

3563

STATUS OF APPLICATION

Change in point of diversion
Date filed 3-4-77
Date of hearing 7-6-77
Place of hearing Albany
✓ Date of order 8-29-77 Vol. 29, page 245
Date for application of water 10-1-79
Proof mailed _____

Proof received _____
Certificate issued MAY 25 1979 Vol. 41, page 48049
MAY 25 1979 41 48050
Survey 1111
6-13-79

DESCRIPTION OF WATER RIGHT

Name of stream Thomas 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 _____
✓ ✓ 19079 14674 16668
App. No. 27208 Per. No. 21393 Cert. No. 21332
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3/4/77</u>	<u>\$35.00</u>	<u>58763</u>
<u>7-25-77</u>	<u>35.00</u>	<u>59913</u>
TOTAL . . .		
<u>4-19-79</u>	<u>\$4</u> Cert. Fee	<u>10435</u>
<u>pd. Albany Democrat-Herald - Ch. # 1349 \$33.25</u> <u>6/9/79</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>6-9-77</u>	<u>\$1.75</u>	<u>1348</u>

Exam 20-
POD 15-
35
PON 33.25
68.25

REMARKS

TO BE ENTERED WHERE CHECKED

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

W.R.I.S.

Assembled 7-9-85 by SOA

Entered _____ by _____

Verified _____ by _____

STATE OF OREGON
COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~E. W. HART~~ Robert L. ^{stockhoff} ~~stockhoff~~
of ~~Jefferson~~ 37990 Gilkey Rd, Scio, State of Oregon 97374, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Thomas Creek ~~North~~ ^{South} Santiam River for the purpose of
irrigation ~~of 25.0 acres~~
under Permit No. 21393 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 20, 1952,

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
0.313 cubic foot per second, ~~if available at the original point of diversion~~; ^{NE 4 NE 4}
~~Sec 22 T10S R2W WM, 950' S of 900' W from the NE cor Sec 22~~

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 1/4 NE 1/4~~, as projected within ~~P. Pollard D.L.C.~~
No. 58, Section 22, Township 10 South, Range 2 West, W. M. ~~5680' N. & 750' W from~~
~~SE COR A DLC 65~~ ^{Calavan} ~~Lot 9 (SW SE) Sec 15 T10S, R2W, WM.~~

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 during the irrigation season
and shall be further limited to a diversion of not to exceed 2 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:

- 1.2 acres in the NE 1/4 NE 1/4
- 0.2 acres in the NW 1/4 NE 1/4
- 1.0 acres in the SW 1/4 NE 1/4
- 14.2 acres in the SE 1/4 NE 1/4
- 8.4 acres in the NE 1/4 SE 1/4

All as projected within ~~R. Pollard D.L.C.~~ ⁵⁸²²
Section 22
Township 10 South, Range 2 West, W. M.

This certificate is issued to confirm ~~a change in~~ ^{an additional} point of diversion approved
by an order of the WRD entered ~~August 29, 1977~~ and supersedes certificate of water right
recorded on Page 21332, Volume 15, SRWRC.

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

this ~~18th~~ day of May, 196

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21332.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J. B. HODGES

Robert L.

Stockhoff

of ^{37990 Gilkey Rd} Route 3, Box 43, Scio, State of Oregon 97374, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Thomas Creek a tributary of South Santiam River for the purpose of irrigation of 35.5 acres under Permit No. 14674 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 November 9, 1940

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 0.444 cubic foot per second, if available at the original point of diversion; NE¹NE¹ Sec 22 T10S R2W WM, 950'S & 900'W from the NE cor Sec 22

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE¹NE¹ Section 22, Township 10 South, Range 2 West, W. M. 5680' N & 950' W from SE corner of D.L.C. 58 Lot 9 (SW SE) Sec 15, T 10S R2W, WM

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 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:

- 10.5 acres in the SE¹NE¹, as projected on R. H. Pollard D.L.C. No. 58
- 19.0 acres in the NE¹NE¹, as projected on R. H. Pollard D.L.C. No. 58
- 6.0 acres in the NW¹NE¹, as projected on R. H. Pollard D.L.C. No. 58

Section 22
T. 10 S. R. 2 W., W. M.

Land on which water is to be used is a part of the property more explicitly described by the appropriator as follows: 7.42 chains West from corners of Sections 14, 15, 22 and 23 in Township 10 South, Range 2 West of the Willamette Meridian in Linn County, Oregon, running thence South 61.31 chains, thence West 7.30 chains to the West line of the D.L.C. of Richard H. Pollard, Not. No. 1596, Claim No. 58 in said Township & Range, thence North 10° West on said Boundary line 62.39 chains to the N. W. corner of said Claim No. 58 thence East 18.10 chains.

This certificate is issued to confirm ^{an additional} ~~a change in~~ point of diversion approved by an order of the WRD entered August 29, 1977 and supersedes certificate of water right recorded on Page 16668, Volume 13, SRWRC.

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

C-48050

T#3563

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION OF)
ROBERT L. STOCKHOFF FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION OF)
WATER FROM THOMAS CREEK)

ORDER APPROVING
TRANSFER NO. 3563

On March 4, 1977, an application was filed in the office of the Water Resources Director by Robert L. Stockhoff for an additional point of diversion under an existing water right of record, pursuant to ORS 540.510 to 540.530.

The certificate recorded at page 16668, Volume 13, State Record of Water Right Certificates, in the name of J. B. Hodges, describes a right for the use of not to exceed 0.444 cubic foot per second from Thomas Creek for irrigation of 19.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 10 South, Range 2 West, W.M., with a date of priority of November 9, 1940.

The certificate recorded at page 21332, Volume 15, State Record of Water Right Certificates, in the name of E. W. Hart, describes a right for the use of not to exceed 0.313 cubic foot per second from Thomas Creek for irrigation of 1.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 10 South, Range 2 West, W.M., with a date of priority of May 20, 1952.

Water for both said rights is diverted from a point located 950 feet South and 900 feet West from the Northeast corner of Section 22, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion and, without loss of priority, to also divert water at a point located 400 feet North and 1750 feet West from the

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SE corner of Section 15, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 10 South, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Albany Democrat-Herald, 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, 1977.

Mr. L. Gene McGinnis, Watermaster, has filed a statement to the effect that the proposed additional 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 requested additional point of diversion from Thomas 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, together with that diverted at the old 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 0.444 cubic foot per second with a priority date of November 9, 1940 and 0.313 cubic foot per second with a priority date of May 20, 1952.

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 and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that 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, the certificate recorded at page 16668, Volume 13, State Record of Water Right Certificates, in the name of J. B. Hodges and the certificate recorded at page 21332, Volume 15, State Record of Water Right Certificates, in the name of E. W. Hart, are canceled and in lieu thereof new certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 29th day of August, 1977.

/s/ James E. Sexson
Director

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3563

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Robert L. Stockhoff for approval of a change in point of diversion from Thomas Creek. The certificate recorded at Page 16668, Volume 13, State Record of Water Right Certificates, in the name of J.B. Hodges, describes a right for the use of not to exceed 0.444 cubic foot per second from Thomas Creek for irrigation of 19.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, T. 10 S., R. 2 W., W.M., with a date of priority of Nov. 9, 1940. The certificate recorded at Page 21332, Vol. 15, State Record of Water Right Certificates, in the name of E. W. Hart, describes a right for the use of not to exceed 0.313 c.f.s. from Thomas Creek for irrigation of 1.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 10 S., R. 2 W., W.M., with a date of priority of May 20, 1952.

Water for the said right is diverted from a point located 950 ft. S. and 900 ft. W. from the NE corner of Sec. 22, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 22.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion and, without loss of priority, to also divert water at a point located 400 ft. N. and 1750 ft. W. from the SE corner of Sec. 15, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15, T. 10 S., R. 2 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, 1977, 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 Robert L. Stockhoff, 37990 Gilkey Road, Scio, Oregon 97374, 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 27th day of April, 1977.

JAMES E. SEXSON
Director

May 13, 20, 27

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Linn } ss.

I, Katherine L. Miller, being first duly sworn, depose and say:
That I am the principal clerk of the publisher of the

Albany Democrat-Herald

a daily newspaper of general circulation, as defined in ORS 193.010, printed and published at Albany in the aforesaid county and state; that the

Notice of Water Right Transfer Application No. 3563

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

May 13, 20, 27, 1977

Katherine L. Miller

Subscribed and sworn to before me this 27th day of May 1977

Margaret L. Sandoval
Notary Public for Oregon

My Commission Expires:

My Commission Expires February 18, 1979