

4479

Name James & Clara Scivally

By _____

Address 38063 Kelly Rd

Scig. OR 97374

Change in POD

Date filed April 18, 1980

Date of hearing August 21, 1980

Place of hearing Albany

✓ Date of order 8-22-80 Vol. 33, page 622

Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued OCT 28 1980 Vol. 43, page 49717

DEC 29 1989

63809

DESCRIPTION OF WATER RIGHT

Name of stream Thomas Creek

Trib. of _____ County of Linn

Use irrigation

Quantity of water _____ No. of acres 13 3

Name of ditch _____

Date of priority Feb 15, 1951

In name of Walter R. & Anna M. Johnson

_____ Adjudication, Vol. _____, page _____

App. No. 25648 Per. No. 20113 Cert. No. 35911 *SPH*

Certificate cancelled _____

Notation made on record by _____

OK cert

FEES PAID

Date	Amount	Receipt No.
<u>4/18/80</u>	<u>85.00</u>	<u>17168</u>
<u>6/20/80</u>	<u>50.00</u>	<u>18858</u>
TOTAL . . .		
	Cert. Fee	

Albany Democrat Herald 30.08 pd 8/12/80 CK #4332

FEES REFUNDED

Date	Amount	Check No.
<u>8-12-80</u>	<u>69.92</u>	<u>4331</u>

*EX 20-
POD 15-
POD 30.08
65.08
135.00
65.08
69.92*

REMARKS

Card for C NOV 20 1981

W.R.I.S.

Assembled 2-15-83 by SPH

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
✓	Name	<u>Sciv</u>
✓	Stream	<u>LC</u>
✓	Pt. of Div.	<u>LC</u>
✓	Calendar	<u>LC</u>
	CHECKED TO RECORDED:	
	Page No.	
	Decree No.	
✓	Decree No.	
✓	Cert. of W/R	<u>SPH</u>
	Per. No.	<u>SPH</u>
	Chances	
	Cross Ref.	
✓	Power Claim	<u>LC</u>
✓	Abstracts	

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES AND CLARA SCIVALLY
38063 KELLY ROAD
SCIO, OREGON 97374

confirms the right to use the waters of THOMAS CREEK, a tributary of the SOUTH SANTIAM RIVER, for the purpose of IRRIGATING 13.2 ACRES.

The right has been perfected under Permit 20113. The date of priority is FEBRUARY 15, 1951. The right is limited to not more than 0.10 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, AS PROJECTED WITHIN DLC 58, SECTION 23, T 10 S, R 2 W, W.M.; 650 FEET SOUTH AND 540 FEET WEST FROM THE SW CORNER OF DLC 66.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

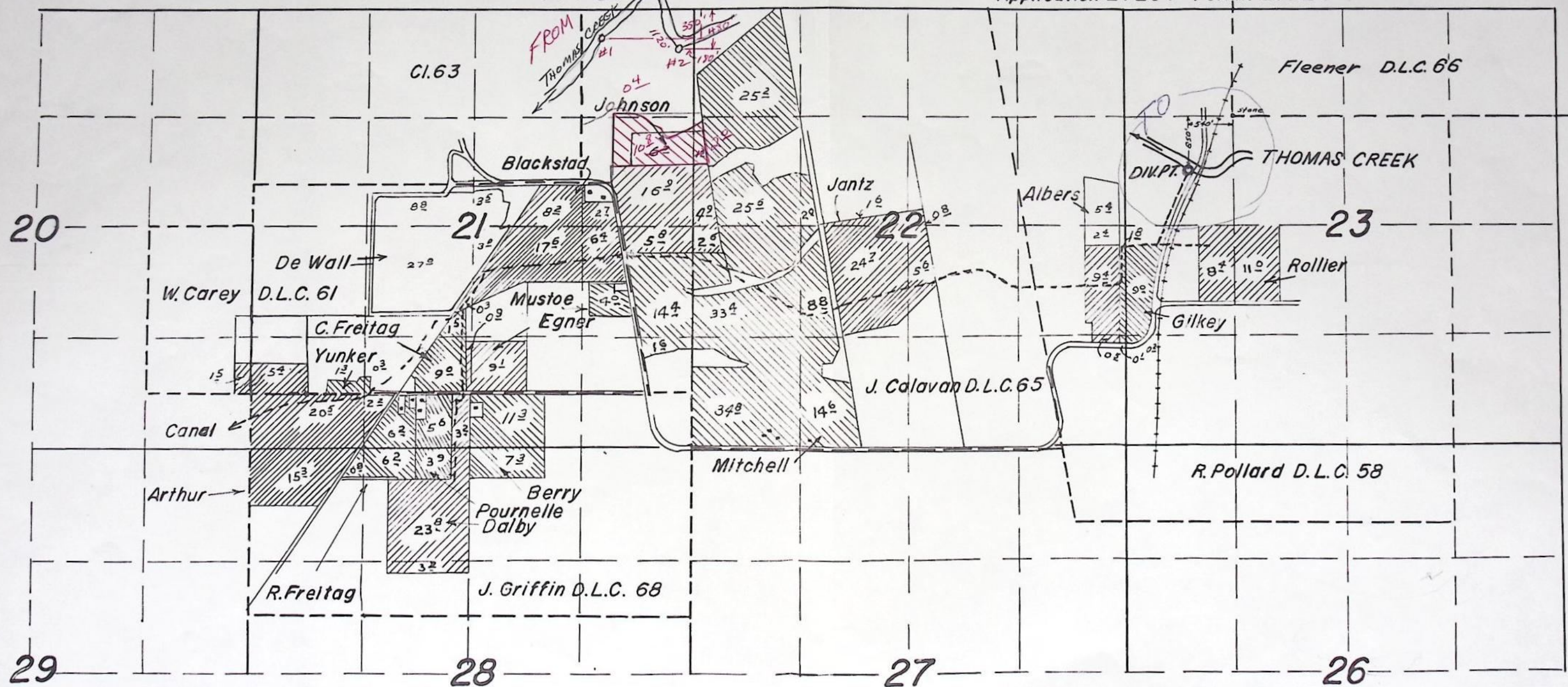
NE 1/4 NE 1/4 0.4 ACRE
SE 1/4 NE 1/4 10.8 ACRES
BOTH AS PROJECTED WITHIN DLC 65
SECTION 21

SW 1/4 NW 1/4 2.0 ACRES
AS PROJECTED WITHIN DLC 65
SECTION 22
TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.

SEE NEXT PAGE

FINAL PROOF SURVEY FOR RIVERVIEW DITCH ASSOCIATION T.10S.R.2W.W.M.

Application 27207 Permit 21524



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION)
OF JAMES AND CLARA SCIVALLY FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4479

On April 18, 1980, an application was filed in the office of the Water Resources Director by James and Clara Scivally for approval of a change in point of diversion of water from Thomas Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 35911, Volume 27, State Record of Water Right Certificates, in the names of Walter R. and Anna M. Johnson, describes a right which includes the use of not to exceed 0.10 cubic foot per second from Thomas Creek for irrigation of a certain 0.4 acre in NE 1/4 NE 1/4, 10.8 acres in SE 1/4 NE 1/4, Section 21 and 2.0 acres in SW 1/4 NW 1/4, Section 22, Township 10 South, Range 2 West, W.M., with a date of priority of February 15, 1951.

Water for the said right is diverted from points located 350 feet South and 1170 feet West and 480 feet South and 180 feet West from the Northeast Corner of Section 21, being within the NE 1/4 NE 1/4 of Section 21, Township 10 South, Range 2 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 650 feet South and 540 feet West from the Southwest Corner of Fletcher DLC 66, being within the SW 1/4 NW 1/4, Section 23, Township 10 South, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of June 30, July 7 and 14, 1980.

Mr. L. Gene McGinnis, 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 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 change in point of diversion, 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

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:

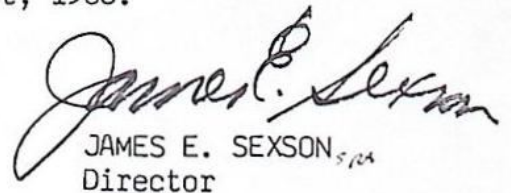
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 35911, Volume 27, 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 applicants herein.

Dated at Salem, Oregon this 22nd day of August, 1980.


JAMES E. SEXSON
Director

POD
POU
USE
Add'l POD

County Linn

1. Name James & Clara Scwally (Bar S RAUCH)

Address 38063 Kelly Rd, Scio, OR 97374

2. Source of Supply Thomas Creek, Trib of So. Santiam R.

3. Use $\ln 1/3$ -

4. Amount of Water 0.10 cts

5. Priority Date 2-15-1951

6. Proposed Point of Diversion 650' S + 540' W from SW Cor. of

Fletcher DLC 66, w/in SW NW, S23, T10S, R2W, w/m

7. Completion Date 10-1-81

8. Place of Use:

[illegible]

INFORM MRS. SCIVALLY - ~~THE~~ POINTED OUT P.O.D. $\frac{1}{2}$ P.O.U.

DIV - RIVERVIEW DITCH - PUMPS FROM CREEK INTO DITCH

PUMP - Pacific DDC
LIFT PUMP

MOTOR - FAIRBANKS MORSE 15HP @ 1200PPM

$$\frac{13.2}{80} = .165$$

$$\frac{3.4}{80} = .04$$

DIV - ~~THE~~ USING TWO -

#1 - Direct from Riverview Ditch

#2 - Direct from Thomas Creek - Div #1 on Attached map.
ONE OF DIV. APPL. OF TRANS FROM

#1 - P. Berkeley DDC 4x3

M - Ace 15HP @ 3600

#2 P. Berkeley DDC 3x2 1/2

M - Century 15HP @ 3500

$$\frac{15(6.6)}{5+127} = .75$$

Pipe - 1050' 5" Alum Main
1130' 3" Alum Lat

1500' 5" Alum Main
480' 4" Alum Main
840' 3" Alum Lat

Head - 28 - RB. 30 1/6 ft (15 MAX)

21 - RB 30 3/16 x 3/32

$$\frac{15(6)}{148.8} = .20$$

$$\frac{13(12+1.8)}{448.8} = .26$$

(ABOUT 13 MAX
on this prop.
line crosses other
prop with lat. line
laid out.

USE - CORN

ALFALFA

LIFT - ~~5~~ +5 to +10
from ditch

See Quad

TIE - entire ownership irrigated. When drafting lay out legal description. Land owned by Johnson on attached map is old rights and appears to be prop. line for Scivally. the area on appl. 60278 is irri as applied.

at present set up. North 15 ac irri from Div #1

South 30 ac irri from Div #2

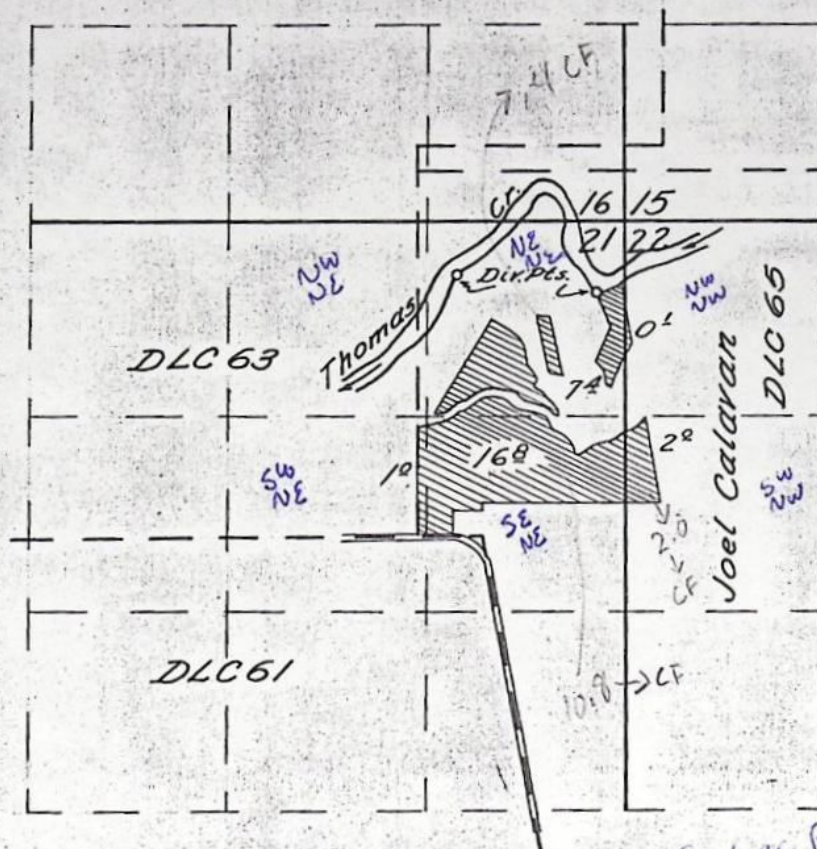
MRS. Scivally said all land can be irri from either diversion depending on season and crop layout.

John
Wick
4/2/80

DESCRIPTION SHEET

Beginning at the Northeast corner of the William B. Carey Donation Land Claim No. 61 in Section 21, Township 10 South, Range 2 West, Willamette Meridian, Linn County, Oregon. Thence East 25.00 feet; thence North 839.21 feet; thence East 1050.65 feet to a point on the Easterly line of that tract of land described in Linn County Deed Records, Microfilm Volume 113, Page 16; thence along said Easterly line, South $9^{\circ} 57' 10''$ East 1696.46 feet to a 1/2 inch iron rod at the Southeast corner of said tract; thence along the South line of said tract, West 1221.88 feet to the Westerly line of said tract and the Easterly line of said Donation Land Claim No. 61; thence along said Westerly line, North $10^{\circ} 01' 19''$ West 844.61 feet to the point of beginning. EXCEPTING therefrom any portion lying within the limits of County Road #628.

T10 S. R. 2 W. W.M.

**FINAL PROOF SURVEY**

UNDER

Application No. 2564B Permit No. 20113
IN NAME OF

Walter R. & Anna M. Johnson

Surveyed July 25, 1956, by R.H. Whitby

THOMAS CR
WF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***

PAGE 1
RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000049791 PERMIT NO. 020113 CERTIF. NO.
ORIG. NO. A000256481 PREV. NO. A000256481 SUPER. NO.

NAME: JAMES & CLARA SCIVALLY

ADDRESS: 38063 KELLY RD

CITY/STATE/ZIP/COUNTY: SCIO, OR 97374

22

STREAM-ID 02 1190 1170 0100 030

RIV. MI.

WM. DIST. 02 W.R. TYPE S A STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 10 01 1981

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 02 15 1951

PUT TO USE-----> 10 01 1981

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 04 18 1980

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE---> 08 22 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 08 22 1980

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA:
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS: - - - - -
** DATED-->

1005 020W 23 B C 02 1190 1170 0100 030

0.100

V

P

** POD: 650' S & 540' W PM SW COR DLG 66.

** CHANGES POD PART OF C-35911.

** REC-49717.

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY

USE % CNSMTV

ACRES

STATUS

S OR P

**-----

**-----

**-----

**-----

1005 020W 21 A A 22 100 100 0.40

V

P

21 A D

10.80

22 B C

2.00

49717

VER. I S.

APPROVED 2-15-85 J. SNO

FILED

VERIFIED

RECEIVED
JAN 11 1982
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

P.O.D from Thomas Creek

PURSUANT TO TRANSFER APPLICATION NO. 4479

I, James Scially, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by Aug, 21, 1981

1-7-1982
Date

James Scially
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
Jcy



STATE OF OREGON

INTEROFFICE MEMO

TO: Samuel R. Allison

DATE: August 14, 1980

FROM: Leon G. McGinnis
Watermaster District 2

SUBJECT: Transfer # T 4479
Certificate # 35911

RECEIVED

AUG 15 1980

WATER RESOURCES DEPT
SALEM, OREGON

James and Clara Scivally has filed an application for
change in point of diversion. Diversion is from Thomas
Creek tributary to South Santiam River.

It appears that this change can be made without injury to other existing
rights.

Provision 2, relative to the installation of measuring devices should
be included in the transfer order.

RECEIVED

JUL 15 1980

WATER RESOURCES DEPT
SALEM, OREGON

780-12

AFFIDAVIT OF PUBLICATION

NOTICE OF WATER RIGHT
TRANSFER APPLICATION

No. 4479

The Water Resources Director of Oregon has received and filed an application by James & Clara Scivally for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 35911, Volume 27, State Record of Water Right Certificates, in the name of Walter R. & Anna M. Johnson, and is for the use of not to exceed 0.10 cubic foot per second from Thomas Creek, under a priority date of Feb. 15, 1951, for irrigation of 0.4 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.8 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 21 and 2.0 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 22, T10S, R2W, WM.

The authorized points of diversion are located 1) 350 ft S & 1170 ft W & 2) 480 ft S & 180 ft W from NE Corner of Sec 21, being within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 21, T10S, R2W, WM.

The applicant proposes to change the point of diversion therefrom to a point located 650 ft S & 540 ft W from SW Corner of Fletcher DLC No. 66, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 23, T10S, R2W, WM (Riverview Ditch).

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, August 21, 1980, at the Linn County Courthouse, Albany, Oregon. Any objection to the proposed change must be prepared in writing; one copy to be served on the applicant at 38063 Kelly Rd, Scio, OR 97374; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 23rd day of June, 1980.

James E. Sexson, Director
June 30, July 7, 14, 1980

STATE OF OREGON }
County of Linn } ss.

I, Anita J. Sargeant, 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

_____ 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.

June 30, July 7, 14, 1980

Subscribed and sworn to before me this

day of

July

19 80

Anita J. Sargeant
Mary Louise Mayhew
Notary Public for Oregon

My Commission Expires:

My Commission Expires October 11, 1983

SP 2M 11/79

T-4479

RECEIVED
APR 13 1980
WATER RESOURCES DEPT
SEASIDE, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, James + Clara Scivally (Name of applicant)
of 380 63 Kelly Rd. (Mailing address), Scio (City),
State of Oregon, 97374 (Zip Code), 926-6763 (Phone number), do hereby make application for change
POD
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Walter R. + Anna M. Johnson (If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)

number of certificate
3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
of permit 20113 Number of certificate 35911
Appl. 25648

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Thomas Creek

5. What is the date of priority of your water right? Feb. 15, 1951

6. The authorized point of diversion is located #1 #3350 S 1170 W
#2 #3480 ft. S and 180 ft. W from the NE
(N. or S.) (E. or W.)
corner of Section 21 being within the NE 1/4 NE 1/4 of Section 21 Tp. 10 S R. 2 W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Linn The name of the ditch used is _____

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 650 ft. S and 540 ft. W from the SW
DLC (N. or S.) (E. or W.)
corner of Fletcher 66 being within the SW 1/4 NW 1/4 of Section 23 Tp. 10 S R. 2 W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Linn The name of the ditch to be used is Reverview Ditch

20⁰⁰ Exam
15⁰⁰ Record POD
50⁰⁰ Publication fee
85⁰⁰

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
10 S	2 W	21	SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.8
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.4
		22	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0
				13.2 acres

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to have all land
irrigated through the same point of
diversion.

15. Construction work will be completed on or before Oct. 1980

16. The water will be completely applied to the proposed use on or before Oct. 1980

Remarks _____

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Clara Scivally, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 16 day of April, 1980

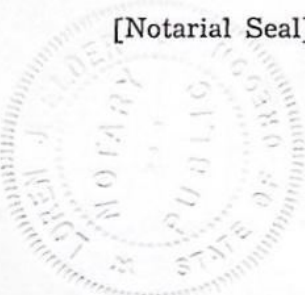
Clara Scivally
(Name of applicant)

Subscribed and sworn to before me this 16th day of April, 1980

[Notarial Seal]

Lois J. Elder
NOTARY PUBLIC FOR OREGON

My commission expires 6-15-83



Water Resources Dept.
Mill Creek Office Park
555-13th St. N.E.
Salem, Or. 97310

RECEIVED
JUL 8 1980
WATER RESOURCES DEPT
SALEM, OREGON

Dear Sir;

Mrs. Jim Scivally of 38063 Kelly Rd.
Sciv has asked me to write an OK from
Riverview Ditch Assn. for use of water
from our creek. She has talked to Sam
Allison about this.

Thank You
Riverview Ditch Assn
Sofline M. Gunkler
36569 Crockerneck Dr.
Sciv, Or. 97374