

2744

2744 First National Bank
 Executor: Geo. A. Buckley Estate
 P.O. Box 3131, Portland, OR 97208

STATUS OF APPLICATION

Change in Place of Use
 Date filed Dec 18, 1972
 Date of hearing _____
 Place of hearing _____
 Date of order Jan. 9, 1973 Vol. 22, page 403
 Date for application of water October 1, 1973 ✓
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 28 1977 31, page 44931
OCT 20 1978 39 46653

DESCRIPTION OF WATER RIGHT

Name of stream Whiskey Creek
 Trib. of Sandy River County of CLACKAMAS
 Use Domestic ~~Right to Fish & Hunt~~
 Quantity of water 0.3 cfs No. of acres _____
 Name of ditch _____
 Date of priority September 10, 1932
 In name of Z. A. Stuart
 _____ Adjudication, Vol. _____, page _____
 App. No. 14722 Per. No. 10700 Cert. No. 11511
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>12-18-72</u>	<u>25.00</u>	<u>31768</u>
TOTAL . . .		
<u>10-7-77</u>	Cert. Fee	<u>4.00 # 5744</u>

FEES REFUNDED

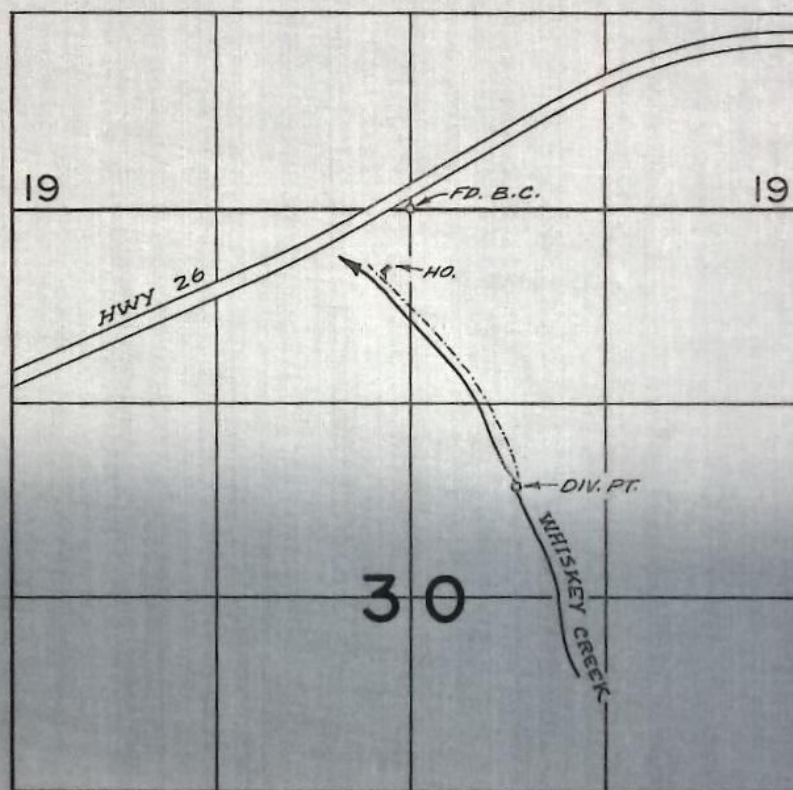
Date	Amount	Check No.

REMARKS

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

639

T.2S. R.6E. W.M.



DIV. PT. S. 20° 30' E. 2014' FROM THE N. 1/4 COR. OF SEC. 30
(DIV. LOC. FROM PERMIT 10700)

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2744

Application No. _____ Permit No. _____

IN NAME OF

ROY O. SWANSON

Surveyed SEPT. 25 1975, by R.G. MUCKEN.

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Z. A. STUART

of ~~Cherryville~~ ^{Cherryville}, State of ~~Oregon~~ ^{Oregon}, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of ~~Whiskey Creek~~ ^{Whiskey Creek} a tributary of ~~Sandy River~~ ^{Sandy River} for the purpose of Domestic and fish propagation under Permit No. 10700 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 September 10, 1932;

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 ~~0.29~~ ^{0.26} cubic foot per second, being ~~0.84~~ ^{0.83} cubic foot per second for domestic and 0.26 cubic foot per second for fish propagation,

or its equivalent in case of rotation.

The point of diversion is located in the ~~SW₁NE₁~~ ^{SW₁NE₁}, Section 30, Township 2 South, Range 6 East, 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 cubic foot per second~~ ^{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:

PLACE OF USE:

SE₁SW₁, Section 19,
NE₁NW₁, Section 30,
Township 2 South, Range 6 East, W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 11511, Volume 10, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 9, 1973, approving transfer application No. 2744.

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

the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this ~~20th~~ day of ~~June~~, 1936.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 11511

STATE OF OREGON
COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

Roy O. Swanson

53102 E. Hwy 26
This Is to Certify, That ~~Z. A. STUART~~ *Sandy*, State of Oregon *97055*, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Whiskey Creek a tributary of Sandy River Domestic and fish propagation *supplies for one family including the irrigation of lawn or noncommercial garden not exceeding 1/2 acre in area.* under Permit No. 10700 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 September 10, 1932;

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 ~~0.3 cubic foot per second, being 0.04 cubic foot per second for domestic and 0.26 cubic foot per second for fish propagation,~~

or its equivalent in case of rotation.

The point of diversion is located in the ~~SW 1/4~~ *SW 1/4*, Section 30, Township 2 South, Range 6 East, W. M. *S 20°30' E 2014' from the N 1/4 cor of Sec 30*

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 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:

~~PLACE OF USE:~~

~~SE 1/4 SW 1/4, Section 19,~~
NE 1/4 NW 1/4, Section 30,
Township 2 South, Range 6 East, W. M.

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 *1-9-73* and together with certificate of water right recorded on page *44931*, Volume *37*, SRWRC supersedes certificate of water right recorded on page *11511*, Volume *10*, SRWRC.

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 property 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 20th day of June, 1936.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 11511

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION OF)
FIRST NATIONAL BANK OF OREGON,)
EXECUTOR, GEORGE A. BUCKLEY ESTATE)
FOR THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM WHISKEY CREEK)

ORDER APPROVING
TRANSFER NO. 2744

On December 18, 1972, First National Bank of Oregon, Executor, George A. Buckley Estate, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Whiskey Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Z. A. Stuart and recorded at page 11511, Volume 10, State Record of Water Right Certificates, confirms a right to the use of, among other uses, 0.01 cubic foot per second of water from Whiskey Creek for domestic use for one house located in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 2 South, Range 6 East, W.M., with a date of priority of September 10, 1932.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 2 South, Range 6 East, 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. Mike Ricks, Watermaster of District No. 16, 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.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 2 South, Range 6 East, W.M., with a date of priority of September 10, 1932, be severed therefrom and simultaneously and without loss of priority, transferred to the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 2 South, Range 6 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to Z. A. Stuart and recorded at page 11511, Volume 10, 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 application of water to beneficial use, a certificate of water right shall be issued to First National Bank of Oregon, Executor, George A. Buckley Estate, confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 9th day of January, 1973.

CHRIS L. WHEELER
State Engineer