

STATUS OF APPLICATION

Change in place of use
 Date filed 5-20-74
 Date of hearing _____
 Place of hearing _____
 Date of order 11-5-75 Vol. 26, page 166
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received JAN 29 1979
 Certificate issued Vol. 40, page 47348

DESCRIPTION OF WATER RIGHT

Name of stream Dairy Creek
 Trib. of _____ County of Washington
 Use irrigation
 Quantity of water _____ No. of acres 8.0
 Name of ditch _____
 Date of priority Nov 4, 1965
 In name of Edmund H and Gertrude A. Dwyer
 _____ Adjudication, Vol. _____, page _____
 App. No. 41578 Per. No. 21013 Cert. No. 38609
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-20-74</u>	<u>25.00</u>	<u>40179</u>
TOTAL . . .	<u>1.50</u>	
<u>5-20-74</u>	Cert. Fee	<u>40180</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>nd</u>	
<input checked="" type="checkbox"/>	Stream	<u>nd</u>	
<input checked="" type="checkbox"/>	Pt. of Div.		
<input checked="" type="checkbox"/>	Calendar	<u>✓</u>	
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>nd</u>	
<input checked="" type="checkbox"/>	Decree-vault		
<input checked="" type="checkbox"/>	Decree-sale		
<input checked="" type="checkbox"/>	Cert. of W/E	<u>nd</u>	
<input checked="" type="checkbox"/>	Per. Folder	<u>nd</u>	
<input checked="" type="checkbox"/>	Chinindex		
<input checked="" type="checkbox"/>	Cross Ref.		
<input checked="" type="checkbox"/>	Power Claim		
<input checked="" type="checkbox"/>	Abstracts		

507

STATE OF OREGON
COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDMUND H. and GERTRUDE A. DUYCK

of 2020 S. W. 325th Avenue, Hillsboro, 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 Dairy Creek

a tributary of Tualatin River (Willamette River) for the purpose of irrigation of 8.0 acres

under Permit No. 31013 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 November 4, 1965

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 0.10 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Job DLC 50, Section 1, T. 1 S., R. 3 W., W. M. Diversion point located: 120 feet North and 1990 feet East from SW Corner, Section 1.

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:

8.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 11
T. 1 S., R. 3 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. September 28, 1972

CHRIS L. WHEELER

State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION }
OF EDMUND H. DUYCK FOR THE }
APPROVAL OF A CHANGE IN PLACE OF }
USE OF WATER FROM DAIRY CREEK }

ORDER APPROVING
TRANSFER NO. 3048

On May 20, 1974, Edmund H. Duyck filed an application in the office of the Water Resources Department for the approval of a change in place of use of water from Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Edmund H. and Gertrude A. Duyck and recorded at page 38609, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.10 cubic foot per second of water from Dairy Creek for the irrigation of 8.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 1 South, Range 3 West, W.M., with a date of priority of November 4, 1965. These lands are irrigated from a point of diversion located 120 feet North and 1990 feet East from the Southwest corner of Section 1, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 1 South, Range 3 West, W.M.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom, without loss of priority, to 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 1 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

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

The Department of Veterans' Affairs, mortgagor of the property, has given approval of the change in place of use.

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

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 8.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 1 South, Range 3 West, W.M., with a date of priority of November 4, 1965, be severed therefrom and simultaneously and without loss of priority transferred to 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 1 South, Range 3 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

It is FURTHER ORDERED that certificate of water right heretofore issued to Edmund H. and Gertrude A. Duyck and recorded at page 38609, Volume 30, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Department of application of water to beneficial use, a certificate of water right shall be issued to Edmund H. Duyck confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 5th day of November, 1975.

/s/ JAMES E. SEXSON
Director