

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed July 20, 1972
 Date of hearing March 13, 1973
 Place of hearing Oregon City
 Date of order 3-25-74 Vol. 24, page 201-3
 Date for application of water 10-1-74 ^{all} 10-1-75
 Proof mailed _____
 Proof received _____
 Certificate issued JUN 27 1980 Vol. 43, page 49232

*Survey
Resurvey 1-29-79*

DESCRIPTION OF WATER RIGHT

Name of stream South Fork Beaver Creek
 Trib. of Cedar Creek County of Clackamas
 Use Irrigation
 Quantity of water _____ No. of acres 80
 Name of ditch _____
 Date of priority Jan. 23, 1933
 In name of Fred H. Koennecke
 _____ Adjudication, Vol. _____, page _____
 App. No. 14852 Per. No. 10820 Cert. No. 10694
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-20-72</u>	<u>15.00</u>	<u>29800</u>
<u>12-26-72</u>	<u>10.00</u>	<u>31843</u>
<u>12-26-72 (p.o.n)</u>	<u>40.00</u>	<u>31843</u>
TOTAL . . .	\$1.50	
<u>1-31-73</u>	<u>\$1 Cert. Fee</u>	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>1-31-73</u>	<u>\$4.30 P.O.N.</u>	<u>5129</u>

REMARKS

assigned to Orleen Preston
Go Fred Wickersham
40774 SE Trubel Rd.
Sandy, OR 97055

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

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify,

That

FRED H. KOENNECKE

Orleen Preston
% Fred Wickersham

of 40774 S E Trube Rd Sandy, State of Oregon 97055, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Fork of Beaver Creek Cedar Creek for the purpose of Irrigation of 8⁰⁰ Ac. under Permit No. 10820 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 January 23, 1933;

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 0.1 cubic foot per second, measured at the point of diversion from the stream, if available at the original point of diversion, NESW Sec 28 T2S R5E W. M., 780'S E 20' W from center Sec 28

The point of diversion is located in the NW 1/4 of Section 28, Township 2S, Range 5E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer. Loc: 1750' N & 460' E fr center Sec 28

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation, or any other purpose), is as follows:

1 acre in the NE 1/4,
2 acres in the NW 1/4,
5 acres in the SW 1/4,
Section 28,
Township 2 South, Range 5 East, W. M.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered March 25 '74 and supersedes certificate of water right recorded at page 10694 Vol. 10 SRWRC.

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

of February, 1934

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 10694.

C 49232

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION)
OF ESTATE OF MARIE E. KOENNECKE)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
SOUTH FORK OF BEAVER CREEK)

ORDER APPROVING
TRANSFER NO. 2678

On July 20, 1972, the Estate of Marie Koennecke filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Fork Beaver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Fred H. Koennecke and recorded at page 10694, Volume 10, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.1 cubic foot per second of water from South Fork of Beaver Creek for the irrigation of 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 2 South, Range 5 East, W.M., with a date of priority of January 23, 1933. These lands are irrigated by means of an unnamed ditch from a point of diversion located 780 feet South and 20 feet West from the center of Section 28, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 2 South, Range 5 East, W.M.

The applicant herein, owner of the lands above described, propose to irrigate these lands from a point of diversion to be located 825 feet South and 510 feet East from the Northwest corner of NE $\frac{1}{4}$, Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 2 South, Range 5 East, 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 Oregon City, Oregon on March 13, 1973 at 9:30 a.m. The notice 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 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. Mike Ricks, Watermaster of District No. 16, 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.

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

From a point located 780 feet South and 20 feet West from the center of Section 28, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 2 South, Range 5 East, W.M.

To a point to be located 825 feet South and 510 feet East from the Northwest corner of the NE $\frac{1}{4}$, Section 28, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 2 South, Range 5 East, W.M.

for the irrigation of 1.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 2 South, Range 5 East, W.M., with a date of priority of January 23, 1933, 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, 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 0.10 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 H. Koennecke and recorded at page 10694, Volume 10, State Record of Water Right Certificates, is canceled, and 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 Estate of Marie E. Koennecke confirming the change in point of diversion.

Dated at Salem, Oregon, this 25th day of March, 1974.

/s/ CHRIS L. WHEELER
State Engineer

Affidavit of Publication

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

Notice is given hereby that the Estate of Marie E. Koennecke has filed an application for the approval of a change in point of diversion of water from the South Fork of Beaver Creek.

Certificate of water right issued to Fred H. Koennecke and recorded at page 10694, Volume 10, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.1 cubic foot per second of water from South Fork of Beaver Creek, for the irrigation of, 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 5.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 2 South, Range 5 East, W.M., with a date of priority of January 23, 1933.

The water is conveyed to these lands by means of an unnamed ditch located at a point of diversion 780 feet South and 20 feet West from the center of Section 28, being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, Township 2 South, Range 5 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 825 feet South and 510 feet East from the NW corner of NE $\frac{1}{4}$, Section 28, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, Township 2 South, Range 5 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Oregon City, on March 13, 1973, 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 the Estate of Marie E. Koennecke, Route 1, Box 114, Sandy, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 5th day of January, 1973.
CHRIS L. WHEELER
State Engineer
(Fri., 1/12, 19, 26, 1973)

RECEIVED
JAN 31 1973

STATE ENGINEER
SALEM, OREGON

State of Oregon,

County of Clackamas

ss.

I, Barbara Woodley, being first duly sworn, depose and say that I am the principal clerk of the owner, of ENTERPRISE-COURIER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Oregon City in the aforesaid county and state; that the

Notice of Filing Application, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues:

January 12, 19, 26, 1973

Barbara Woodley

Subscribed and sworn to before me this 26th

day of January, 19 73

Peter King
Notary Public of Oregon.

My commission expires _____ day of _____

My Commission Expires Sept. 17, 1975, 19