

Clackamas County

IN THE MATTER OF THE APPLICATION)
 OF J. FRANK SCHMIDT & SON CO. FOR)
 THE APPROVAL OF A CHANGE IN POINT)
 OF APPROPRIATION OF GROUND WATER)

ORDER APPROVING
TRANSFER NO. 3427

On June 18, 1976, J. Frank Schmidt & Son Company filed an application in the office of the Water Resources Director for the approval of a change in point of appropriation of ground water from a certain aquifer pursuant to the provisions of ORS 537.705.

Certificate of water right recorded at Page 36259, Volume 28, State Record of Water Right Certificates, in the name of Agricultural Sciences, Inc., describes an existing right of record which includes the use of not to exceed 0.78 cubic foot per second from Well No. 2 with a date of priority of September 3, 1965, for irrigation of:

Supplemental Wells 2 & 3	Primary Wells 1, 2 & 3		
28.8 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Marks DLC 37
3.1 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Marks DLC 37
	39.0 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	
	38.0 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	
	9.4 acres	Lot 6 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)	
	9.6 acres	Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)	
	24.2 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	as projected within Marks DLC 37
	32.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Marks DLC 37
	32.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Marks DLC 37
4.5 acres		NE $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Marks DLC 37
40.0 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Marks DLC 37
40.0 acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Marks DLC 37
12.6 acres		SE $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Marks DLC 37
		Section 17	
		T. 4 S., R. 1 E., W. M.	
3.5 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Marks DLC 37
11.6 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Marks DLC 37
	8.8 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	as projected within Marks DLC 37
		Section 20	
		T. 4 S., R. 1 E., W. M.	

Water for the said right is diverted from a well located 1280 feet South and 2010 feet East from the Northwest corner of Section 17, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 4 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of appropriation from said Well No. 2 to Well No. 4 located 2885 feet South and 2695 feet East from the Northwest corner of Section 17, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 4 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Enterprise-Courier, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of January 21 and 28, and February 4, 1977.

Mr. Keith Palmer, Watermaster of District No. 16, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Mr. David Beach, Hydrogeologist for the Water Resources Department, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of appropriation 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 appropriation of ground water from a certain aquifer 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, and shall not exceed 0.78 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 headgates and measuring devices:

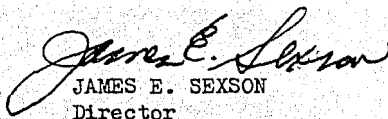
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 appropriation of water made on or before October 1, 1976.

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 of water right heretofore issued to Agricultural Sciences, Inc., and recorded at Page 36259, Volume 28, State Record of Water Right Certificates, is canceled, and in lieu thereof a new confirming certificate of water right shall be issued to J. Frank Schmidt & Son Company.

Dated at Salem, Oregon, this 22nd day of March, 1977.


JAMES E. SEXSON
Director