

3515 Walter B. Miller
3840 Degwood Drive South
Salem 97302

3515

STATUS OF APPLICATION

Change in place of use + add'l point of diversion

Date filed 2-8-77

Date of hearing

Place of hearing

Date of order 3-22-77 Vol. 28, page 403

Date for application of water 10-1-78

Proof mailed

Proof received

Certificate issued Sept 27, 1988 Vol. 54, page 57693

Survey

DESCRIPTION OF WATER RIGHT

Name of stream Smallman Creek

Trib. of _____ County of Linn

Use irrigation

Quantity of water _____ No. of acres _____

Name of ditch

Date of priority

In name of _____

_____ Adjudication, Vol. _____, page _____

App. No. 26545 Per. No. 20802 Cert. No. 23760

Certificate cancelled

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-8-77</u>	<u>35.00</u>	<u>57939</u>
<u>2-8-77</u>	<u>23.75 POW</u>	<u>57940</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

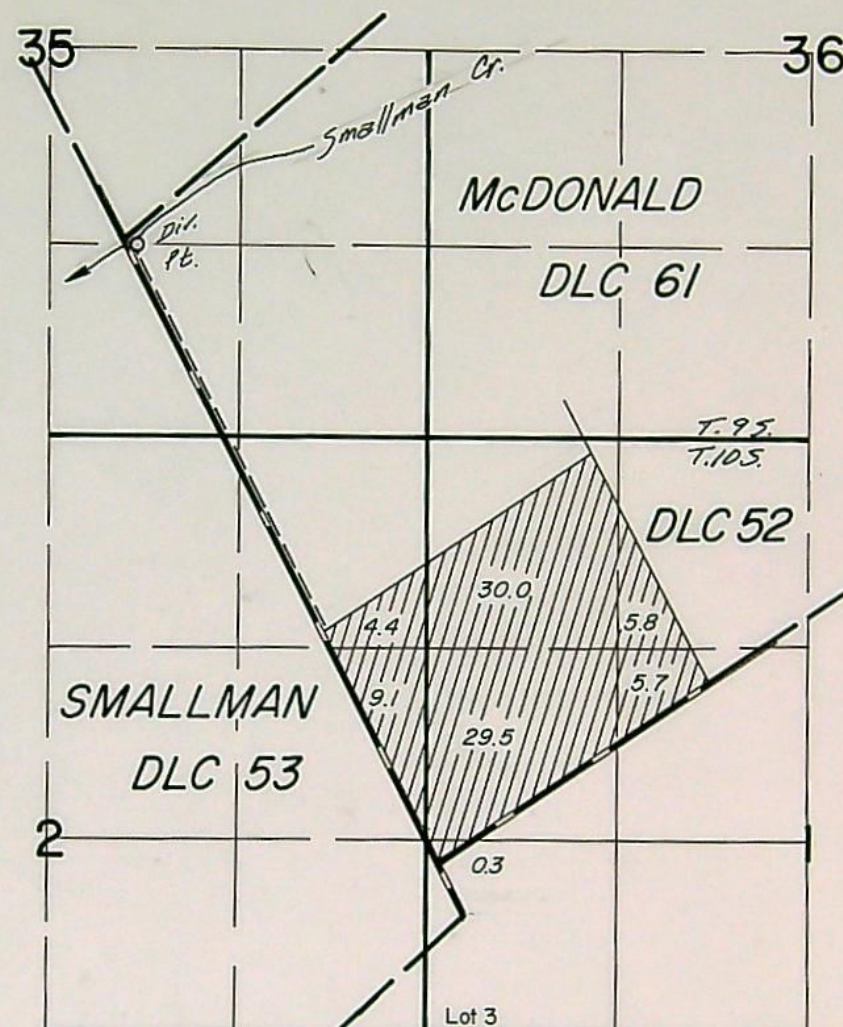
Date	Amount	Check No.

REMARKS

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	<u>✓</u>	<u> </u>
<u>WH</u> Stream	<u>✓</u>	<u> </u>
<u>WH</u> Pt. of Div.	<u> </u>	<u> </u>
<u>WH</u> Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:		
<u> </u> Twp. & Rge.	<u>lgj</u>	<u> </u>
<u> </u> Decree-vault	<u> </u>	<u> </u>
<u> </u> Decree-safe	<u> </u>	<u> </u>
<u> </u> Cert. of W/R	<u>✓</u>	<u> </u>
<u> </u> Per. Folder	<u>✓</u>	<u> </u>
<u> </u> Chainder	<u> </u>	<u> </u>
<u> </u> Cross Ref.	<u> </u>	<u> </u>
<u> </u> Power Claim	<u> </u>	<u> </u>
<u> </u> Abstracts	<u>✓</u>	<u> </u>

408

T.9&10S., R.2W., W.M.



Div. Pt. Loc.: 50' 5" 100' E., from the most westerly NW Cor. DLC 61

FINAL PROOF SURVEY

UNDER

Transfer No.: 3515

Application No. Permit No.

IN NAME OF

WALTER R. MILLER

Surveyed July 3, 1979, by *dlc*

Primary Supplemental

12.2 = 5.8 acres - 5.8'
42.2 acres - 30.0'
29.5 acres - 29.5'
5.7 acres - 5.7'
0.3 acre - 0.3'

NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within McDonald DLC 52
NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within McDonald DLC 52
SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within McDonald DLC 52
SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within McDonald DLC 52
NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within McDonald DLC 52

Section 1

29.3 = 32.7 acres - 4.4' + 1.0'
9.1 acres - 9.1'

NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within McDonald DLC 52
SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within McDonald DLC 52

Section 2

0.1 ~ +0.1' NWNE (52')

T. 10 S., R. 2 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 36947, Volume 28, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on 3-22-77, 12, approving transfer application No. 3516 and is issued to confirm a change in place of use and ^{to confirm an additional} point of diversion approved by the same order and supersedes certificate 36947.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 10th day of August, 1970.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36947

T # 3516

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION
OF WALTER R. MILLER FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE AND
POINT OF DIVERSION OF WATER FROM
SMALLMAN CREEK

ORDER APPROVING
TRANSFER NO. 3515

On February 8, 1977, Walter R. Miller filed an application in the office of the Water Resources Director for the approval of a change in place of use and an additional point of diversion of water from Smallman Creek pursuant to the provisions of ORS 540.510 to 540.530.

84.6
Certificate of water right recorded at Page 23760, Volume 17, State Record of Water Right Certificates, in the name of Ora Trollinger, describes an existing right of record for the use of not to exceed 1.60 cubic feet per second from Smallman Creek for irrigation of 2.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 9.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 7.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 10.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 26.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35; 2.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 9 South, Range 2 West, W.M.; 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 10 South, Range 2 West, W.M., with a date of priority of October 8, 1951.

Water for the said right is diverted at a point located 7.0 chains North and 9.5 chains East from the most Westerly Northwest corner of the McDonald DIC No. 61, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 9 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, in lieu thereof irrigate a certain 5.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 30.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 29.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.3 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1; 4.4

acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 9.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 10 South, Range 2 West, W.M., and also proposes to establish an additional point of diversion from Smallman Creek at a point located 0.3 chains North and 0.6 chains East from the most Westerly Northwest corner of the McDonald DIC No. 61, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 9 South, Range 2 West, W.M.

Mr. Keith Palmer, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes in place of use and 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 place of use and additional point of diversion from Smallman Creek described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1.60 cubic feet 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 construction work shall be completed, the change in point of diversion of water made, and said water so transferred applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ora Trollinger and recorded at Page 23760, Volume 17, 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 22nd day of March, 1977.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WALTER R. MILLER
PO Box 12395of Rt. 2, Scio SALEM, State of Oregon 97309, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Smallman Creeka tributary of North Santiam River for the purpose of irrigationunder Permit No. 20802 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 October 8, 1951,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 1.6 cubic feet 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within N. G. McDonald DLC #61, Section 35, Township 9 South, Range 2 West, W.M. 4700' N $\frac{1}{2}$ 1580' W from SW corner McDonald DLC 52; 0.3 chain N $\frac{1}{2}$ 0.6 chain E from most westerly NW corner McDonald DLC 61The 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:

- 2.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
- 1.7 acres in the Lot 8 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
- 8.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within N. G. McDonald DLC #61
- 20.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within N. G. McDonald DLC #61

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 23760, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on MARCH 22, 1977, approving transfer application No. 3515 and is issued to confirm a change in place of use and to

confirm an additional point of diversion approved by the same order and supersedes certificate 23760

1.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within N. G. McDonald DLC #61 Section 36

Township 9 South, Range 2 West, W.M.

1.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within N. G. McDonald DLC #52

0.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within N. G. McDonald DLC #52

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

5.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
30.0 NW $\frac{1}{4}$ NW $\frac{1}{4}$
29.5 SW $\frac{1}{4}$ NW $\frac{1}{4}$
5.7 SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.3 NW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec 1

4.4 NE $\frac{1}{4}$ NE $\frac{1}{4}$
9.1 SE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec 2

w/in DLC 52

T10S R2W W.M.

WITNESS the signature of the State Engineer, affixed

this 28th day of March, 1958

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 23760

T# 3515