

2991 A.C. Lyda
Route 1
Sawada House, Or

2991

STATUS OF APPLICATION

Change in place of use
Date filed 3-5-74
Date of hearing _____
Place of hearing _____
Date of order 4-15-74 Vol. 24, page 228-229
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued OCT 28 1980 Vol. 43, page 49749

Survey 11/76

DESCRIPTION OF WATER RIGHT

Name of stream Wash Fork Dairy Creek
Trib. of _____ County of Washington
Use irrigation
Quantity of water _____ No. of acres 30.0
Name of ditch _____
Date of priority Dec. 19, 1938
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 17702 Per. No. 13388 Cert. No. 39604
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-5-74</u>	<u>30.00</u>	<u>38922</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

see T-2749
for Cert. Fee
1.50 left
Per 32058

REMARKS

Re-transfer of lands involved under T-2749

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

CONCLUSIONS OF LAW

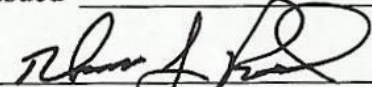
The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 49749 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

ORDER

IT IS HEREBY ORDERED:

1. Certificate 49749 is canceled.
2. The water right for irrigation of 27.9 acres as described by Certificate 49749 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 81271, a new and superseding certificate, to confirm the diminution of the right

Issued APR 13 2005


Phillip C. Ward, Director

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

VANDEHEY 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 2.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 27.9 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 0.375 CUBIC FOOT PER SECOND (CFS), BEING 0.026 CFS FOR IRRIGATION AND 0.349 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	Survey Coordinates
1 N	4 W	WM	12	NW SW	52	440 FEET SOUTH AND 450 FEET EAST FROM THE W1/4 CORNER OF SECTION 12.

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	12	NW SW	52	2.1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 N	4 W	WM	11	NE SE	52	14.0
1 N	4 W	WM	11	SE SE	52	4.0
1 N	4 W	WM	12	NW SW	52	9.9

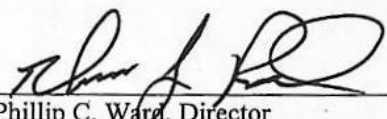
This certificate is issued to confirm the right modified by provisions of an order recorded at Special Order Volume 64, Page 120, diminishing the right evidenced by Certificate 49749. This certificate supersedes Certificate 49749.

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.

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.

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.


Phillip C. Ward, Director



STATE OF OREGON
COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That L. J. HEESACKER

97116

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 Dairy Creek**

a tributary of **Dairy Creek** for the purpose of **irrigation of 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 **1.175 cubic feet 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 **NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T. 1 N., R. 4 W., W. M., as projected within John Lousignout DLC 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$
26.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
37.7 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
14.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
11.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$**

**All as projected within John Lousignout DLC 52
Section 11**

**2.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within John Lousignout DLC 52
Section 12
T. 1 N., R. 4 W., W. M.**

An order of the State Engineer entered March 27, 1973, approves a change in place of use for the irrigation of 30.0 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to L. J. Heesacker and recorded at page 14207, State Record of Water Right Certificates.

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. **November 21, 1973**

.....**Chris L. Wheeler**.....

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF A. C. LYDA FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM WEST FORK DAIRY CREEK)

ORDER APPROVING
TRANSFER NO. 2991

On March 5, 1974, A. C. Lyda 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 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 water from West Fork Dairy Creek for the irrigation of 124.0 acres, with a date of priority of December 19, 1938. On March 27, 1973, an order was entered wherein the rights for the irrigation of 14.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 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., became appurtenant 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. Satisfactory proof has been submitted to the State Engineer that water has been beneficially applied to these lands.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 14.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 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.

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 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant 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., with a date of priority of December 19, 1938, be severed therefrom and simultaneously and without loss of priority transferred to 14.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 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.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1975.

It is FURTHER ORDERED that no new certificate be issued as provided by the order entered March 27, 1973, 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 confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 15th day of April, 1974.

/s/ CHRIS L. WHEELER
State Engineer