

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

FEES REFUNDED

REMARKS

SP*70822-119

404

T-3255

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HENRY J. GRASS M.O.
~~HOLMES HARRINGTON~~
 of Rt. 2, Box 11-F
~~Star Route, Banks~~, State of Oregon ⁹⁷¹⁰⁶, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
 an unnamed stream, tributary of West Dairy Creek, appropriated under ~~Application~~
~~No. 30746~~, Permit No. 24224, in Hank's Lake

for the purposes of
~~irrigation~~ recreation
 under Reservoir Permit No. R-1869 of the State Engineer, and that said right to store said
 waters has been perfected in accordance with the laws of Oregon; that the priority of the right
 hereby confirmed dates from May 11, 1956

that the amount of water entitled to be stored each year under such right, for the purposes afore-
 said, shall not exceed 66.7 acre feet

The reservoir is located in

SW 1/4 SE 1/4
Section 26
NW 1/4 NE 1/4
Section 35
T. 2 N., R. 4 W., W.M.

character of use
 This certificate is issued to confirm a change in point of diversion approved
 by an order of the Water Resources Director entered 2-1-77 and
 supersedes certificate of water right recorded at page 29782,
 Volume 21, 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.

WITNESS the signature of the State Engineer, affixed
 this date: MAY 4 1962

Max E. Brown
 Acting State Engineer

Recorded in State Record of Water Right Certificates, Volume 21, page 29782

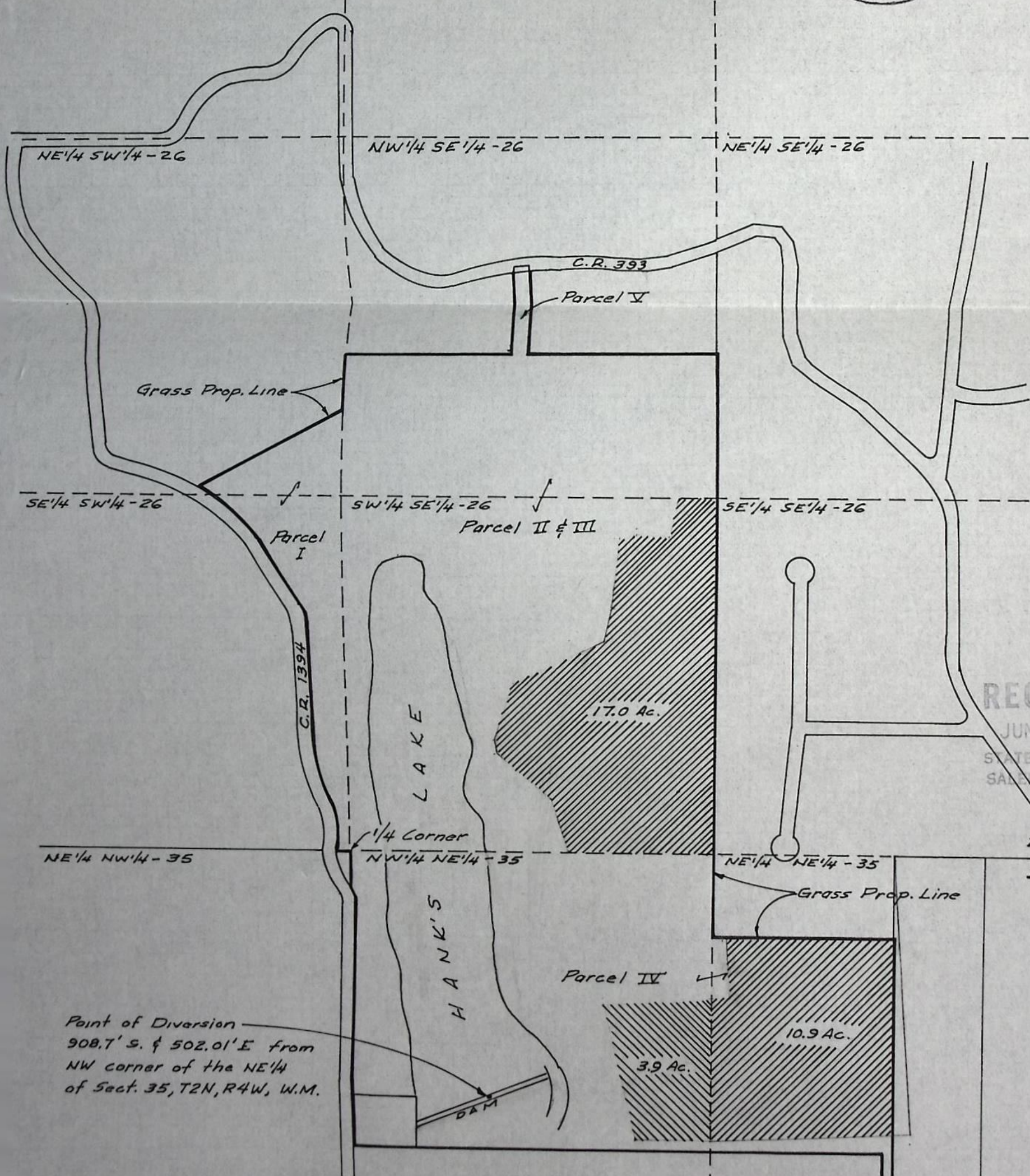
5162

6638B

T-3254/s

MAP TO ACCOMPANY
WATER RIGHT TRANSFER
in
SECTIONS 26 & 35, T2N, R4W, W.M.
WASHINGTON COUNTY, OREGON.
for
Henry J. Grass, M.D.

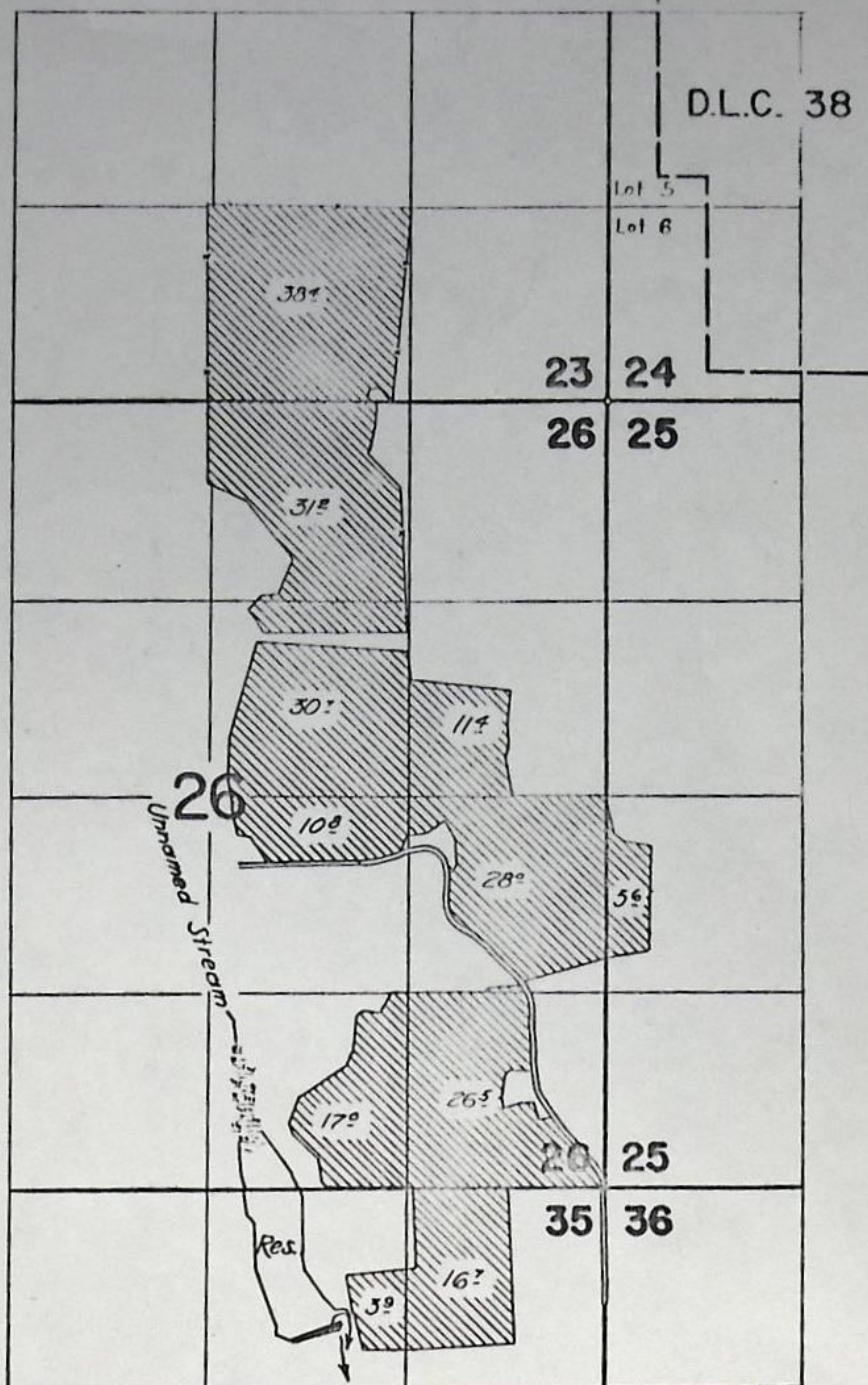
Scale: 1" = 400'
May 1975



RECEIVED
JUN 4 1975
STATE ENGINEER
SALEM, OREGON

Point of Diversion
908.7' S. & 502.01' E from
NW corner of the NE 1/4
of Sect. 35, T2N, R4W, W.M.

T.2N.R.4W.W.M.



FINAL PROOF SURVEY
UNDER

R-30747 R-1869
Application No. 30748 Permit No. 24224
IN NAME OF

HOLLIS HARTWICK

Surveyed July 26, 27, 28, 1961, by *R. Jackson*

T-3255

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION }
OF HENRY J. GRASS, M.D., FOR THE }
APPROVAL OF A CHANGE IN USE }
HERETOFORE MADE OF WATER FROM AN }
UNNAMED STREAM }

ORDER APPROVING
TRANSFER NO. 3254 and 3255

On June 4, 1975, Henry J. Grass, M.D., filed applications in the office of the Water Resources Director for the approval of a change in use heretofore made of water from natural flow and storage from an unnamed stream pursuant to the provisions of ORS 540.510 to 540.530.

Certificates of water right issued to Hollis Hartwick and recorded at Page 29782 and 29783, Volume 21, State Record of Water Right Certificates, confirms a right for the storage of 66.7 acre feet of water from an unnamed stream in Hartwick Reservoir located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 2 North, Range 4 West, W.M., for irrigation purposes and a right which includes the use of not to exceed 0.24 cubic foot per second of water from the unnamed stream and Hartwick Reservoir for the irrigation of 17.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, 10.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 2 North, Range 4 West, W.M., with a date of priority of May 11, 1956. Water for the said rights is diverted at an in channel storage dam located 908.7 feet South and 502.01 feet East from the Northwest corner of the NE $\frac{1}{4}$ of Section 35, Township 2 North, Range 4 West, W.M.

The applicant herein, contract purchaser of the lands above described, proposes to change the use heretofore made of the stored water to use as a recreation pond within the reservoir site located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 2 North, Range 4 West, W.M., and to change the use heretofore made of the natural flow of the unnamed stream to maintenance of the said recreational pond.

Mr. Joseph A. Lanza, owner of record and contract seller of the land above described, has submitted a statement of concurrence with the proposed change.

Notice of the application, pursuant to ORS 540.510, was published in the News-Times, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of December 18, 22 and 29, 1975.

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

No objection having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made of water from an unnamed stream and stored water, described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted from the natural flow of the unnamed stream for maintenance of the recreation pond shall not exceed 0.24 cubic foot per second during the irrigation season of each year.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificates of water right heretofore issued to Hollis Hartwick and recorded at Pages 29782 and 29783, Volume 21, State Record of Water Right Certificates, are canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director

of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Henry J. Grass, M.D.

Dated at Salem, Oregon, this 1st day of February, 1977.

/s/ JAMES E. SEXSON
Director

RECEIVED

JUN 4 1975

STATE ENGINEER
SALEM, OREGON

T-3255

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Henry J. Grass, M.D.

(Name of applicant)

of Rt. 2, Box 11F, Banks, Oregon 97106

(Postoffice)

County of WashingtonState of Oregondo hereby make application for change from storagefor irrigation to storage for recreation

66.7 Aft of 169.8 Aft total capacity

(other 103.1 under P# R6065)

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is an unnamed stream

(Name of stream)

2. The use to which the water is applied is irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ~~ditch, canal or pipe line~~ is pond is Hank's Lake (formerly Hartwick Pond)4. The point of diversion is located 908.7 ft. S and 502.01 ft. E from the NW

(N. or S.)

(E. or W.)

corner of the NW, Section 35, T2N, R4W, W.M. being within the NW NE

(Section or subdivision)

of Section 35 Tp. 2N R. 4W W. M., in the County of Washington

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
LAND IRRIGATED																		
T2N	R4W	26											17.0					
T2N	R4W	35	10.9	3.9														
POND																		
T2N	R4W	26														X		
T2N	R4W	35		X														

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Contract Purchaser

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes8. What is the date of priority of your water right? May 11, 19569. Was your water right acquired by State Engineer's Permit? Yes If so, give number

(Yes or No)

of permit 24224 and R-1869.

10. Do you hold a water right certificate? Yes If so, give number of certificate 29782 & 3
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? Hollis Hartwick
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
<u>POND</u>																		
<u>T2N</u>	<u>R4W</u>	<u>26</u>																
<u>T2N</u>	<u>R4W</u>	<u>35</u>		<u>X</u>													<u>X</u>	

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located --- ft. --- and --- ft. --- from the ---
(N. or S.) (E. or W.)
corner of --- being within the --- of Section --- Tp. --- R. --- W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of --- The name of the ditch to be used is ---

15. Are you the owner of the land on which the proposed point of diversion is to be located? ---

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? ---

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>Contract for the sale of real estate</u>	<u>Joseph A. Lanza</u>	<u>\$188,000.</u>

20. Reasons for the proposed changes are --- no longer irrigating indicated lands but
wish to maintain priority on 66.7 acre feet previously stored for irrigation
and now stored for recreation.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Multnomah } ss.

I, Henry J. Grass MD, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 22 day of May, 1975

HENRY GRASS MD
(Name of applicant)

Subscribed and sworn to before me this 22 day of May, 1975

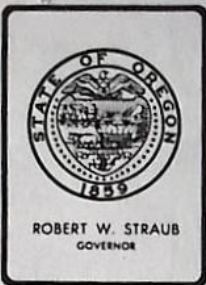
[Notarial Seal]

Juanita Martin Baker
NOTARY PUBLIC FOR OREGON

My commission expires 6/24/77

Remarks The dam was raised in 1974 to provide additional storage in the
amount of 103.1 acre feet for recreation use and a total storage of 169.8
acre feet. (See Permit No. 37345 and R-6065).

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

T-3254, 3255

18 November 1977

Dr. Henry J. Grass
Route 2, Box 11F
Banks, Oregon 97106

Dear Dr. Grass:

The notice of completion of works and use of water under the provisions of the orders of the Water Resources Director approving water right transfer applications Nos. 3254 and 3255 for changes in type of use of water from an unnamed stream and reservoir, was received and, in line with the general practice of this office, a survey will be made at a later date.

After the survey, proof may be made and certificate of water right issued covering the actual use of water as found by the engineer. (In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.)

In the meantime, the orders will be evidence of the water rights in question as long as the authorized beneficial use of water is continued.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj

cc: Clayton J. Gardner, Watermaster

COPY

RECEIVED

NOV 16 1977

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3254
3255

I, Henry J. Grass hereby certify that
on July, 1975, the water has been applied to
the lands to which the water right was transferred by an order of the
Water Resources Director dated February 1, 1977, approving an
application for a change in place of use of water from irrigation
to recreation.

November 14, 1977
Date

Henry J. Grass MD
Signature