

Name Patricia A. & Daniel L. WaldronBy 44144Address 44892 Thomas Creek Dr.Scio, OR 97134Change in POU & PODDate filed August 11, 1977Date of hearing 10-11-77Place of hearing AlbanyDate of order 10-28-77 Vol. 29, page 504Date for application of water 10-1-79Proof mailed MAY 22 1987 JUN 3 1987Proof received DEC 19 1977Certificate issued Vol. 37, page 45071Adverse Report 5/16/86to survey 4/80

REMARKS

See T-5995

CARD FOR C DEC 26 1979

DESCRIPTION OF WATER RIGHT

Name of stream Thomas CreekTrib. of _____ County of Linn

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority June 15, 1966In name of Leo and Anna Voltin

_____ Adjudication, Vol. _____, page _____

App. No. 42351 Per. No. 31687 Cert. No. 36532

Certificate cancelled _____

Notation made on record by _____

11-24-87 SRA8-14-87 BE1-12-872-17-873-23-87 SRA4-27-87

FEES PAID

Date	Amount	Receipt No.
<u>8-11-77</u>	<u>\$ 95.00</u>	<u>63174</u>
TOTAL . . .		
<u>10-21-77</u>	<u>\$ 2 Cert. Fee</u>	<u>Transferred from 63174</u>
<u>Albany Democrat-Herald \$30.60 10/21/77 ck 1692</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>10-21-77</u>	<u>\$ 17.40</u>	<u>1693</u>

Rec'd 95-

Exam 20
POU 10
POD 15
Cert 2
PON 30.60

77.6017.40

INDEX CARDS:		Entered	Checked
✓	Name	<u>lg</u>	
✓	Stream	<u>lg</u>	
✓	Pl. of Div.		
✓	Order	<u>lg</u>	
✓	CHECKED TO RECORDED	<u>lg</u>	
✓	Trans. & Rec.		
✓	Declar. of Intent		
✓	Declar. of Intent		
✓	Cert. of W.R.	<u>✓</u>	
✓	Plat. of W.R.		
✓	Abstract		
✓	Power Claim		
✓	Abstracts	<u>lg</u>	

W.R.I.S.

Assembled 6-20-85 by SRA

Entered _____ by _____

Verified _____ by _____

— finish —

STATE OF OREGON

COUNTY OF

LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

LEO & ANNA VOLTIN

of Rt. 1, Box 84, Scio, State of Oregon, 97374, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Thomas Creek

a tributary of South Santiam River for the purpose of the irrigation of 19.5 acres

under Permit No. 31687 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 June 15, 1966 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 0.24 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 Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 2, T. 10 S., R. 1 E., W. M., 2220 feet North and 1110 feet East from the SE Corner, Logan DLC 48

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:

7.6 acres Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)	3.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acre Lot 7 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	8.3 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 2	Section 11

T. 10 S., R. 1 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 36532, Volume 28, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on October 28, 1977, approving transfer application No. 3750.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. December 19, 1977

James E. Sexson

Water Resources Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
LINN COUNTY

IN THE MATTER OF THE APPLICATION)
OF DANIEL L. AND PATRICIA A.)
WALDRON FOR CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM THOMAS CREEK)

ORDER APPROVING
TRANSFER NO. 3750

On August 11, 1977, an application was filed in the office of the Water Resources Director by Daniel L. and Patricia A. Waldron for approval of changes in place of use and 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 36532, Volume 28, State Record of Water Right Certificates, in the name of Leo and Anna Voltin, describes a right which includes the use of not to exceed 0.0125 cubic foot per second from Thomas Creek for irrigation of a certain 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 10 South, Range 1 East, W.M., with a date of priority of June 15, 1966.

Water for the said right is diverted from a point located 2220 feet North and 1110 feet East from the Southeast corner of the Logan D.L.C. No. 48, being within Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, Township 10 South, Range 1 East, W.M.

The applicants herein, with approval of the owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.7 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 and 0.3 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 10 South, Range 1 East, W.M., from a point of diversion located 200 feet North and 150 feet West from the Southeast corner of Section 2, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 2.

Notice of the application, pursuant to ORS 540.510, was published in the Albany Democrat-Herald, a newspaper printed and having general circulation in

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200-506

Linn County, Oregon, for a period of three weeks in the issues of August 19, 26 and September 2, 1977.

Mr. L. Gene McGinnis, 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 objections 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 changes in place of use and point of diversion from Thomas Creek, as described herein, without loss of priority, are 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 0.0125 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Leo and Anna Voltin and recorded at page 36532, Volume 28, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 October, 1977.

/s/ James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION OF)
PATRICIA A. OR DANIEL L. WALDRON)
FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5995

On September 10, 1987, an application was filed in the office of the Water Resources Director by Patricia A. Waldron or Daniel L. Waldron for approval of a change in place of use of water from Thomas Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 36532, Volume 28, State Record of Water Right Certificates, in the name of Leo and Anna Voltin, describes a right which includes the use of not to exceed 0.0125 cubic foot per second from Thomas Creek, for irrigation of a certain 1.0 acre in NE 1/4 NE 1/4 of Section 11, Township 10 South, Range 1 East, WM, with a date of priority of June 15, 1966.

Water for the said right is diverted from a point located 130 feet North and 70 feet West from the southeast corner of Section 2, being within the SE 1/4 SE 1/4 of Section 2, Township 10 South, Range 1 East, WM, under the provisions of an order of the Water Resources Director dated October 28, 1977, approving water right Transfer 3750 for a change in point of diversion and place of use.

Pursuant to the provisions of ORS 540.530(2), proof has been submitted to the satisfaction of the Water Resources Director that water right Transfer 3750 has been completed, authorizing changes in place of use of water from irrigation of a certain 1.0 acre in the NE 1/4 NE 1/4 of Section 11, Township 10 South, Range 1 East, WM, to irrigation of a certain 1.0 acre which includes 0.4 acre in the SE 1/4 SE 1/4 of Section 2 and 0.6 acre in the NE 1/4 NE 1/4, Section 11, Township 10 South, Range 1 East, WM

The applicants herein, owners of the lands above described, propose to transfer the right therefrom to a certain 1.0 acre in the SE 1/4 NE 1/4, Section 11, Township 10 South, Range 1 East, WM. The change in place of use is reported to be completed.

L. Gene McGinnis, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that when in the judgment 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;

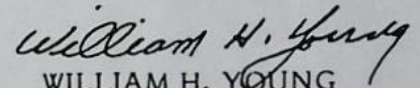
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

The certificate heretofore issued to Leo and Anna Voltin and recorded at page 36532, Volume 28, State Record of Water Right Certificates, was cancelled by the provisions of the order of the Water Resources Director entered on October 28, 1977, approving Transfer 3750.

The rights NOT involved in the proceeding for Transfer 3750 were confirmed by the certificate issued on December 19, 1977, and recorded at page 45071, Volume 37, State Record of Water Right Certificates.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Transfer 3750, and 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, a confirming certificate of water right shall be issued to the applicant herein confirming the above authorized changes.

Dated at Salem, Oregon, this 1st day of February, 1988.


WILLIAM H. YOUNG
Director

NOTICE: Approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

0337/F

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
LINN COUNTY

IN THE MATTER OF TRANSFER	)	
APPLICATION 3750 IN THE	)	
NAMES OF PATRICIA A. AND	)	LOSS OF RIGHT
DANIEL L. WALDRON	)	

Transfer Application 3750, in the names of Patricia A. and Daniel L. Waldron, proposed a change in place of use and point of diversion of water from Thomas Creek under a certain right with a priority date of June 15, 1966, for irrigation of 0.7 acre in SE 1/4 SE 1/4, Section 2 and 0.3 acre in NE 1/4 NE 1/4, Section 11, Township 10 South, Range 1 East, WM.

The order of the Water Resources Director, entered October 28, 1977, approving Transfer Application 3750, provided: "...that said water so transferred shall be applied to beneficial use on or before October 1, 1979."

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order, therefore, the subject water right has been lost.

Dated at Salem, Oregon this _____ day of October, 1986.

WILLIAM H. YOUNG
Director

NOTE: A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections must be filed within 45 days from the date of service of the Proposed Order. The Commission will give the opportunity for oral arguments in support of the written objections and exceptions. After receiving any timely objections and exceptions, and any argument, the Commission may modify the proposed order, reject it and prepare its own order, or adopt the proposed order as its own. The Commission's decision constitutes a final order for purposes of judicial review.

0337/d
6757D

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LEO and ANNA VOLTIN

of Route 1, Box 84, Scio, 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 Thomas Creek

a tributary of South Santiam River for the purpose of
the irrigation of ~~20.5 acres~~ 19.5 acres

under Permit No. 31687 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 June 15, 1966

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 ~~0.26~~ cubic foot per second

0.24

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 2, T. 10 S., R. 1 E., W. M. Diversion point located 2220 feet North and 1110 feet East from the SE Corner, Logan DLC 48.

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:

7.6 acres Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
0.4 acre Lot 7 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 2

T# 3750

3 $\frac{3}{4}$ ~~4.2~~ acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 1 $\frac{1}{2}$
8.3 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 11

T. 10 S., R. 1 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 36532, Volume 28, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct 28, 1977, approving transfer application No. 3750.

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

this date. February 10, 1978

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36532

T# 3570

NOTICE OF WATER RIGHT
TRANSFER APPLICATION NO. 3750

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Patricia A. and Daniel L. Waldron for approval of changes in place of use and point of diversion from Thomas Creek.

The certificate recorded at page 36532, Volume 28, State Record of Water Right Certificates, in the name of Leo and Anna Vollin, describes a right which includes the use of not to exceed 0.0125 cubic foot per second from Thomas Creek for irrigation of a certain 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 10 South, Range 1 East, WM, with a date of priority of June 15, 1966.

Water for the said right is diverted from a point located 2220 ft. N and 1110 ft. E from the SE corner of the Logan DLG No. 48, being within Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, Township 10 South, Range 1 East, WM.

The applicants herein, with approval of the owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2 and 0.3 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11, T 10 S, R 1 E, WM, from a point of diversion located 200 ft. N. and 150 ft. W from the SE corner of Sec. 2, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 2.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Albany, Oregon, on October 11, 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 Patricia A. & Daniel L. Waldron, 44890 Thomas Creek Dr., Scio, OR 97374 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE 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 11th day of August, 1977.

James E. Sexson
Director

Aug. 19, 26, Sept. 2, 1977

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Linn } ss.

I, Margaret L. Sandoval, 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 _____

WATER RIGHT TRANSFER # 3750

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.

August 19, 26, 1977
September 2, 1977

Subscribed and sworn to before me this 2nd day of September 19 77

Margaret L. Sandoval

Katherine L. Miller
Notary Public for Oregon

My Commission Expires:

My Commission Expires May 9, 1981