

3074

### STATUS OF APPLICATION

Change in place of use  
Date filed 6-28-74  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 7-16-74 Vol. 25, page 41  
Date for application of water 10-1-74  
Proof mailed FEB 8 1977  
Proof received \_\_\_\_\_  
Certificate issued MAR 9 1977 Vol. 36, page 44233

### REMARKS

See A 28095

### DESCRIPTION OF WATER RIGHT

Name of stream McKay Creek  
Trib. of \_\_\_\_\_ County of Washington  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 59 1/2  
Name of ditch \_\_\_\_\_  
Date of priority Feb. 11, 1953  
In name of Remi Coussens  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 28095 Per. No. 22120 Cert. No. 38662  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
<u>6-28-74</u>	<u>32.50</u>	<u>41625</u>
TOTAL . . .		
<u>6-28-74</u>	<u>1.50</u> Cert. Fee	<u>41626</u>
<u>2-23-77</u>	<u>72</u>	<u>58469</u>

### FEES REFUNDED

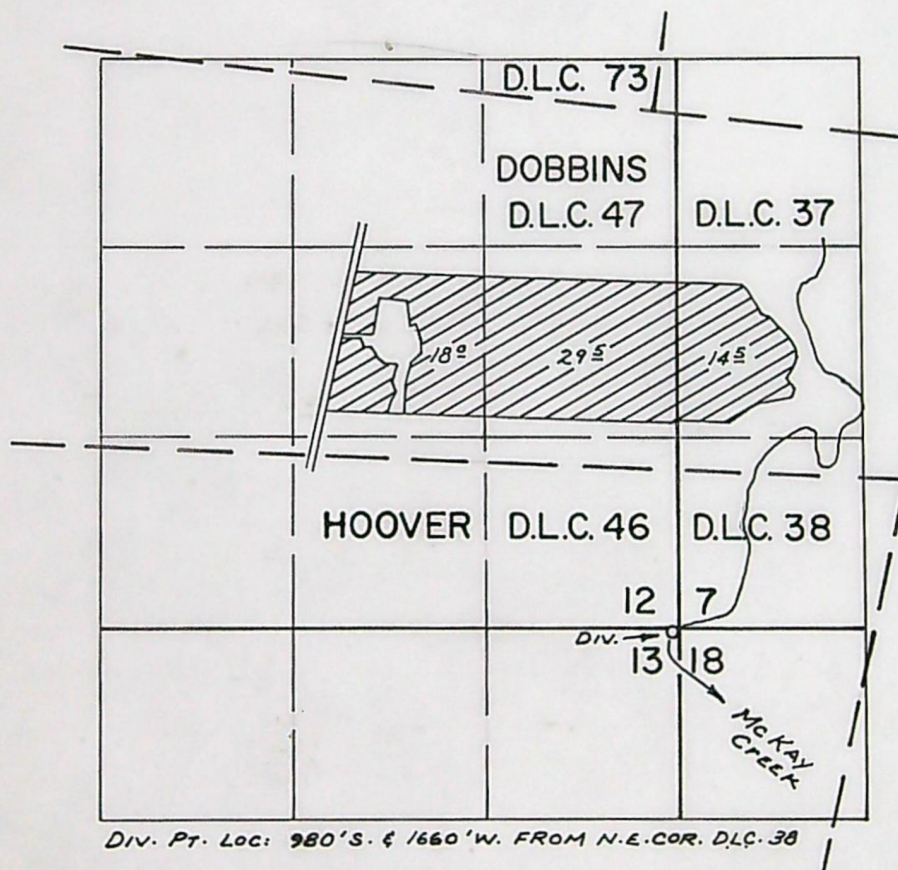
Date	Amount	Check No.
<u>2-28-77</u>	<u>1.50</u>	<u>1157</u>

INDEX CARDS:		Entered	Checked
✓	Name	<u>WH</u>	___
✓	Stream	<u>WH</u>	___
✓	Pt. of Div.	___	___
✓	Calendar	<u>WH</u>	___
CHECKED TO RECORDS:			
___	Twp. & Rge.	<u>J</u>	___
___	Decree-vault	___	___
___	Decree-safe	___	___
✓	Cert. of W/R	<u>WH</u>	___
✓	Per. folder	<u>WH</u>	___
___	Chaindex	___	___
___	Cross Ref.	___	___
___	Power Claims	___	___
___	Abstracts	___	___

555



T.1N.R.2&3W.W.M.



**FINAL PROOF SURVEY**  
UNDER

TRANSFER 3074  
Application No. .... Permit No. ....  
IN NAME OF

.....REMI.....COLISSENS.....

Surveyed AUG. 7, 1975, by R. MUCKEN.



BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF REMI COUSSENS FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF )  
WATER FROM MCKAY CREEK )

ORDER APPROVING  
TRANSFER NO. 3074

On June 28, 1974, Remi Coussens filed an application in the office of the State Engineer for the approval of a change in place of use of water from McKay Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Remi Coussens and recorded at page 38662, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.75 cubic foot per second of water from McKay Creek for the irrigation of 6.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.9 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12; 6.7 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 13.8 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 9.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13, Township 1 North, Range 3 West, W.M., with a date of priority of February 11, 1953.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 14.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 7, Township 1 North, Range 2 West, W.M., 29.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 15.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 1 North, 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.



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 6.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.9 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12; 6.7 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 13.8 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 9.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13, Township 1 North, Range 3 West, W.M., with a date of priority of February 11, 1953, be severed therefrom and simultaneously and without loss of priority transferred to 14.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 7, Township 1 North, Range 2 West, W.M., 29.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 15.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, Township 1 North, 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, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Remi Coussens and recorded at page 38662, Volume 30, State Record of Water Right Certificates, is canceled 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 Remi Coussens confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 16th day of July, 1974.

/s/ CHRIS L. WHEELER  
State Engineer



Superseded by

Cert. No. \_\_\_\_\_

STATE OF OREGON  
COUNTY OF WASHINGTON

Y. Sp. Or. V. 25 p. 41

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That REMI COUSSENS

of Route 3, Box 577, 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 McKay Creek

a tributary of Dairy Creek  
irrigation of 59.6 acres

for the purpose of

under Permit No. 22120 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 11, 1953

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 0.75 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 1/4 SE 1/4 as projected within Hoover DLC 46, Section <sup>12</sup> 12, T. 1 N., R. 3 W., W. M., 980 feet South and 1660 feet West from NE Corner, Hoover DLC 38.

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 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:

<p><u>14.5 acres NW 1/4 SW 1/4</u> as projected within <u>Dobbins DLC 37</u> Section <u>7</u> T. 1 N., R. 2 W. W. M.</p> <p><u>29.5 acres NE 1/4 SE 1/4</u> <u>15.6 " NW 1/4 SE 1/4</u> both as projected within <u>Dobbins DLC 47</u> Section <u>12</u> T. 1 N., R. 3 W. W. M.</p>	<p><del>6.4 acres SW 1/4 SW 1/4</del> <del>13.4 acres SE 1/4 SW 1/4</del> <del>4.0 acres SW 1/4 SE 1/4</del> <del>1.9 acres SE 1/4 SE 1/4</del> Section <del>12</del> <del>6.7 acres NE 1/4 NE 1/4</del> <del>13.8 acres NW 1/4 NE 1/4</del> <del>9.0 acres NE 1/4 NW 1/4</del> <del>4.4 acres NW 1/4 NW 1/4</del> Section <del>13</del> T. 1 N., R. 3 W., W. M. All as projected within <u>Hoover DLC 46</u></p>
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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 July 16, 1974, 38662 and supersedes certificate of water right issued to \_\_\_\_\_

WITNESS the signature of the State Engineer, affixed

this date. November 3, 1972

CHRIS L. WHEELER

State Engineer