

3781

Name Kenneth & Beth Nichols

By \_\_\_\_\_

Address Rt 3 Box 156 39020 Fish Hatchery  
Scio, Or 97374Change in POU & PODDate filed Sept. 21, 1977

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 4-28-78 Vol. 30, page 558Date for application of water 10-1-79Proof mailed JUL 28 1989

Proof received \_\_\_\_\_

Certificate issued SEP 29 1989 Vol. 59, page 62424

## DESCRIPTION OF WATER RIGHT

Name of stream Beaver CreekTrib. of \_\_\_\_\_ County of LinnUse irr.

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority Nov. 2, 1951In name of Lawrence O. & Erlena Gorman

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 26610 Per. No. 20841 Cert. No. 27035

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>9-21-77</u>	<u>48.25</u>	<u>P-6 63931</u>
<u>2-9-78</u>	<u>3.25</u>	<u>1032</u>
TOTAL . . .		
	Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.
<u>1-16-79</u>	<u>4.00</u>	<u>2986</u>
	Exam 20-	
	POU 10.50	
	POD 15-	
	<u>\$ 45.50</u>	
	need 3.25	

## REMARKS

CARD FOR C DEC 26 1979

SEE T-5518

OK cert.

T-6675 &amp; POU

FP my in T-5518

— finish —

W.R.I.S.	
Assembled <u>6-28-85</u> by <u>SA</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Pt. of Div.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Twp. & Rge.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-vault	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-safe	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Cont. of W/R	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Per. Folder	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Chsindex	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Cross Ref.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Power Claim	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Abstracts	<input checked="" type="checkbox"/>



STATE OF OREGON  
COUNTY OF LINN  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** LAWRENCE O. and ERLINA GORMAN

of Route 3, Lebanon, 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 Beaver Creek, a tributary of Crabtree Creek, for the purpose of irrigation of 94.4 acres,

under Permit No. 20841 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 2, 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 0.64 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 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 7, Township 11 South, Range 1 West, W.M.

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:

	F-3781		F-5518	
	OUT	IN	OUT	
17.1 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )	- 7.0			10.1
17.8 acres Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ )	-12.2		-1.5	4.1
13.7 acres Lot 7 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )	- 2.2		-11.5	0
21.8 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	-10.0	17.7	- 5.8	23.7
7.8 acres Lot 11 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )		12.4	- 7.8	12.4
4.4 acres Lot 8 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )			- 4.4	0
Section 7				
10.8 acres Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ )			+2.0	12.8
1.0 acre Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ )		0.6	26.0	27.6
Section 8 NW SW		0.7	3.0	3.0
Township 11 South, Range 1 West, W.M.				0.7
				94.4

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 date. MAY 27 1960

LEWIS A. STANLEY  
State Engineer



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION OF )  
KENNETH AND BETH NICHOLS FOR APPROVAL )  
OF CHANGES IN PLACE OF USE AND POINT )  
OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3781

On September 21, 1977, an application was filed in the office of the Water Resources Director by Kenneth and Beth Nichols for approval of changes in place of use and point of diversion from Beaver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 27035, Volume 19, State Record of Water Right Certificates, in the names of Lawrence O. and Erlena Gorman, describes a right for the use of not to exceed 0.64 cubic foot per second from Crabtree Creek for the irrigation of 17.1 acres in Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), 17.8 acres in Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 13.7 acres in Lot 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 21.8 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.8 acres in Lot 11 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ), 4.4 acres in Lot 8 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7; 10.8 acres in Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) and 1.0 acre in Lot 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 8, Township 11 South, Range 1 West, W.M., with a date of priority of November 2, 1951.

Water for the said right is diverted from a point located 100 feet South and 200 feet East from the Northwest Corner of Lot 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), being within Lot 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 7, Township 11 South, Range 1 West, W.M.

The applicants herein, contract purchasers of the lands above described, propose to transfer the water right appurtenant to a certain 7.0 acres in Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), 12.2 acres in Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 2.2 acres in Lot 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), and 10.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 7, without loss of priority, to a certain 17.7 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.4 acres in Lot 11 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7, 0.6 acre in Lot 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ), and 0.7 acre in Lot 3 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, Township 11 South, Range 1 West, W.M. The applicant also proposes to change the point of diversion, without loss of priority, to a point located 500 feet North and 770 feet West from the Northeast Corner of D.L.C. No. 42, being within Lot 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 7, Township 11 South, Range 1 West, W.M. for the irrigation of these lands and the balance of the said lands, not involved in the change in place of use, being 10.1 acres in Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), 5.6 acres in Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 11.5 acres in Lot 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 11.8 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.8 acres in Lot 11 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ), 4.4 acres in Lot 8



(NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7; 10.8 acres in Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) and 1.0 acre in Lot 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 8, Township 11 South, Range 1 West, W.M.

Mr. 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, 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 0.64 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

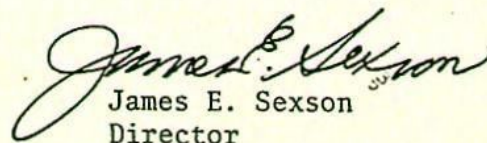
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

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 Lawrence O. and Erlena Gorman and recorded at page 27035, Volume 19, 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 applicants herein.

Dated at Salem, Oregon, this 28th day of April, 1978.

  
James E. Sexson  
Director