

3562
DORSEY B. GRAY

3562

STATUS OF APPLICATION

Change in point of diversion
Date filed 3-4-77
Date of hearing _____
Place of hearing _____
Date of order 4-28-77 Vol. 29, page 4
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued SEP 4 1980 Vol. 43, page 49469
Summary 3-79

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Marion Creek
Trib. of _____ County of Marion
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 4693 Per. No. 2764 Cert. No. 3924
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-4-77</u>	<u>35⁰⁰</u>	<u>58759</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

INDEX CARDS:		Entered	Checked
<u>W/R</u>	Name	<u>✓</u>	<u>✓</u>
<u>W/R</u>	Stream	<u>✓</u>	<u>✓</u>
<u>W/R</u>	Pt. of Div.	<u>✓</u>	<u>✓</u>
<u>W/R</u>	Calendar	<u>✓</u>	<u>✓</u>
CHECKED TO RECORDS:			
<u>0</u>	Twp. & Rge.	<u>✓</u>	<u>✓</u>
<u>✓</u>	Decree-vault	<u>✓</u>	<u>✓</u>
<u>✓</u>	Decree-safte	<u>✓</u>	<u>✓</u>
<u>✓</u>	Cert. of W/R	<u>✓</u>	<u>✓</u>
<u>✓</u>	Per. Folder	<u>✓</u>	<u>✓</u>
<u>✓</u>	Chaindex	<u>✓</u>	<u>✓</u>
<u>✓</u>	Gross Ref.	<u>✓</u>	<u>✓</u>
<u>✓</u>	Power Claim	<u>✓</u>	<u>✓</u>

W.R.I.S.

Assembled 7-9-85 by SDH

Entered _____ by _____

Verified _____ by _____

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This is to Certify, That. JOHN PALMER AND JOHN PALMER, Jr.,

of Marion, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Marion Creek,

a tributary of North Fork Santiam River, for the purpose of Irrigation, under Permit No. 2764 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 457, on the 30th day of December, 1922.; that the priority of the right hereby confirmed dates from December 20, 1915

; 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 0.34 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 7.95 acres in the Northwest quarter of Southeast quarter; 2.20 acres in the Southwest quarter of Southeast quarter; 12.10 acres in the Northeast quarter of Southwest quarter and 13.80 acres in the Southeast quarter of Southwest quarter of Section Twenty-eight, Township Nine South, Range Two West of Willamette Meridian in Marion County, Oregon.

36.05

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 30th day
of December, 1922.

(Seal of State Water Board)

STATE WATER BOARD

By PERCY A. CUPPER
State Engineer, President

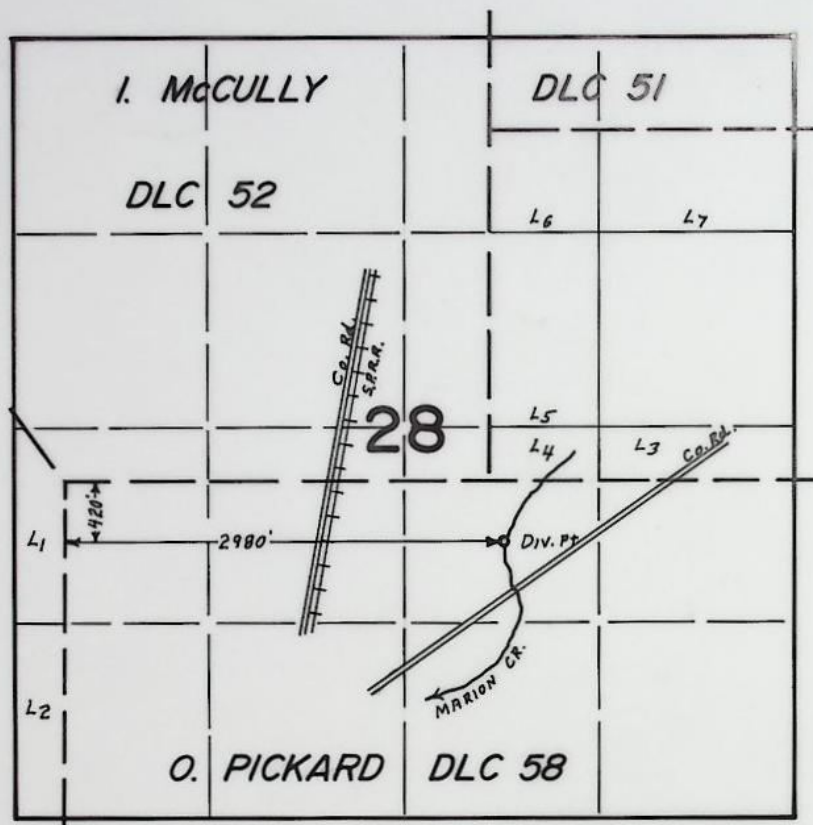
Attest: R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificate, Volume 5, page 3924.

T#3562

T.9S. R.2W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3562
Application No. Permit No.
IN NAME OF

DORSEY B. GRAY

Surveyed MAY 29 1979, by L. H. NUNN

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF DORSEY B. GRAY FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM MARION CREEK)

ORDER APPROVING
TRANSFER NO. 3562

On March 4, 1977, an application was filed in the office of the Water Resources Director by Dorsey B. Gray for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 3924, Volume 5, State Record of Water Right Certificates, in the name of John Palmer and John Palmer, Jr., describes a right for the use of not to exceed 0.34 cubic foot per second from Marion Creek for irrigation of 12.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.95 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 9 South, Range 2 West, W.M., with a date of priority of December 20, 1915.

Water for the said right is diverted from a point located North 72 degrees 25 Minutes East, 10.38 Chains from the Southeast corner of I. McCully DIC #52, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located South 26 Degrees 10 Minutes East, 600 feet from the Southeast corner of I. McCully DIC #52, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 9 South, Range 2 West, W.M.

Mr. Keith Palmer, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion from Marion Creek as described herein, without loss of priority, is approved.

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 under the subject right, and shall not exceed 0.34 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to John Palmer and John Palmer, Jr., and recorded at Page 3924, Volume 5, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 28th day of April, 1977.

/s/ JAMES E. SEXSON
Director