

2636 ESTATE OF:  
PEARL F. Van Domele  
Hillsboro  
Oregon 97123

2636

Assigned  
Partial

### STATUS OF APPLICATION

Change in Point of Diversion + Place of Use  
Date filed MAY 8, 1972  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 9-17-79 Vol. 32, page 387  
Date for application of water 10-1-80  
Proof mailed 22 MAR 2005  
Proof received \_\_\_\_\_  
Certificate issued 9/29/2005 Vol. \_\_\_\_\_, page 81661

### DESCRIPTION OF WATER RIGHT

Name of stream East Dairy Creek  
Trib. of \_\_\_\_\_ County of Washington  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 18<sup>2</sup>  
Name of ditch \_\_\_\_\_  
Date of priority MAY 19, 1931  
In name of J. L. Van Domele  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 14103 Per. No. 10162 Cert. No. 11826  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
5-8-72	30.00	28299
11-2-04	25.00	71155
2-1-05	25.00	72512
TOTAL . . .		
	\$1 Cert. Fee	

### FEES REFUNDED

Date	Amount	Check No.

### REMARKS

11-4-04 Linda Lee M. Hyde 623 NW Pacific Grove Drive, Beaverton OR 97006  
1-11-05 Vanessa A. Lee + Valerie L. Purdy, 4150 SW 86<sup>th</sup> Portland OR 97225  
2-1-05 George and Nancy Hortnagel, 34945 NW Mountaindale Road, North Plains OR 97133

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	_____
<input checked="" type="checkbox"/>	CHECKED TO RECORDS		
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>SR6</u>	_____
<input checked="" type="checkbox"/>	Decree-vault	_____	_____
<input checked="" type="checkbox"/>	Decree-safe	_____	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Chainindex	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____



This is a final order in other than a 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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LINDA LEE M. HYDE	VANESSA A. LEE AND	GEORGE AND NANCY
623 NW PACIFIC GROVE DR	VALERIE L. PURDY	HORTNAGL
BEAVERTON, OR 97006	4150 SW 86 <sup>TH</sup>	34945 NW MOUNTAIN RD
	PORTLAND, OR 97225	NORTH PLAINS, OR
		97133

confirms the right to use the waters of EAST FORK OF DAIRY CREEK, a tributary of TUALATIN RIVER, for IRRIGATION OF 18.0 ACRES.

This right was perfected under Permit 10162. The date of priority is MAY 19, 1931. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 CUBIC FOOT PER SECOND \* or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SW 1/4, AS PROJECTED WITHIN THE DOBBINS DLC 43, SECTION 26, TOWNSHIP 2 NORTH, RANGE 3 WEST, W-M 1920 FEET NORTH AND 1950 FEET EAST FROM THE SW CORNER OF DLC 43.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre.

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

T-2636.SB

Certificates Number 81661



	<u>HYDE</u>	<u>LEE &amp; PURDY</u>	<u>HORTNAGL</u>
NE 1/4 SE 1/4	3.0 ACRES	6.0 ACRES	6.5 ACRES
SE 1/4 SE 1/4	2.5 ACRES		

ALL AS PROJECTED WITHIN F. DOBBINS DLC 43  
SECTION 27  
TOWNSHIP 2 NORTH, RANGE 3 WEST, W.M.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

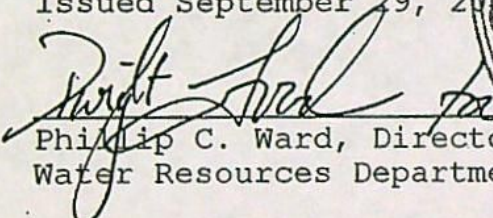
The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled; and

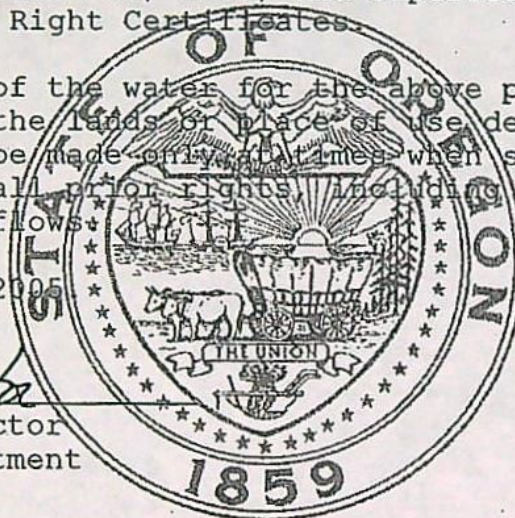
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered September 17, 1979, and supersedes Certificate 11826, State Record of Water Right Certificates.

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.

Issued September 29, 2005

  
Philip C. Ward, Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81661.

T-2636.SB



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
ESTATE OF PEARL F. VAN DOMELEN FOR )  
APPROVAL OF CHANGES IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 2636

On May 8, 1972, an application was filed in the office of the Water Resources Director by Ernest Loehden as Executor for the Estate of Pearl F. Van Domelen for approval of changes in place of use and point of diversion of water from East Fork Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 11826, Volume 11, State Record of Water Right Certificates, in the name of J. L. Van Domlen, describes a right for the use of not to exceed 0.22 cubic foot per second from East Fork Dairy Creek for irrigation of a certain 9.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 9.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, Township 2 North, Range 3 West, W.M., being within D.L.C. No. 43, with a date of priority of May 19, 1931.

Water for the said right is diverted from a point located 400 feet North and 50 feet East from the Northeast Corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, Township 2 North, Range 3 West, W.M.

The applicant proposes to sever the right from a certain 3.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 8.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, Township 2 North, Range 3 West, W.M., and, without loss of priority, to irrigate in lieu thereof a certain 3.6 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 5.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 2.4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , together with the balance of the aforesaid lands in Section 27, from a point of diversion located 750 feet North and 50 feet East from the Northeast Corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, Township 2 North, Range 3 West, W.M.

Mr. Clayton Gardner, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are



approved.

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

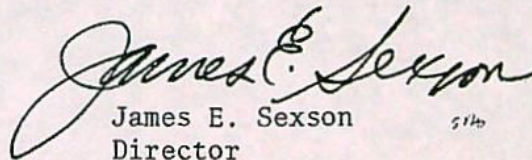
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 11826, Volume 11, State Record of Water Right Certificates, is canceled; 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 the applicant herein.

Dated at Salem, Oregon this 17th day of September, 1979.

  
James E. Sexson  
Director



Spec. Or. V. 32 p. 34  
 Superseded by  
 Cert. No. \_\_\_\_\_

STATE OF OREGON  
 COUNTY OF WASHINGTON

# CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** J. L. VAN DOMLEN  
 of Route 3, Banks, 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  
 East Fork of Dairy Creek,  
 a tributary of Tualatin River for the purpose of  
 Irrigation  
 under Permit No. 10162 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 May 19, 1931;

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  
 0.22 cubic foot per second measured at the point of diversion from the stream,

or its equivalent in case of rotation.  
 The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 26, Township 2 North, Range  
 3 West, W. M.

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,

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:

9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 9 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 Section 27,  
 Township 2 North, Range 3 West, W. M.,  
 being within D. L. C. #43.

The right to the use of the water for the purposes aforesaid 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 been con-  
 structed for the purpose of devoting to beneficial use the water rights specified herein, upon condition  
 that before taking possession the State or municipality shall pay not to exceed the fair value of the  
 property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable prop-  
 erty of the holder of this certificate, not taken over, as may be caused by the severance therefrom of  
 the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 8th day of September, 1937.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 11826

T-2636



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
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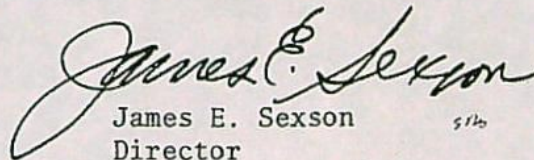
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Dated at Salem, Oregon this 17th day of September, 1979.

  
James E. Sexson  
Director



Spec. Or. V. 33 p. 37  
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 Cert. No. \_\_\_\_\_

STATE OF OREGON  
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A description of the place of use under the right hereby confirmed, and to which such right  
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9 acres in the NE-SE $\frac{1}{4}$ ,  
 9 acres in the SE-SE $\frac{1}{4}$ ,  
 Section 27,  
 Township 2 North, Range 3 West, W. M.,  
 being within D. L. C. #43.

The right to the use of the water for the purposes aforesaid 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 been con-  
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WITNESS the signature of the State Engineer, affixed

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CHAS. E. STRICKLIN

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T-2636