

2784

STATUS OF APPLICATION

Change in Pl. of Diversion + Use
 Date filed Nov. 10, 1972
 Date of hearing June 5, 1973
 Place of hearing Tillamook Co. Courthouse
 Date of order June 14, 1973 Vol. 23, page 211
 Date for application of water Oct 1, 1974 Ext 10-1-84
 Proof mailed _____
 Proof received _____
 Certificate issued Aug 5, 81 Vol. 44, page 50170
74536

DESCRIPTION OF WATER RIGHT

Name of stream Big Nestucca River
 Trib. of _____ County of Tillamook
 Use Irrigation
 Quantity of water _____ No. of acres 48⁴
 Name of ditch _____
 Date of priority MAR. 19, 1943
 In name of Fred Hallinger
 _____ Adjudication, Vol. _____, page _____
 App. No. 19868 Per. No. 15445 Cert. No. 15756
 Certificate cancelled _____
 Notation made on record by adverse

FEES PAID

Date	Amount	Receipt No.
4-3-73	15.00	33161
4-4-73	10.00	33175
4-4-73	PON 45.00	33176
TOTAL . . .		
8-16-73	3 ⁰⁰ Cert. Fee	From P.O.N.

FEES REFUNDED

Date	Amount	Check No.
8-16-73	8 ⁵⁰ PON	5389

REMARKS

Card for C NOV 20 1981

Cancel affidavit on domestic portion of transfer 11-25-87
Cancel Autho on permit also
See App 49850 for Non-irrigation season domestic use.

12/17/87 - set up for resurvey of use for irrigation on the 84 acres

(Loss of Right V51 P656 7/3/97)

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Decree-vault	<u>9</u>	<u>—</u>
<input checked="" type="checkbox"/>	Decree-safe	<u>9</u>	<u>—</u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>WKE</u>	<u>—</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>9</u>	<u>—</u>
<input checked="" type="checkbox"/>	Chainindex	<u>—</u>	<u>—</u>
<input type="checkbox"/>	Cross. Ref.	<u>—</u>	<u>—</u>
<input type="checkbox"/>	Lower Claim	<u>—</u>	<u>—</u>
<input type="checkbox"/>	Abstracts	<u>—</u>	<u>—</u>

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

TILLAMOOK COUNTY

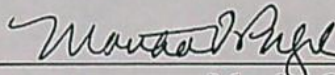
LOSS OF RIGHT ORDER

On June 14, 1973, the Water Resources Director entered an order approving Transfer Application 2784, recorded at Special Order Volume 23, Page 211, in the name of Rivergreen Properties. The order allowed a change in the use and point of diversion of 0.50 cubic foot per second of water from Big Nestucca River for 40 acres of irrigation to domestic use. The change was to be completed on or before October 1, 1974 and subsequent extensions of time were allowed extending the completion date to October 1, 1984.

On November 24, 1987, Rivergreen Properties submitted an affidavit to the Department authorizing the cancellation the water right.

NOW THEREFORE, it is ORDERED that the water right described herein is LOST and of no further force or effect.

WITNESS the signature of the Water Resources Director, affixed July 3, 1997.



Martha O. Pagel, Director

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RIVERGREEN PROPERTIES
P.O. BOX 12307
SALEM, OR 97309

confirms the right to use the waters of BIG NESTUCCA RIVER for IRRIGATION OF 8.4 ACRES.

This right was perfected under Permit 15445. The date of priority is MARCH 19, 1943. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.105 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of SECTION 31, T 3 S, R 9 W, WM.

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

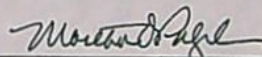
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.4 ACRES
SECTION 31
TOWNSHIP 3 SOUTH, RANGE 9 WEST, W.M.

This certificate is issued to confirm the right for which a change in point of diversion was not completed under Transfer Application 2784 and, together with Certificate 50170 and the Loss of Right Order recorded at Special Order Volume 51 Page 656 supersedes Certificate 15756, State Record of Water Right Certificates.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed JUL 03 1997



Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74536.

T-2784.GLB

STATE OF OREGON

COUNTY OF

TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED HALLINGER

of Beaver, State of Oregon 97108, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Nestucca River

a tributary of Pacific Ocean for the purpose of irrigation of 16.6 acres

under Permit No. 15445 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 March 19, 1943

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 0.215 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 $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, T3S, R9W, WM.

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:

15.6 acres Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)

1.0 acre Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

Section 31

Township 3 South, Range 9 West, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 15756, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 14, 1973, approving Transfer Application 2784.

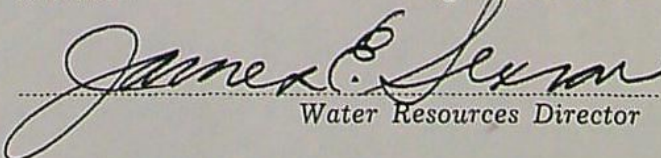
The issuance of this superseding certificate does not confirm the status of the water right in regard to ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date.

August 5, 1981


Water Resources Director

RECEIVED
MAY 15 1973
STATE ENGINEER
SALEM, OREGON

Affidavit of Publication

(Copy of notice to
be pasted here)

State of Oregon, County of Tillamook,—ss.

I, Edith Robideau being first duly

sworn, depose and say that I am the Office Manager
of the Headlight-Herald, a newspaper of general circulation as
defined by Section 58, Oregon Laws, printed and published in

the aforesaid county and state; that State Engineer
Notice of Filing Application for a Change
in Use of Water.

a printed copy of which is
hereto annexed, was published in the entire issue of said news-
paper for 2 successive and consecutive weeks in the
following issues:

May 2-9

Edith Robideau

Subscribed and sworn to before me this 9th day of

May

19 73

William G. Kelly
Notary Public for Oregon

(My Commission expires Nov 2 1973)

Price Charged for this notice \$ No Charge.

NOTICE OF FILING APPLICATION FOR A CHANGE IN USE OF WATER

Notice is given hereby that
Ervin W. Potter, Loren D.
Hicks and L. P. Erpelding have
filed an application for the ap-
proval of a change in use of
water from Big Nestucca
River.

Certificate of water right
issued to Fred Hallinger and
recorded at page 15756,
Volume 13, State Record of
Water Right Certificates,
confirms a right to the use of
0.5 cubic foot per second of
water from Nestucca River
for the irrigation of, 0.4 acre
in SW1/4 NE1/4, 8.0 acres in
SW1/4 NW1/4, 14.6 acres in
SE1/4 NW1/4, 12.0 acres in
NE1/4 SW1/4 and 5.0 acres in
NW1/4 SW1/4, Section 31,
Township 3 South, Range 9
West, W.M., with a date of
priority of March 19, 1943.

The applicants herein, own-
ers of the lands above describ-
ed, proposes to change the use
heretofore made of water to
group domestic use in Nestuc-
ca Bend Subdivision within the
SW1/4 NE1/4, SW1/4 NW1/4,
SE1/4 NW1/4, NE1/4 SW1/4,
NW 1/4 SW 1/4, NE 1/4 SE 1/4,
Section 31, Township 3 South,
Range 9 West, W.M.

All persons interested are
notified hereby that a hearing
will be held at the county
courthouse at Tillamook, Ore-
gon, on June 5, 1973, at 9:30
a.m. All objections to the pro-
posed change, if any there are,
will be heard at said time and
place. Any and all objections
shall be prepared in writing,
one copy to be served on Er-
vin W. Potter, Loren D. Hicks
and L. P. Erpelding, Pioneer
Trust Building, Salem, Ore-
gon, and one copy filed with the
State Engineer, Salem, Ore-
gon, together with a \$5 filing
fee at least 10 days prior to
the date set for hearing. If
no objections are filed, the
application may be approved
by the State Engineer without
a hearing. Administrative
rules pertaining to the filing
of a protest will be furnished
by the State Engineer upon
request.

Dated at Salem, Oregon,
this 4th day of April, 1973.
CHRIS L. WHEELER
State Engineer

11-12

RECEIVED

MAY 15 1973

STATE ENGINEER
SALEM, OREGON

Affidavit of Publication

(Copy of notice to
be pasted here)

State of Oregon, County of Tillamook,—ss.

I, Edith Robideau being first duly

sworn, depose and say that I am the Office Manager
of the Headlight-Herald, a newspaper of general circulation as
defined by Section 58, Oregon Laws, printed and published in

the aforesaid county and state; that State Engineer
Notice of Filing Application for
a Change in Use of Water.

hereto annexed, was published in the entire issue of said news-

paper for 3 successive and consecutive weeks in the
following issues:

April 11-18-25

Subscribed and sworn to before me this 25th day of

April, 1973

William Kelly
Notary Public for Oregon

(My Commission expires Nov 2 1973)

Price Charged for this notice \$ 33.50

NOTICE OF FILING APPLICATION FOR A CHANGE IN USE OF WATER

Notice is given hereby that
Ervin W. Potter, Loren D.
Hicks and L. P. Erpelding have
filed an application for the ap-
proval of a change in use of
water from Big Nestucca
River.

Certificate of water right
issued to Fred Hallinger and
recorded at page 15756,
Volume 13, State Record of
Water Right Certificates,
confirms a right to the use of
0.5 cubic foot per second of
water from Nestucca River
for the irrigation of, 0.4 acre
in SW1/4 NE1/4, 8.0 acres in
SW1/4 NW1/4, 14.6 acres in
SE1/4 NW1/4, 12.0 acres in
NE1/4 SW1/4 and 5.0 acres in
NW1/4 SW1/4, Section 31,
Township 3 South, Range 9
West, W.M., with a date of
priority of March 19, 1943.

The applicants herein, own-
ers of the lands above describ-
ed, proposes to change the use
heretofore made of water to
group domestic use in Nestuc-
ca Bend Subdivision within the
SW1/4 NE1/4, SW1/4 NW1/4,
SE1/4 NW1/4, NE1/4 SW1/4,
NW1/4 SW1/4, NE1/4 SE1/4,
Section 31, Township 3 South,
Range 9 West, W.M.

All persons interested are
notified hereby that a hearing
will be held at the county
courthouse at Tillamook, Ore-
gon, on June 5, 1973, at 9:30
a.m. All objections to the pro-
posed change, if any there are,
will be heard at said time and
place. Any and all objections
shall be prepared in writing,
one copy to be served on Er-
vin W. Potter, Loren D. Hicks
and L. P. Erpelding, Pioneer
Trust Building, Salem, Ore-
gon, and one copy filed with the
State Engineer, Salem, Ore-
gon, together with a \$5 filing
fee at least 10 days prior to
the date set for hearing. If
no objections are filed, the
application may be approved
by the State Engineer without
a hearing. Administrative
rules pertaining to the filing
of a protest will be furnished
by the State Engineer upon
request.

Dated at Salem, Oregon,
this 4th day of April, 1973.

CHRIS L. WHEELER
State Engineer

11-12

BEFORE THE STATE ENGINEER OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION)
OF LOREN D. HICKS, ERVIN W. POTTER,)
AND L. P. ERPELDING, A PARTNERSHIP,)
ALSO KNOWN AS RIVERGREEN PROPERTIES,)
FOR THE APPROVAL OF A CHANGE IN USE,)
AND POINT OF DIVERSION OF WATER FROM)
BIG NESTUCCA RIVER)

ORDER APPROVING
TRANSFER NO. 2784

On November 10, 1972, Loren D. Hicks, Ervin W. Potter and L. P. Erpelding, a partnership, also known as Rivergreen Properties, filed an application in the office of the State Engineer for the approval of a change in point of diversion and use of water from Big Nestucca River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Fred Hallinger and recorded at page 15756, Volume 13, State Record of Water Right Certificates, confirms a right to the use of .82 cubic foot per second of water from Nestucca River for the irrigation of, among other lands, 0.4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 24.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 12.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 3 South, Range 9 West, W.M., with a date of priority of March 19, 1943. These lands are irrigated from a point of diversion located 1640 feet South and 100 feet West from the North $\frac{1}{4}$ corner of Section 31, being within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 3 South, Range 9 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water from the irrigation of 0.4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 12.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ to domestic use in Nestucca Bend Subdivision within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$,

and NW¼ SE¼, Section 31, Township 3 South, Range 9 West, W.M., and change the point of diversion so as to divert the water for this purpose, and for the irrigation of 8.4 acres in the SE¼ NW¼, Section 31, Township 35 South, Range 9 West, from a point to be located 1294.23 feet South and 33.26 feet West from the North ¼ corner of Section 31, being within the NE¼ of NW¼ of Section 31, Township 3 South, Range 9 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Tillamook, Oregon, on June 5, 1973, at 9:30 a.m. The notice was published in the Tillamook Headlight Herald, a newspaper printed and having general circulation in Tillamook County, Oregon, for a period of three weeks in the issues of April 12, 19 and 26, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

No objections having been filed and it appearing that the proposed changes may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use of 0.5 cubic foot per second of waters of Big Nestucca River from irrigation of 0.4 acre in SW¼ NE¼, 8.0 acres in SW¼ NW¼, 15.6 acres in SE¼ NW¼, 12.0 acres in NE¼ SW¼, and 4.0 acres in NW¼ SW¼, Section 31, Township 3 South, Range 9 West to domestic use within

should be
0.605 cfs
0.500 domestic

0.105 cfs →
the SW¼ NE¼, SW¼ NW¼, SE¼ NW¼, NE¼ SW¼, NW¼ SW¼ and NW¼ SE¼, Section 31, Township 3 South, Range 9 West, W.M., and the change in point of diversion for domestic use and for the irrigation of 8.4 acres in the SE¼ NW¼, Section 31, Township 3 South, Range 9 West, W.M., to a point to be located 1294.23 feet South and 33.6 feet West from the North ¼ corner of Section 31, being within the NE¼ of NW¼ of Section 31, Township 3 South, Range 9 West, W.M., is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1974.

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 0.5 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 certificate of water right heretofore issued to Fred Hallinger and recorded at page 15756, Volume 13, 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 not within the

applicant's ownership and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in use of water and in point of diversion.

Dated at Salem, Oregon, this 14th day of June, 1973.

/s/ CHRIS L. WHEELER
State Engineer