

STATUS OF APPLICATION

Change in point of diversion and place of use
 Date filed 7-9-74
 Date of hearing 6-5-75
 Place of hearing Oregon City
 Date of order 6-6-75 Vol. 25, page 372
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued OCT 18 1976 Vol. 35, page 43738

JAN 31 1978 Vol. 37 pg 45131

1-1-875B

REMARKS

See #24455

Superceding Cert 34842 (B-186) is
 in error for NV SW Sec. 10

DESCRIPTION OF WATER RIGHT

Name of stream Clear Creek
 Trib. of _____ County of Clackamas
 Use irrigation
 Quantity of water _____ No. of acres 40
 Name of ditch _____
 Date of priority Feb. 23, 1950
 In name of John C. McKenzie
 Adjudication, Vol. _____, page _____
 App. No. 24455 Per. No. 20682 Cert. No. 34842
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
7-9-74	40.00	41866
7-9-74	40.00 P.O.N.	41867
TOTAL . . .	80.00	
4-28-75	3.00 Cert. Fee	41867 FROM PON

FEES REFUNDED

Date	Amount	Check No.
4-28-75	\$5.94	6300

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

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION
OF ROGER E. CAWOOD FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
AND PLACE OF USE OF WATER FROM
CLEAR CREEK

ORDER APPROVING
TRANSFER NO. 3085

On July 9, 1974, Roger E. Cawood filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John C. McKenzie and recorded at Page 34842, Volume 26, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.055 cubic foot per second of water from Clear Creek for the irrigation of, among other lands, 4.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 3 South, Range 3 East, W.M., with a date of priority of February 23, 1950. These lands are irrigated from a point of diversion located 1300 feet South and 1765 feet West from the Northeast corner of R. Mattoon D.L.C. 47, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 3 South, Range 3 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use to 2.9 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 3 South, Range 3 East, W.M., and to irrigate these lands from a point of diversion to be located 1370 feet North and 1600 feet East from the Southwest corner of Section 10, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 3 South, Range 3 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 June 5, 1975, at 9:30 a.m. The notice was published in Oregon City Enterprise-Courier, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of April 10, 17 and 24, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Keith Palmer, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion and place of use 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 and 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 point of diversion of water from Clear Creek, to wit:

From a point located 1300 feet South and 1765 feet West from the Northeast corner of R. Mattoon D.L.C. 47, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 3 South, Range 3 East, W.M.

To a point to be located 1370 feet North and 1600 feet East from the Southwest corner of Section 10, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 3 South, Range 3 East, W.M.

for the irrigation of 2.9 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 3 South, Range 3 East, W.M., with a date of priority of February 23, 1950, 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, 1976.

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 0.05 cubic foot per second.

1

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 John C. McKenzie and recorded at page 34842, Volume 26, 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 and place of use, a certificate of water right shall be issued to Roger E. Cawood confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 6th day of June, 1975.

/s/ CHRIS L. WHEELER
State Engineer

Superseded by

Cert. No. _____

Spec. Or. 425, 372
7-3085

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is To Certify, That

Roger E. Cawood
JOHN C. MCKENZIE

8905 S.E. Powell Blvd. Portland, State of Oregon 97266, has made proof of Route 2, Box 131, Estacada, to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Clear Creek, unnamed stream and reservoir constructed under Permit No. R-626 a tributary of Clackamas River for the purpose of the primary irrigation of 65.4 acres and supplemental irrigation of 20.0 acres under Permit No. 20682 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 February 23, 1950

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 1.065 cubic feet per second; being 1.055 c.f.s. from Clear Creek and 0.01 c.f.s. from unnamed stream and reservoir constructed under Permit No. R-626. 0.05 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Norton DLC 46, Section 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within R. Mattoon DLC 47, Section 10, T. 3 S., R. 3 E., W. M.; 1370' N 5 1600' E from the SW cor Sec 10

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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-626;

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:

2.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.1 SE $\frac{1}{4}$ SW $\frac{1}{4}$
both as proj w/in R. Mattoon DLC 47
Sec 10
T35 R3E WM
Primary irrigation from Clear Creek

3.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Oran Mattoon DLC 45
42 0.9 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Oran Mattoon DLC 45
52 8.8 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within R. Mattoon DLC 47
0.3 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within R. Mattoon DLC 47
2.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47

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 on June 6, 1975 and together with certificate of water right recorded on page 43738, Volume 35, SRWRC, supersedes certificate of water right recorded on page 34842, Volume 26, SRWRC.

Supplemental irrigation from Clear Creek

3.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
10.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
4.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
3.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47

Section 10

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

Certificate of water right issued to John C. McKenzie and recorded at page 26416, Volume 18, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 90.6 acres. Subsequently, the point of diversion for the irrigation of 5.2 acres was transferred by order of the State Engineer entered February 16, 1968. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to John C. McKenzie.

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 3 day of May, 1968.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34842

STATE OF OREGON

COUNTY OF CLACKAMAS

Superseded by

Cert. No. _____

Spec. Gr. V.25 p. 372
7-308x

CERTIFICATE OF WATER RIGHT

This Is To Certify, That JOHN C. MCKENZIE

of Route 2, Box 131, Estacada, 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 Clear Creek, unnamed stream and reservoir constructed under Permit No. R-626 a tributary of Clackamas River for the purpose of the primary irrigation of ~~65.4~~ ^{61.4} acres and supplemental irrigation of 20.0 acres under Permit No. 20682 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 February 23, 1950

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 ~~1.065~~ ^{1.015} cubic feet per second; being ~~1.055~~ ^{1.005} c.f.s. from Clear Creek and 0.01 c.f.s. from unnamed stream and reservoir constructed under Permit No. R-626.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Norton DLC 46, Section 11; SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within R. Mattoon DLC 47, Section 10, T. 3 S., R. 3 E., 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, or its equivalent for each acre irrigated from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-626;

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:

Primary irrigation from Clear Creek

10 1/2
5.5
13
3.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Oran Mattoon DLC 45
0.9 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Oran Mattoon DLC 45
8.8 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within R. Mattoon DLC 47
0.3 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within R. Mattoon DLC 47
2.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
8.1 ~~2.2~~ acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
24.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
12.9 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47

Primary irrigation from unnamed stream & reservoir

1.0 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
Section 10

Supplemental irrigation from Clear Creek

3.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
10.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
4.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
3.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within R. Mattoon DLC 47
Section 10
T. 3 S., R. 3 E., W. M.

~~An order of the~~ State Engineer ~~Water Resources Director~~ entered June 6, 1975 approved

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 34842, Volume 26, State Record of Water Right Certificates, NOT modified by the provisions of an order of the ~~Water Resources Director~~ State Engineer entered on June 6, 1975, approving transfer application No. 3085.

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

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 3 day of May, 1968

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34842

Affidavit of Publication

NOTICE OF FILING APPLICATION FOR CHANGE IN POINT OF DIVERSION AND PLACE OF USE OF WATER

Notice is given hereby that Roger E. Cawood has filed an application for the approval of a change in point of diversion and place of use of water from Clear Creek.

Certificate of water right issued to John C. McKenzie and recorded at page 34842, Volume 26, State Record of Water Right Certificates, confirms a right to the use of 1.065 cubic foot per second of water from Clear Creek for the irrigation of, among other lands, 4.0 acres in the NW 1/4 SE 1/4, Sec. 10, T. 3 S., R. 3 E., W.M., with a date of priority of Feb. 23, 1950. Water for this use is diverted from a point located 1300 ft. S. and 1765 ft. W. from the NE corner of Sec. 10, being within the SW 1/4, SE 1/4, Sec. 10, T. 3 S., R. 3 E., W.M.

The applicant herein, owner of the land above described, proposes to change the place of use to the irrigation of 2.9 acres in the NE 1/4 SW 1/4 and 1.1 acres in the SE 1/4 SW 1/4, Sec. 10, T. 3 S., R. 3 E., W.M., and to irrigate these lands from a point of diversion to be located 1370 ft. N. and 1600 ft. E. from the SW corner of Sec. 10, being within the NE 1/4 SW 1/4, Sec. 10, T. 3 S., R. 3 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Oregon City on June 5, 1975 at 1:30 p.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 Roger E. Cawood, 8905 S.E. Powell Blvd., Portland, Oregon, and one copy filed with the State Engineer, Salem, Or., 97310, 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 1st day of April, 1975.

CHRIS L. WHEELER
State Engineer
(April 10, 17, 24, 1975)

State of Oregon,

County of Clackamas

ss.

I, Kathy Smith, 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 for Change, 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:

April 10, 17, 24, 1975

Kathy Smith

Subscribed and sworn to before me this 24th

day of April, 1975

RECEIVED

APR 25 1975

STATE ENGINEER
SALEM, OREGON

Donald P. Pines
Notary Public of Oregon.

My commission expires 4th day of February, 1978

Statement of Publication

State of Oregon
County of Clatsop

I, Barry Smith, being first duly sworn, depose and say that I am the publisher and clerk of the owner of ENTERPRISE-COURIER, a newspaper of general circulation, as defined by ORS 163.010 and 163.020; printed and published at Oregon City in the Clatsop County and state that the notice of filing application for name of a printed copy of which is hereto annexed, was published in the Clatsop County and state newspaper for successive and consecutive weeks in the following issues:

APRIL 16, 17, 18, 1975

Submitted and sworn to before me this 21st day of April, 1975.

Barry Smith
Publisher

Barry Smith
Notary Public

My commission expires 1976

STATE ENGINEER
SALMON OREGON

RECEIVED
APR 25 1975

STATE WATER RESOURCES BOARD

lation will show up in the
umn 1975 family budgets.
he Labor Department's
othetical family includes a
ear-old man employed full
e, a nonworking wife, a boy
and a girl 8.
such a family were to have
"intermediate" life style, it
ld require \$14,300, up 13.5
cent from the previous
r.
t the low standard of living,
hypothetical family of four
ded \$9,200 a year to match
1973 standard, an increase
12.4 per cent. The high
get was \$20,777, up 14.2 per

ly w
\$68.
per
H
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T
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clot
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per