

2828

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed June 5, 1973
 Date of hearing 6-11-74
 Place of hearing Hillsboro
 Date of order 8-2-74 Vol. 25, page 62-4
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Confirming Certificate issued NOV 30 1978 Vol. 40, page 47033
~~6-11-74 W~~ Survey 1/77

DESCRIPTION OF WATER RIGHT

Name of stream Clear Creek
 Trib. of _____ County of Washington
 Use Irrigation
 Quantity of water _____ No. of acres 2.75
 Name of ditch _____
 Date of priority Irrigation
 In name of Eli W. Howell
 _____ Adjudication, Vol. _____, page _____
 App. No. 16067 Per. No. 12035 Cert. No. 14377
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|-------------|---------------------------|-------------|
| 6-5-73 | 25.00 | 34214 |
| 1-14-74 | 40.00 P.O.N. | 38217 |
| TOTAL . . . | | |
| 6-10-74 | 3 ⁰⁰ Cert. Fee | From P.O.N. |

FEES REFUNDED

| Date | Amount | Check No. |
|---------|---------|-----------|
| 6-10-74 | \$14.81 | 5820 |

REMARKS

3.25 ac. Canceled by Sp. Or. Vol. 24 p. 215-

Also see Transfer No 2677

See also T-2677

TO BE ENTERED WHERE CHECKED

INDEX CARDS:

| | Entered | Checked |
|--------------------|---------|---------|
| WA Name | ✓ | ✓ |
| WA Stream | ✓ | ✓ |
| WA Pt. of Div. | ✓ | ✓ |
| WA Calculator | ✓ | ✓ |
| CHECKED TO RECORD: | | |
| ✓ Twp. & Rge. | ✓ | ✓ |
| Decree-vault | ✓ | ✓ |
| Decree-safe | ✓ | ✓ |
| ✓ Cert. of W/R | cc | ✓ |
| ✓ Per. Folder | cc | ✓ |
| Chainindex | ✓ | ✓ |
| Cross Ref. | ✓ | ✓ |
| Power Claim | ✓ | ✓ |
| Abstracts | ✓ | ✓ |

STATE OF OREGON
COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Melvin & Iris
Star Route Box 300

of ~~Gales Creek~~ Forest Grove, State of Oregon 97116, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Clear Creek *

a tributary of Gales Creek for the purpose of Irrigation of ~~2.75 acres~~ 2.75 acres under Permit No. 12035 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 September 27, 1935

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 0.12 cubic foot per second,

~~0.08~~
0.04

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the ~~SW 1/4~~ Section 17, Township 1 North, Range 4 West, W. M.; 1360'S & 620'E from the NW cor Sec 17

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

~~2.75~~ 2.75 acres in the SW 1/4 NW 1/4, Section 17, T. 1 N., R. 4 W., W. M.

T#2017 3/5
V. 24, p. 215
Cancel
3/5
T#2028 2/5

provided that the appropriation shall be limited only to those waters originating east of the line running north and south between T. 1 N., R. 5 W., W. M. and T. 1 N., R. 4 W., W. M. and shall not include any waters originating west of said line.

The right to the use of the water for the purposes aforesaid is restricted to the lands on which

Type when
other cert
issued

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered August 2, 1974 and together with special order Vol. 24, Page 215 and certificate of water right recorded at page 47032 Vol. 40 SRWRC, supercedes certificate of water right recorded at page 14377 Vol. 12, SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION }
OF MELVIN E. AND IRIS R. HOWELL }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
CLEAR CREEK }

ORDER APPROVING
TRANSFER NO. 2828

On June 5, 1973, Melvin E. and Iris R. Howell filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Eli W. Howell and recorded at page 14377, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.04 cubic foot per second of water from Clear Creek for the irrigation of, among other lands, 2.75 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of September 27, 1935. These lands are irrigated from a point of diversion located 1400 feet South and 900 feet West from the Northwest corner of Section 17, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 1 North, Range 4 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1360 feet South and 620 feet East from the Northwest corner of Section 17, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 1 North, Range 4 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 Hillsboro, Oregon on June 11, 1974, at 9:30 a.m. The

notice was published in the Washington County News Times, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of April 18, 25 and May 2, 1974. 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 of water may be made without injury to existing rights.

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

An order of the State Engineer entered April 1, 1974, canceled the right for the use of 0.04 cubic foot per second of water of Clear Creek for the irrigation of 3.0 acres as part of the right evidenced by the certificate recorded at Page 14377.

An order of the State Engineer entered January 3, 1973, authorized a change in point of diversion for irrigation of 3.0 acres, canceled the certificate recorded at Page 14377, and provided a new certificate be issued for the lands not involved in that proceeding.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Clear Creek, to wit:

From a point located 1400 feet South and 900 feet West from the Northwest corner of Section 17, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 1 North, Range 4 West, W.M.

To a point to be located 1360 feet South and 620 feet East from the Northwest corner of Section 17, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 1 North, Range 4 West, W.M.

for the irrigation of 2.75 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of September 27, 1935, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1976.

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 0.04 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 no certificate be issued for the lands not involved in the change authorized by the order entered January 3, 1973.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Melvin E. and Iris R. Howell confirming the change in point of diversion.

Dated at Salem, Oregon, this 2nd day of August, 1974.

/s/ CHRIS L. WHEELER
State Engineer

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }
COUNTY OF WASHINGTON, } ss.

I, Paul McGilvra

being first duly sworn, depose and say that I am the publisher _____
_____ of The News Times, a newspaper of general circulation, as defined
by ORS 193.010 and 193.020, published at Forest Grove, in the aforesaid county and
state; that the legal notice, a printed copy of which is hereto annexed, was
published in the entire issue of said newspaper for 3 successive and
consecutive weeks in the following issues _____

April 18 & 25 and May 2, 1974

Paul H. McGilvra
(Signature)

Subscribed and sworn to before me this 2nd day of _____

May 19 74

Agnes E. Louch
Notary Public of Oregon

My commission expires May 14 1977.

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Melvin E. and Iris R. Howell have filed an application for the approval of a change in point of diversion of water from Clear Creek, tributary of Gales Creek.

Certificate of water right issued to Eli W. Howell and recorded at page 14377, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.12 cubic foot per second from Gales Creek for the irrigation of, among other lands, 2.75 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T1N, R4W, W.M., with a date of priority of Sept. 27, 1935. Water for this use is diverted from a point located 1440 ft. S. and 900 ft. W. from the NW corner of Sec. 17, T1N, R4W, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T1N, R4W, W.M.

The applicants herein, owners of the land above described, propose to irrigate these lands from a point of diversion to be located 1360 feet S. and 620 ft. E. from the NW corner of Sec. 17, T1N, R4W, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T1N, R4W, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Hillsboro, Oregon on June 11, 1974 at 9:30 a.m. All objections to the proposed 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 Melvin and Iris Howell, Star Route, Box 300, Forest Grove, Oregon, and one copy filed with the State Engineer, Salem, Oregon, 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.

Dated at Salem, Oregon, this 4th day of April, 1974.

CHRIS L. WHEELER
State Engineer

#2330 Publish April 18, 25, May 2, 1974

\$22.19