

2799

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed April 25, 1973
 Date of hearing July 17, 1973 - 9:30
 Place of hearing Oregon City
 Date of order 12-19-73 Vol. 23, page 467-9
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued MAY 24 1974 Vol. 32, page 40354
FEB 4 1975 33 41595

DESCRIPTION OF WATER RIGHT

Name of stream Willamette River
 Trib. of _____ County of Clackamas
 Use Irrigation
 Quantity of water _____ No. of acres 397
 Name of ditch _____
 Date of priority June 22, 1962
 In name of Harkson Farms, Inc.
 _____ Adjudication, Vol. _____, page _____
 App. No. 43760 Per. No. 32703 Cert. No. 38326
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-25-73</u>	<u>25.00</u>	<u>33476</u>
<u>4-25-73</u>	<u>40.00 P.O.N.</u>	<u>33477</u>
TOTAL . . .		
<u>6-25-73</u>	<u>3⁰⁰ Cert. Fee</u>	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-25-73</u>	<u>\$2.45 P.O.N.</u>	<u>5311</u>

REMARKS

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

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HARKSON FARMS INC.

of Route 1, Box 1465, Wilsonville, 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 Willamette River

a tributary of Columbia River for the purpose of irrigation of ~~54.4~~ ^{14.7} acres

under Permit No. 32703 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 June 27, 1967

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 ~~0.68~~ cubic foot per second

0.18

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 $\frac{1}{4}$, NE $\frac{1}{4}$ as projected within Shaw DLC 51, Section 28, T. 3 S., R. 1 W., W. M. Diversion point located: 1340 feet South and 670 feet West from NE Corner, Section 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 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:

~~1.5 acres SE $\frac{1}{4}$, SW $\frac{1}{4}$ as projected within Zumwalt DLC 49 *~~
1.1 ~~10.2~~ acres SW $\frac{1}{4}$, SE $\frac{1}{4}$ as projected within Zumwalt DLC 49,
Section 21

1.0 acre NW $\frac{1}{4}$, NW $\frac{1}{4}$ as projected within Shaw DLC 51 *
Section 27

9.0 acres NE $\frac{1}{4}$, NE $\frac{1}{4}$ ^{both} as projected within Shaw DLC 51 +

0.2 acre NW $\frac{1}{4}$, NE $\frac{1}{4}$ as projected within Shaw DLC 51

1.4 ~~25.8~~ acres NW $\frac{1}{4}$, NE $\frac{1}{4}$ ^{both} as projected within Zumwalt DLC 49 *

1.3 ~~2.3~~ acres SW $\frac{1}{4}$, NE $\frac{1}{4}$ ^{both} as projected within Zumwalt DLC 49

0.3 acre SW $\frac{1}{4}$, NE $\frac{1}{4}$ as projected within Shaw DLC 51

0.4 acre SE $\frac{1}{4}$, NE $\frac{1}{4}$ as projected within Shaw DLC 51

~~2.5 acres NE $\frac{1}{4}$, NW $\frac{1}{4}$ as projected within Zumwalt DLC 49~~

~~1.2 acres SE $\frac{1}{4}$, NW $\frac{1}{4}$ as projected within Zumwalt DLC 49~~

Section 28

T. 3 S., R. 1 W., W. M.

An order of the State Engineer entered Dec 19 1973, approves a change in Pt. of Div. for the irrigation of 39.7 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to Harkson Farms Inc. and recorded at page 38326, State Record of Water Right Certificates.

Recorded in State Record of Water Right Certificates, Volume 30, page 38326

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That *Virginia Say & Eleanor R. Say*
~~HARKSON FARMS INC.~~ *97070*

of Route 1, Box 146³, Wilsonville[✓], 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 Willamette River[✓]

a tributary of Columbia River[✓] for the purpose of irrigation of ~~54.4~~ *39.7* acres

under Permit No. 32703 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 June 27, 1967

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 ~~0.68~~ *0.50* 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 SW¹/₄ NE¹/₄ as projected within ~~Shaw~~ *Zumwalt* DLC ~~51~~ *49*, Section 28, T. 3 S., R. 1 W., W. M. Diversion point located: ~~1340~~ *1950* feet South and ~~670~~ *2300* feet West from NE Corner, Section 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 for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ 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:

~~1.5 acres SE¹/₄ SW¹/₄ as projected within Zumwalt DLC 49 *~~
9.1 ~~1.1~~ *1.1* ~~10.2~~ *10.2* acres SW¹/₄ SE¹/₄ as projected within Zumwalt DLC 49[✓]
 Section 21[✓]

~~1.0 acre NW¹/₄ NW¹/₄ as projected within Shaw DLC 51 *~~
 Section 27[✓]

~~9.0 acres NE¹/₄ NE¹/₄ as projected within Shaw DLC 51 *~~

~~0.2 acre NW¹/₄ NE¹/₄ as projected within Shaw DLC 51~~

24.4 ~~1.4~~ *1.4* ~~25.3~~ *25.3* acres NW¹/₄ NE¹/₄ as projected within Zumwalt DLC 49 *

1.0 ~~1.3~~ *1.3* ~~2.5~~ *2.5* acres SW¹/₄ NE¹/₄ as projected within Zumwalt DLC 49[✓]

~~0.3 acre SW¹/₄ NE¹/₄ as projected within Shaw DLC 51~~

~~0.4 acre SE¹/₄ NE¹/₄ as projected within Shaw DLC 51~~

~~2.5 acres NE¹/₄ NW¹/₄ as projected within Zumwalt DLC 49 *~~

~~1.2 acres SE¹/₄ NW¹/₄ as projected within Zumwalt DLC 49 *~~

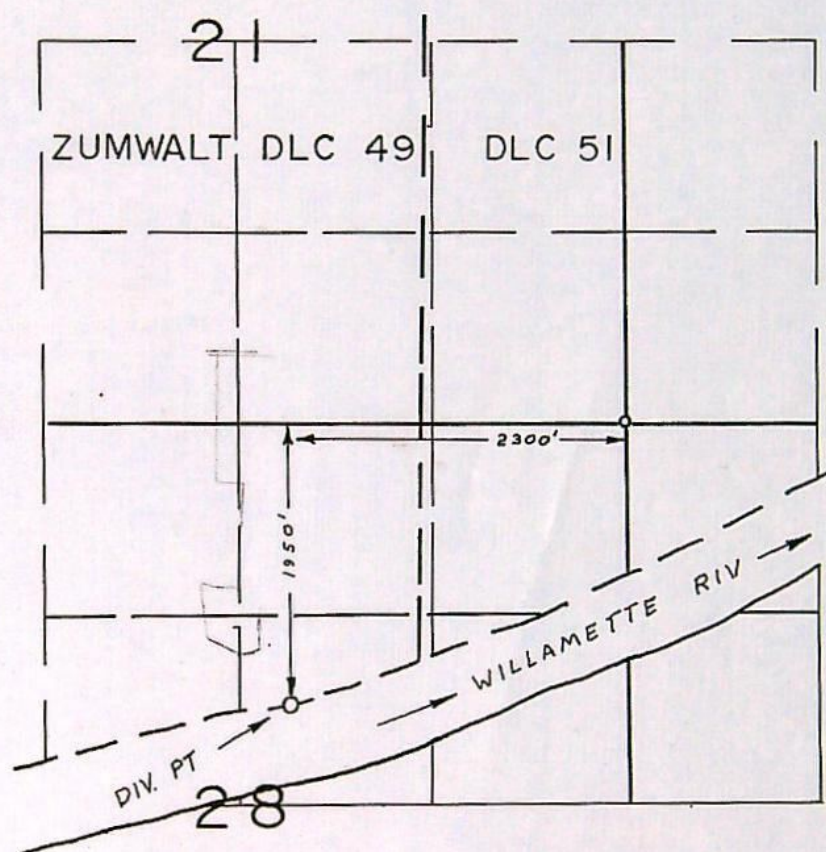
Section 28[✓]

T. 3 S., R. 1 W., W. M.[✓]

This certificate is issued to confirm a change in *Pt. of Div.* approved by an order of the State Engineer entered *Dec 19, 1973*, and *Together with 40354 Vol. 32* supersedes certificate of water right issued to *Harkson Farms Inc.* and recorded at page *38326*, Volume *30*, State Record of Water Right Certificates.

Recorded in State Record of Water Right Certificates, Volume *30*, page 38326

T. 3 S. R. 1 W. W. M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2799
Application No. _____ Permit No. _____
IN NAME OF

VIRGINIA AND ELEANOR R. SAY

Surveyed NOV. 6 1974, by L.H. NUNN

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION
OF VIRGINIA SAY AND ELEANOR R. SAY
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
WILLAMETTE RIVER

ORDER APPROVING
TRANSFER NO. 2799

On April 25, 1973, Virginia Say and Eleanor R. Say filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Harkson Farms, Inc., and recorded at page 38326, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.68 cubic foot per second of water from Willamette River for the irrigation of, among other lands, 1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, 24.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 1.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 3 South, Range 1 West, W.M., with a date of priority of June 27, 1967. These lands are irrigated from a point of diversion located 1340 feet South and 670 feet West from the Northeast corner of Section 28, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 3 South, Range 1 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 1920 feet South and 2180 feet West from the Northeast corner of Section 28, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 3 South, Range 1 West, W.M.

Gibraltar Onion Skin
MILLERS FALLS

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 July 17, 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 May 23, 30 and June 6, 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 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 Willamette River, to wit:

From a point located 1340 feet South and 670 feet West from the Northeast corner of Section 28, being within the $SE\frac{1}{4} NE\frac{1}{4}$ of Section 28, Township 3 South, Range 1 West, W.M.

To a point to be located 1920 feet South and 2180 feet West from the Northeast corner of Section 28, being within the $SW\frac{1}{4} NE\frac{1}{4}$ of Section 28, Township 3 South, Range 1 West, W.M.

for the irrigation of 1.5 acres in $SE\frac{1}{4} SW\frac{1}{4}$, 9.1 acres in $SW\frac{1}{4} SE\frac{1}{4}$, Section 21, 24.4 acres in $NW\frac{1}{4} NE\frac{1}{4}$, 1.0 acre in $SW\frac{1}{4} NE\frac{1}{4}$, 2.5 acres in $NE\frac{1}{4} NW\frac{1}{4}$, and 1.2 acres in $SE\frac{1}{4} NW\frac{1}{4}$, Section 28, Township 3 South, Range 1 West, W.M., with a date of priority of June 27, 1967, 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.

Gibraltar Onion Skin
MILLERS FALLS

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 0.50 cubic feet 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 Harkson Farms, Inc., and recorded at page 38326, Volume 30, 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 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 Virginia Say and Eleanor R. Say confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer

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

Notice is given hereby that Virginia Say and Eleanor R. Say have filed an application for the approval of a change in point of diversion of water from Willamette River.

Certificate of water right issued to Harkson Farms, Inc. and recorded at page 38326, Volume 30, State Record of Water Right Certificates, confirms a right to the use of 0.68 cubic foot per second of water from the Willamette River for the irrigation of, among other lands, 1.5 acres in SE 1/4 SW 1/4, 9.1 acres in SW 1/4 SE 1/4, Section 21, and 24.4 acres in the NW 1/4 NE 1/4, 1.0 acres in SW 1/4 NE 1/4, 2.5 acres in NE 1/4 NW 1/4 and 1.2 acres in SE 1/4, NW 1/4, Section 28, Township 3 South, Range 1 West, W.M., with a date of priority of June 27, 1967.

These lands are irrigated from a point of diversion located 1340 feet South and 670 feet East from the NE corner of Section 28, being within the SE 1/4 NE 1/4 of Section 28, Township 3 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1920 feet South and 2180 feet West from the NE corner of Section 28, being within the SW 1/4 of the NE 1/4 of Section 28, Township 3 South, Range 1 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Oregon City, Oregon, on July 17, 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 Virginia Say and Eleanor R. Say, Route 1, Box 1463, Wilsonville, Oregon, 97070, 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 16th day of May, 1973.

CHRIS L. WHEELER
State Engineer
(Wed., 5/23, 30; 6/6, 1973)

Affidavit of Publication

State of Oregon,

County of Clackamas

ss.

I, Karen Finkle, 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 3 successive and consecutive weeks in the following issues:

May 23, 30, June 6, 1973

Karen Finkle

Subscribed and sworn to before me this 6th

day of June, 19 73

RECEIVED
JUN 7 1973
STATE ENGINEER
SALEM, OREGON

Butler King
Notary Public of Oregon.

My commission expires _____ day of _____

_____, 19_____
My Commission Expires Sept. 17, 1975