assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all  
encumbrances

FILED IN BOOKS  
APR 17 1976

R7.1, Box

195 A

LEBANON, ORE.

and that  
grantor will warrant and forever defend the above granted premises and every part and parcel there-  
of against the lawful claims and demands of all persons whomsoever, except those claiming under  
the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is  
\$20,000.00. \*However, the actual consideration consists of or includes other property or  
value given or promised which is <sup>part of the</sup> <sub>the whole</sub> consideration (indicate which). (\*If not applicable, delete).

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand this 17 day of April, 1975.

STATE OF OREGON, County of Linn) ss. April 17, 1975.

Personally appeared the above named

GLEN D. JOHNSON and MARY E. JOHNSON, husband and wife

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires 11/11/76

(OFFICIAL SEAL)

23367-C



RECEIVED  
MAY 2 1975  
STATE ENGINEER  
SALEM, OREGON

12 LW

Map 12 IW 20

ORDER NO. 23367-2

WILLAMETTE VALLEY, OREGON  
310 WEST THIRD

See Map 12 IV 28

See Map 12 1W 28CB

