

2749

STATUS OF APPLICATION

Change in Place of Use
 Date filed Jan. 12, 1973
 Date of hearing _____
 Place of hearing _____
 ✓ Date of order 3-27-73 Vol. 23, page 45
 Date for application of water October 1, 1973
 Proof mailed _____
 Proof received NOV 21 1973
 Certificate issued _____ Vol. 31, page 39604

DESCRIPTION OF WATER RIGHT

Name of stream West Fork of Dairy Creek
 Trib. of _____ County of Washington
 Use Irrigation
 Quantity of water _____ No. of acres 30⁰⁰
 Name of ditch _____
 Date of priority Dec. 19, 1938
 In name of L J Heesacker
 _____ Adjudication, Vol. _____, page _____
 App. No. 17702 Per. No. 13388 Cert. No. 14207
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1-12-73</u>	<u>20.10</u>	<u>32057</u>
TOTAL . . .		
<u>1-12-73</u>	<u>3.00</u> Cert. Fee	<u>32058</u>

FEES REFUNDED

Date	Amount	Check No.
<u>9-12-79</u>	<u>1.50</u>	<u>3712</u>

REMARKS

Clayton Gardner made proof report 12-12-73 rec-
See notes & map
Land again transferred no no confirming cert see T2991
T-2991 TRANSFERS LAND BACK TO ORIGINAL LOCATION

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>OT</u>	
	Stream	<u>OT</u>	
	Pt. of Div.		
	Calendar	<u>OT</u>	
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>WAC</u>	
	Decree-vault		
	Decree-safe		
	Cert. of W/R	<u>WAC</u>	
	Per. Folder	<u>WAC</u>	
	Chainindex		
	Cross Ref.		
Power Claim			
Abstracts			

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 39604 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

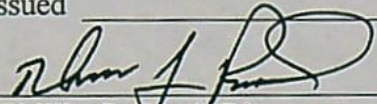
ORDER

IT IS HEREBY ORDERED:

1. Certificate 39604 is canceled.
2. The water right for irrigation of 89.9 acres as described by Certificate 39604 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81270, a new and superseding certificate, to confirm the diminution of the right

APR 13 2005

Issued



Phillip C. Ward, Director

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

VANDEHAY FARMS, INC.
21408 NW PIHL ROAD
BANKS, OREGON 97106

confirms the right to use the waters of WEST FORK DAIRY CR, a tributary of DAIRY CR, for IRRIGATION OF 4.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 89.9 ACRES.

This right was perfected under Permit S-13388. The date of priority is DECEMBER 19, 1938. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.175 CUBIC FEET PER SECOND (CFS), BEING 0.051 CFS FOR IRRIGATION AND 1.124 CFS FOR SUPPLEMENTAL IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 N	4 W	WM	12	NW SW	52

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 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 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:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 N	4 W	WM	11	NE SW	52	1.5
1 N	4 W	WM	11	NW SE	52	1.4
1 N	4 W	WM	12	NW SW	52	1.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 N	4 W	WM	11	NE SW	52	1.8
1 N	4 W	WM	11	NE SE	52	26.0
1 N	4 W	WM	11	NW SE	52	36.3
1 N	4 W	WM	11	SW SE	52	14.0
1 N	4 W	WM	11	SE SE	52	11.0
1 N	4 W	WM	12	NW SW	52	0.8

This is a final order in other than 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.

This certificate is issued to confirm the right modified by provisions of an order recorded at Special Order Volume 64, Page 122, diminishing the right evidenced by Certificate 39604. This certificate supersedes Certificate 39604.

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 APR 13 2005.


F12 Phillip C. Ward, Director



BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF EUGENE M. VANDEHEY FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM WEST FORK OF)
DAIRY CREEK)

ORDER APPROVING
TRANSFER NO. 2749

On January 12, 1973, Eugene Vandehey filed an application in the office of the State Engineer for the approval of a change in place of use of water from West Fork of Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to L. J. Heesacker and recorded at page 14207, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.55 cubic feet per second of the waters of West Fork of Dairy Creek for the irrigation of, among other lands, 14.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and 12.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W.M., with a date of priority of December 19, 1938.

The applicant herein, owner of the lands described, proposes to transfer the water right therefrom, without loss of priority, to 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 19.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, and 9.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use of water 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 of water is approved and the water right hereinbefore described as appurtenant to 14.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and 12.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W.M., with a date of priority of December 19, 1938, be severed therefrom and simultaneously and without loss of priority, transferred to 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 19.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, and 9.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to L. J. Heesacker, and recorded at page 14207, Volume 12, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Eugene M. Vandehey confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 27th day of March, 1973.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That L. J. HEESACKER

of Route 1, Forest Grove, 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 West Fork of Dairy Creek a tributary of Dairy Creek for the purpose of Irrigation of ~~124~~^{94.0} acres under Permit No. 13388 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 December 19, 1938

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 ~~1.55~~ cubic feet per second, 1.175

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W. M., being within John Lousignout D. L. C. 52.

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:

3.3 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
 26.0 ~~40.0~~ acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ ~~14.0~~
 37.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
 14.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
 11.0 ~~15.0~~ acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, ~~4.0~~
 Section 11,
 2.0 ~~14.0~~ acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, ~~12.0~~
 Section 12,
 T. 1 N., R. 4 W., W. M.,
 being within John Lousignout D. L. C. 52.

all as projected
 both " " "

Certificate of water right issued to L. J. Heesacker and recorded at page 14207, Volume 12, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 124.0 acres. A change in the place of use of water for the irrigation of 30.0 acres was approved by order of the State Engineer entered March 27, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to L. J. Heesacker.

Recorded in State Record of Water Right Certificates, Volume 12, page 14207.