

Application No. G G 4183

Permit No. G G 3951

Certificate No. 42311

FEES PAID

Date	Amount	Receipt No.
1-16-68	21.00	7344
2-8-68	5.00	7606
6-6-75	1.50 \$1 Cert. Fee	47316

FEES REFUNDED

Date	Amount	Check No.

Stream Index, Page No. 7-100

4/10-18 F (1)

Name FRANCIS X. RYAN

By Rt. 1, Box 222

Address Aurora, Oregon 97002

Date filed January 16, 1968

Priority January 16, 1968

Action suspended until Survey
7-21-75

Returned to applicant

Date of approval October 23, 1968

CONSTRUCTION

Date for beginning October 23, 1969

Date for completion October 1, 1970

Extended to

Date for application of water October 1, 1971

Extended to

PROSECUTION OF WORK

Form "A" filed Started

Form "B" filed November 9, 1970

Form "C" filed November 9, 1970

FINAL PROOF

Blank mailed APR 29 1975

Proof received

Date certificate issued

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

0.87 cfs from a well (Ryan Creek) for the irrigation of 69.5 acres.
NOV 4 1970 CARD FOR B

[Handwritten mark]

Form B

Application No. G-4183

NOTICE OF COMPLETION OF CONSTRUCTION

RECEIVED
NOV 9 1970
STATE ENGINEER
SALEM, OREGON

I, FRANCIS X RYAN, the holder of Permit No. G-3951
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the 23 day of October, 1969.

Remarks: ALL LAND COVERED TO FULL EXTENT OF
Application
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you
should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of Nov, 1970.
Francis X Ryan Rt. 1 Box 222 Aurora, ORE
(Signature of Applicant) (Address)

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is completed.

Form C

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make **final proof** to the extent to
which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that
Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection
and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land de-
scribed in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.
Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. G-4183

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

RECEIVED
NOV 9 1970
STATE ENGINEER
SALEM, OREGON

I, Francis X Ryan, the holder of Permit No. G-3951
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in
accordance with the terms of said permit, on the 23 day of October, 1969.

Remarks: ALL LAND COVERED WITH WATER IN FIRST
YEAR OF OPERATION

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of Nov, 1970.
Francis X Ryan Rt. 1 Box 222 Aurora, Ore
(Signature of Applicant) (Address)

RECEIVED
JUN 6 1975
STATE ENGINEER
SALEM, OREGON

STATE OF OREGON
COUNTY OF MARION
Proof of Appropriation of Water

FRANCIS X. RYAN

of Route 1, Box 222, Aurora, State of Oregon, 97002
has applied beneficially the waters of a well

a tributary of Ryan Creek for the purpose of irrigation of 67.8 acres

under Permit No. G-3951 of the State Engineer, and that the use of said waters has been completed under the terms of said permit; that the priority of the right dates from January 16, 1968

that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of 0.85 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 SE 1/4 NW 1/4, as projected within Hall DLC 47, Section 18, T. 4 S., R. 1 W., W. M., 1040 feet North and 1020 feet East from SE Corner, Childers DLC 75.

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

- 1.1 acres NW 1/4 NW 1/4
- 20.0 acres SW 1/4 NW 1/4
- 5.2 acres NW 1/4 SW 1/4
- All as projected within Childers DLC 75
- Section 18
- T. 4 S., R. 1 W., W. M.
- 4.8 acres NE 1/4 NE 1/4
- 31.8 acres SE 1/4 NE 1/4
- 4.9 acres NE 1/4 SE 1/4
- All as projected within Childers DLC 75
- Section 12
- T. 4 S., R. 2 W., W. M.

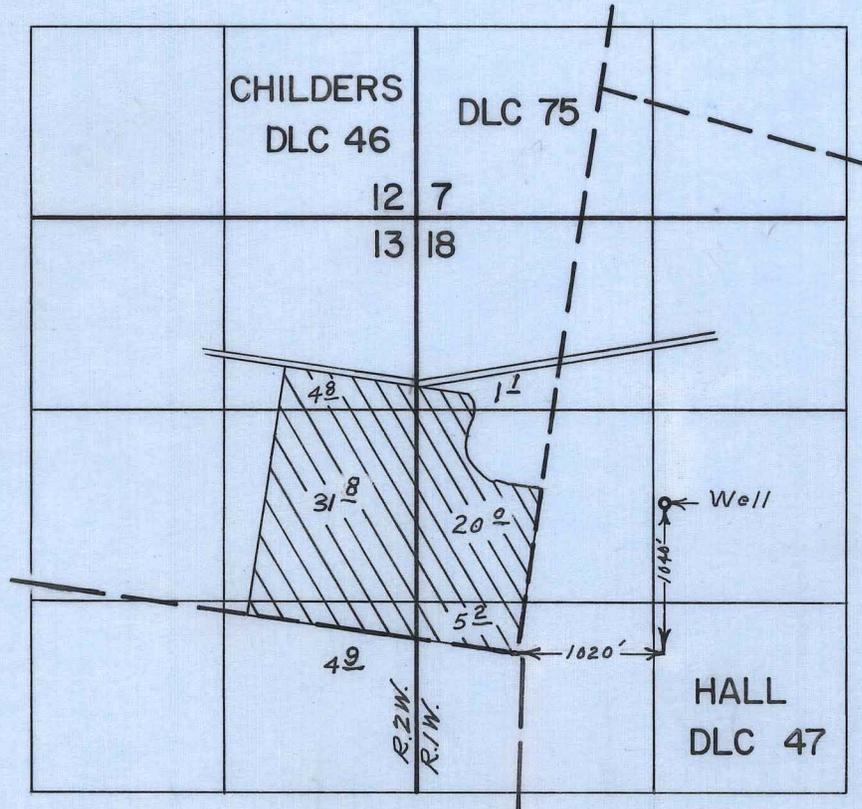
I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 4 day of June,

1975

Francis X. Ryan

T.4 S.R.1 & 2 W.W.M.



FINAL PROOF SURVEY UNDER

Application No. G-4183 Permit No. G-3951
IN NAME OF

FRANCIS X. RYAN

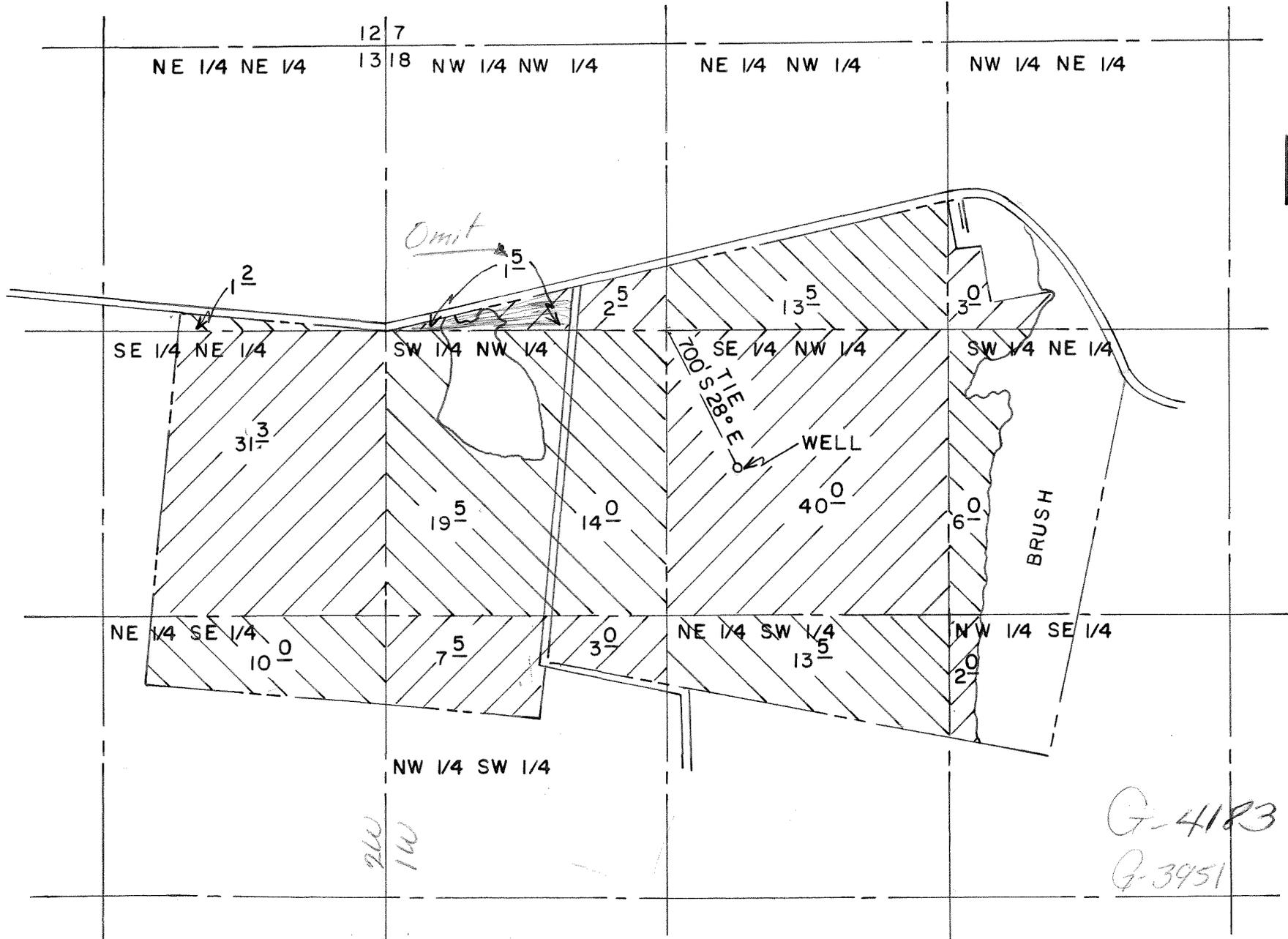
Surveyed AUG 16 19 73, by L.E. GOULD

WATER RIGHT MAP

MR. FRANCIS RYAN
RT. 1, BOX 222
AURORA, OREGON

TOWNSHIP 4 SOUTH, RANGE 1 WEST, W. M.

SECTIONS 13 & 18



G-4183
G-3951

SCALE: 1" = 660 FT.

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRANCIS X. RYAN
 ROUTE 1, BOX 222
 AURORA, OR 97002

confirms the right to use the waters of A WELL, a tributary of RYAN CREEK, for IRRIGATION of 39.79 ACRES.

This right was perfected under Permit G-3951. The date of priority is January 16, 1968. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.50 CUBIC FOOT PER SECOND, or the equivalent in case of rotation, measured at the point of diversion from the source.

The point of appropriation is located as follows:

TWP	RNG	MER	SEC	DLC	LOT	1/4	1/4	LOCATION	
4	S	1	W	W.M.	18	CHILDERS DLC 47	SE	NW	1040 feet North and 1020 feet East from the SE Corner of Childers DLC 75.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second or the equivalent for each acre irrigated, and a total diversion not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

TWP	RNG	MER	SEC	DLC	LOT	1/4	1/4	ACRES	
4	S	1	W	W.M.	18	CHILDERS DLC 75	NW	NW	1.10
4	S	1	W	W.M.	18	CHILDERS DLC 75	SW	NW	1.98
4	S	2	W	W.M.	13	CHILDERS DLC 46	NE	NE	4.80
4	S	2	W	W.M.	13	CHILDERS DLC 46	SE	NE	28.62
4	S	2	W	W.M.	13	CHILDERS DLC 46	NE	SE	3.29

This certificate is issued to confirm the right NOT modified by provisions of an order recorded at Special Order Volume 60, Page 75, canceling a portion of the right evidenced by Certificate 42311, State Record of Water Right Certificates. This certificate supersedes Certificate 42311.

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 above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed May 21, 2004.



Paul R. Cleary
For

Info: Mr. Ryan

18" Casing 80' (Gravel Pack)

Well: 12" Casing Total depth 182'

Static level 40' Pumping level approx. 80'

Pump: 50 H.P. U.S. 3ph., 1770 R.P.M.

Dir. Dr. Layne Bowler Turbine Disch. 6"

70 p.s.i. with 83 heads operating.

Pipe: 1080' 8" Alum.

3520' 6" "

5660' 3" "

Heads: 140 R.B. #30 - $\frac{3}{16}$

100 Heads op. at one time max.

Crop: Rowcrop

Lift: Suction 80' Disch. 0' - 5'

Tie: Shown on Photo DFN-1LL-52

Note: Mr. Ryan said that he does not irrigate small parcel of land in the N.E. Cor. because it lies on a side hill.

Aug. 16, 1973, D. C. Gould
Field Engineer

V.E. Gould
Aug. 16, 1973
DFN-1LL-25

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

SW 1/4		NW 1/4		SE 1/4		NE 1/4		Twp.	Range	Sec.
SW	NE	SW	NE	SW	NE	SW	NE			

Remarks: This appropriation shall be limited to 1/40th of one cubic foot per second of 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.

G-4183

June 2, 1975

Francis X. Ryan
Route 1, Box 222
Aurora, OR 97002

Dear Mr. Ryan:

On April 29, 1975, we mailed you a copy of a proof of the certificate in connection with the incomplete water right represented by your permit numbered G-3951 granting a right to the use of water from a well together with the instructions that the statement at the bottom of the page be signed and the copy be returned to this office accompanied by the certificate recording fee in the amount of \$1.50.

To date this form has not been received and we are not able to issue the certificate of water right until the signed proof has been submitted with the recording fee.

Very truly yours,

VESTAL R. GARNER
Assistant

VRG:tml

1.95
.75
3.13
1.00
.12
6.95 *

ELMER J.
LOWRIE
Property

Beginning at the Southeast corner of the South one-third of the Donation Land Claim of Robert Childers and wife, located in Section 18, Township 4 South, Range 1 West and Section 13, Township 4 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence North $8^{\circ} 20'$ East along the Easterly line of said Claim, 26.66 chains to the Northeast corner of the South one-third of said Donation Land Claim; thence North $81^{\circ} 40'$ West along the Northerly line of the South one-third of said Donation Land Claim, 15.135 chains; thence South $8^{\circ} 20'$ West parallel with the Easterly line of said Donation Land Claim, 26.66 chains to the Southerly line of said Donation Land Claim; thence South $81^{\circ} 40'$ East along said Southerly line, 15.135 chains to the place of beginning.

Elmer J. Lowrie
Howard A. Lowrie

Beginning at a point on the Southerly line of the Donation Land Claim of Robert Childers and wife, located in Section 18, Township 4 South, Range 1 West of the Willamette Meridian, and Section 13, Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, 15.135 chains North $81^{\circ} 40'$ West from the Southeast corner of said Donation Land Claim; thence North $8^{\circ} 20'$ East parallel with the Easterly line of said Donation Land Claim, 26.66 chains to the Northerly line of the South one-third of said Donation Land Claim, which point is on the center line of the County Road; thence North $81^{\circ} 40'$ West along the Northerly line of the South one-third of said Donation Land Claim, which line is the center line of the County Road, 12.885 chains; thence South $8^{\circ} 20'$ West parallel with the Easterly line of said Donation Land Claim, 26.66 chains to the Southerly line of said Donation Land Claim; thence South $81^{\circ} 40'$ East along the Southerly line of said Donation Land Claim, 12.885 chains to the place of beginning.

Application No. G-4183
Permit No.

Oregon

Water Resources Department
725 Summer St NE Suite A
Salem, OR 97301-1271

ADDRESS SERVICE REQUESTED

RECEIVED

JUN 01 2004

WATER RESOURCES DEPT
SALEM, OREGON

PRESORTED
FIRST CLASS



 NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

No forwarding

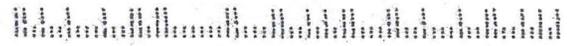


Francis X. Ryan
Route 1, Box 222
Aurora, Oregon 97002



File 4183
-6

97301/1271



G-4183

November 20, 1968

Francis X. Ryan
Route 1, Box 222
Aurora, Oregon 97002

blueprint.

G-4183, permit No. G-3951 with a

ROBERT W. STRAUB
XXXXXXXXXXXX

April 29, 1975

Francis X. Ryan
Route 1, Box 222
Aurora, OR 97002

File No. G-4183

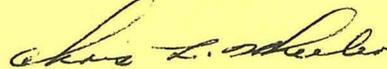
Dear Mr. Ryan:

Enclosed is the final proof in connection with the incomplete water right represented by your permit number G-3951.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1.50, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 117

Enclosure
The enclosed map may be retained for your own records.

**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

516 PUBLIC SERVICE BUILDING • SALEM, OREGON • 97310 • Ph 364-2171

November 10, 1970

FILE NO. G-4183

CHRIS L. WHEELER
State Engineer

Francis X. Ryan
Route 1, Box 222
Aurora, Oregon 97002

Gentlemen:

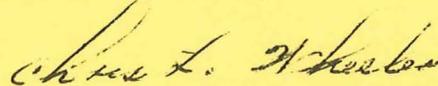
This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit No. G-3951.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date.

After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 128

cjs

G-4183

February 13, 1968

Francis X. Ryan
Rt. 1, Box 222
Aurora, Oregon 97002

Dear Sir:

This will acknowledge receipt of the \$5 recording fee for application No. G-4183.

This application is now in satisfactory form for approval by issuance of a permit.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Larry W. Jebousek
Assistant

LWJ:dlw

Feb. 7, 1968
Aurora, Ore -

Chris Wheeler
State Engineer
Salem, Oregon

RECEIVED
FEB 8 1968
STATE ENGINEER
SALEM, OREGON

Dear Sir:

Enclosed is the five (5.00) dollar check
for the completion of the fee payment for -
the application # G-4183.

Thank you,

Francis X Ryan
Rt 1 Aurora,
Ore -

January 31, 1968

Francis X. Ryan
Rt. 1, Box 222
Aurora, Oregon 97002

Dear Sir:

This will acknowledge receipt of your application for a permit to appropriate 566 gallons of water per minute from one well for the irrigation of 69.5 acres, map, legal description, and the fee of \$21 for which our receipt No. 7344 was handed to you. This application has been filed and numbered G-4183.

When I assisted you in completing this application, I made an error in the computation of fees. This application requires an additional \$5 recording fee. Upon receipt of this fee, your application will then be in satisfactory form for approval by issuance of a permit.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Larry W. Jebousek
Assistant

LWJ:dlw



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

May 26, 2004

Francis X. Ryan
Route 1, Box 222
Aurora, Oregon 97002

Enclosed is a new Certificate # 80731 issued that supersedes Certificate # 42311.
And a copy of Special Order Volume 60, Page 75.

If you have any questions regarding this certificate please call Greg Nelson at 503-986-0888.

Sincerely,

Sarah Henderson
Executive Support

enclosure

cc: Bill Ferber, Watermaster



STATE OF OREGON
 COUNTY OF MARION
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRANCIS X. RYAN
 ROUTE 1, BOX 222
 AURORA, OR 97002

confirms the right to use the waters of A WELL, a tributary of RYAN CREEK, for IRRIGATION of 39.79 ACRES.

This right was perfected under Permit G-3951. The date of priority is January 16, 1968. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.50 CUBIC FOOT PER SECOND, or the equivalent in case of rotation, measured at the point of diversion from the source.

The point of appropriation is located as follows:

TWP	RNG	MER	SEC	DLC	LOT	1/4	1/4	LOCATION	
4	S	1	W	W.M.	18	CHILDERS DLC 47	SE	NW	1040 feet North and 1020 feet East from the SE Corner of Childers DLC 75.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second or the equivalent for each acre irrigated, and a total diversion not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

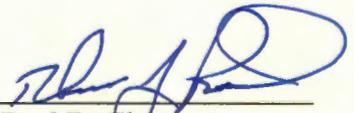
TWP	RNG	MER	SEC	DLC	LOT	1/4	1/4	ACRES	
4	S	1	W	W.M.	18	CHILDERS DLC 75	NW	NW	1.10
4	S	1	W	W.M.	18	CHILDERS DLC 75	SW	NW	1.98
4	S	2	W	W.M.	13	CHILDERS DLC 46	NE	NE	4.80
4	S	2	W	W.M.	13	CHILDERS DLC 46	SE	NE	28.62
4	S	2	W	W.M.	13	CHILDERS DLC 46	NE	SE	3.29

This certificate is issued to confirm the right NOT modified by provisions of an order recorded at Special Order Volume 60, Page 75, canceling a portion of the right evidenced by Certificate 42311, State Record of Water Right Certificates. This certificate supersedes Certificate 42311.

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 above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed May 21, 2004.



Paul R. Cleary
For

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
MARION COUNTY

IN THE MATTER OF CANCELLATION OF A)
 PORTION OF A PERFECTED AND) FINAL O R D E R
 DEVELOPED WATER RIGHT IN THE NAME)
 OF FRANCIS X. RYAN)

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

FINDINGS OF FACTS

1. On November 20, 2003, the Department received an affidavit from Paul and Susan DuPont, 1112 N. Knights Bridge Rd., Canby, Oregon stating they are the owner of lands and the water right appurtenant as evidenced by Certificate 42311, State Record of Water Right Certificates. The affidavit further states a portion of the water right appurtenant to the property has been abandoned and requests the certificate be canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that Paul and Susan DuPont are the record owner, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 42311 is appurtenant.
3. Certificate 42311 allows for the use of 0.85 cubic foot per second (cfs) of water from a well, tributary to Ryan Creek, for irrigation of 67.8 acres. The date of priority is January 16, 1968.
4. The portion of Certificate 42311 which has been abandoned is for the use of 0.35 cfs for irrigation of 28.01 acres located as follows:

TWP	RNG	MER	SEC	1/4	1/4	DLC	LOT	ACRES	
4	S	1	W	W.M.	18	SW	NW	CHILDERS DLC 75	18.02
4	S	1	W	W.M.	18	NW	SW	CHILDERS DLC 75	5.20
4	S	2	W	W.M.	13	SE	NE	CHILDERS DLC 46	3.18
4	S	2	W	W.M.	13	NE	SE	CHILDERS DLC 46	1.61

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 42311 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

ORDER

IT IS ORDERED:

1. Certificate 42311 is canceled.
2. The Department shall issue Certificate 80731, a new and superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated MAY 03 2004 .



For Paul R. Cleary, Director