

SP-44048-11

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF SYLVESTER VAN LOO FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM AN)
UNNAMED CREEK)

ORDER APPROVING
TRANSFER NO. 2489

On February 17, 1971, Sylvester Van Loo filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Sylvester A. Van Loo and recorded at page 23433, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.32 cubic foot per second of water from an unnamed creek for the irrigation of 4.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 9.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 1 North, Range 3 West, W.M., with a date of priority of June 8, 1949. These lands are irrigated from a point of diversion located 470 feet south and 870 feet east from the SE corner of George Beal DLC 77 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 1 North, Range 3 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 480 feet south and 700 feet east from the SE corner of George Beal DLC 77 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, 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 said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no

intervening diversions.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from an unnamed creek, to-wit:

From a point located 470 feet south and 870 feet east from the SE corner of George Beal DLC 77 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 1 North, Range 3 West, W.M.

To a point to be located 480 feet south and 700 feet east from the SE corner of George Beal DLC 77 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 1 North, Range 3 West, W.M.

for the irrigation of 4.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 9.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 1 North, Range 3 West, W.M., with a date of priority of June 8, 1949, 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, 1971.

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 0.32 cubic foot 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.

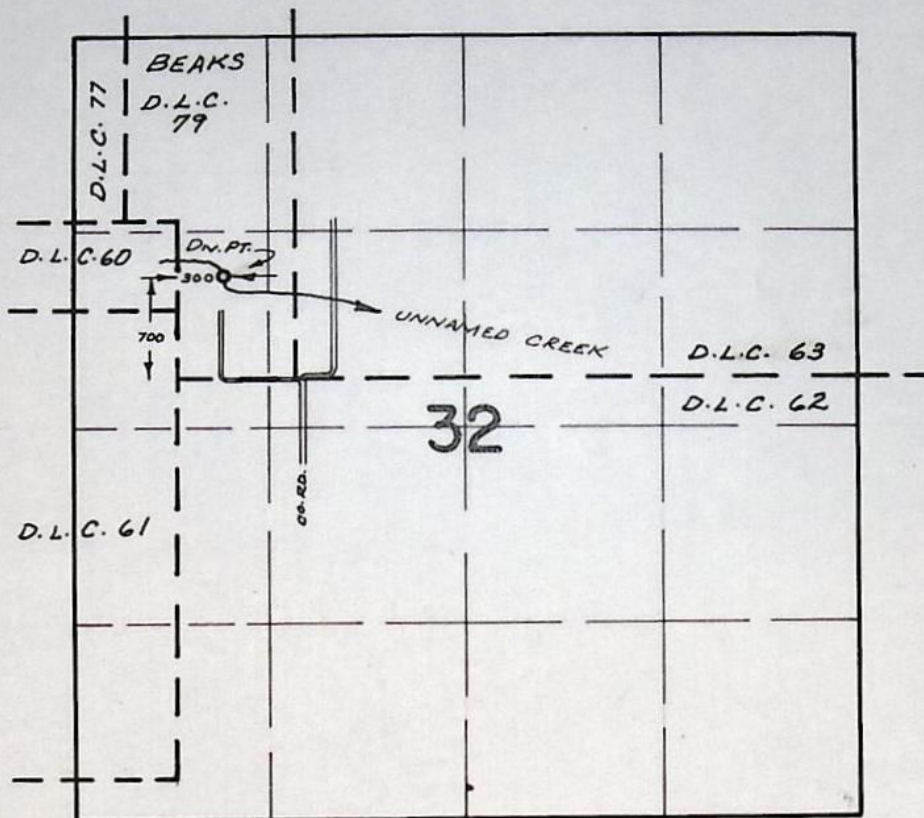
It is FURTHER ORDERED that certificate of water right heretofore issued to Sylvester A. Van Loo and recorded at page 23433, Volume 16, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Sylvester Van Loo confirming the change in point of diversion.

Dated at Salem, Oregon, this 22nd day of April, 1971.

/s/ CHRIS L. WHEELER
State Engineer



T.I.N.R.3 W.W.M.



FINAL PROOF SURVEY

UNDER

TRANSFER No. 2489
Application No. _____ Permit No. _____
IN NAME OF _____

SYLVESTER VAN Loo

Surveyed SEPT. 20, 1972, by R. MUCKEN

RECEIVED
DEC 8 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
FEB 17 1971
STATE ENGINEER
SALEM, OREGON

15-00 24/100
10-00 24/100

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, SYLVESTER VAN LOO

(Name of applicant)

of Route 2, Box 124, Forest Grove, County of Washington,
(Postoffice)

State of Oregon, do hereby make application for change in point of

diversion

(In point of diversion; place of use; use heretofore made of the water)

unnamed creek also known as

1. The source of present water right is Council Creek
(Name of stream)

2. The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is unnamed

4. The point of diversion is located 470 ft. S. and 870 ft. E. from the S.E.
(N. or S.) (E. or W.)

corner of the Geo. Beal D.L.C. No. 77 being within the S SW 1/4 NW 1/4
(Section or subdivision)

of Section 32 Tp. 1 N. R. 3 W. W. M., in the County of Washington
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
1N	3W	32					4.1	6.9	9.5	8.5								

(Permit No. 18778)

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

Deed Book 285 Page 729 & Book 298 Page 7

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? 8 June 1949

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)

of permit 18778

10. Do you hold a water right certificate? Yes..... If so, give number of certificate Vol. 16, Page 23433
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No

(Yes or No)

If so, give title of proceedings

12. Is the water right recorded in your name? Yes

(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 480 ft. South and 700 ft. East from the S.E. corner of Geo. Beal D.L.C. No. 77 being within the SW 1/4 NW 1/4 of Section 32 Tp. 1N R. 3W W. M., in the county of Washington. The name of the ditch to be used is unnamed
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? -----
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are to facilitate construction of storage sump

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Washington

SS.

I, Sylvester A. VanLoo, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 4th day of December, 1970

Sylvester A. Van Loo
(Name of applicant)

Subscribed and sworn to before me this 4th day of December, 1970

[Notarial Seal]

Elizabeth H. Mohr
NOTARY PUBLIC FOR OREGON

My commission expires 22 September 1971

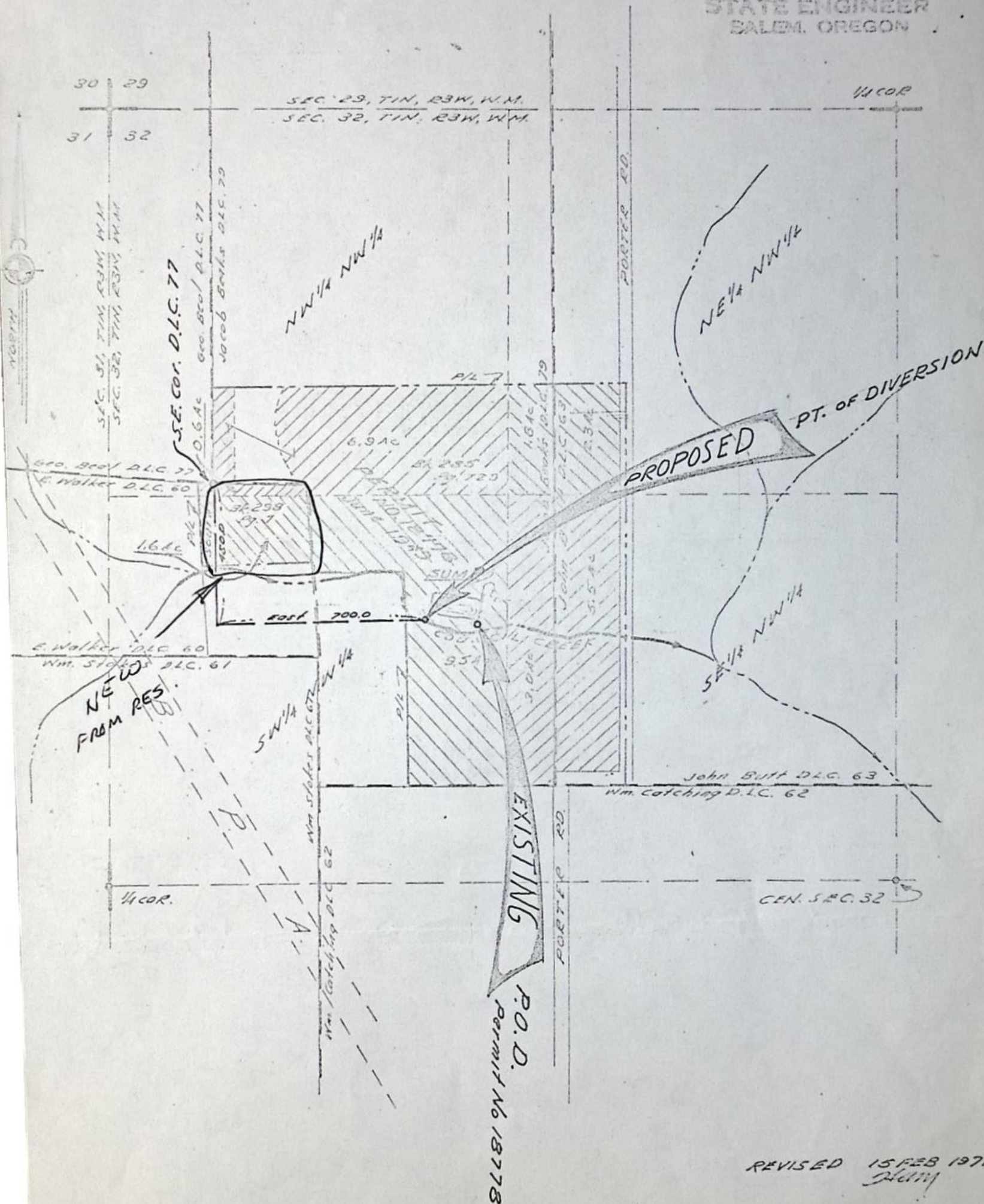
Remarks This application is being made together with application to appropriate the Public Waters and an application for a Permit to Construct a Reservoir (Sump) and to Store for Beneficial Use.

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

MAP TO ACCOMPANY
APPLICATION FOR TRANSFER OF WATER RIGHTS
FOR SYLVESTER VAN LOO
IN N.W. 1/4 SECTION 32, T1N, R3W, W.M.
Washington County, Oregon

Scale: 1" = 400'
30 November 1970

RECEIVED
DEC 8 1970
STATE ENGINEER
SALEM, OREGON



Scale: 1" = 400'
30 November 1970

REVISED 15 FEB 1971
HAM

D.R.
R.G.M.

[illegible]

INFO: Mr. Van Lee

All that shown on photo under appl. 23833
except the west piece of about $0\frac{1}{4}$ ac. & the filling
on his new res. for $2\frac{3}{4}$ ac. just S. of the piece
has been inv. by 1971 from new div.

The new div. is into a sump-type, off-channel
res. dug next to the ditch.

He has filed on it, but hasn't covered all of land yet.

DIV. PT - A 5" IRON PIPE in leader from ditch to.

PUMP - ^{Res.}BERKELEY D.O. CENTR. $2\frac{1}{2}$ " x 3"

MOTOR - CENTURY 10 H.P. @ 3500 R.P.M.

PIPE - 720' - 4" ALUM

600' - 3" ALUM

HEADS - 16 R.B 40'S $\frac{3}{16}$ x $\frac{1}{8}$ 14 MAX.

CROP - PASTURE, YARD, GARDEN & BERRIES

LIFT - 0 TO + 15'

TIE - PHOTO DFR - 5D-05

9-20-72

F.E. ~~W~~

R. B. Muehlen



**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

WASHINGTON COUNTY COURTHOUSE • HILLSBORO, OREGON • 97123 • Ph. 648-8791

TOM McCALL
GOVERNOR

FILE NO. 2489

CHRIS L. WHEELER
State Engineer

March 23, 1971

Chris L. Wheeler
State Engineer
1178 Chemeketa Street N.E.
Salem, Oregon 97310

RECEIVED
MAR 25 1971
STATE ENGINEER
SALEM, OREGON

Attn: Trevor Jones

Dear Mr. Jones:

I made an investigation of the application (Transfer No. 2489) for a transfer in diversion point by Sylvester Van Loo under permit no. 18778 on March 19, 1971.

I do not believe that this transfer will injure any existing water rights and that provision number 2 should be used in the order.

Yours truly,

Clayton J. Gardner
Watermaster District No. 1

CJG:kdf

March 15, 1971

2489

Mr. Clayton J. Gardner
Watermaster District No. 1
Washington County Courthouse
Hillsboro, Oregon 97123

Dear Mr. Gardner:

Sylvester Van Loo filed an application for the approval of a change in point of diversion of water from Council Creek.

The right involved was established under permit No. 18778 in the name of Sylvester A. Van Loo and is for the use of the waters from Council Creek for irrigation. The present point of diversion is located 470 ft. S and 870 ft. E from the SE corner of George Beal DLC No. 77 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 32, T. 1 N., R. 3 W., W.M.

The proposed point of diversion is to be located 480 ft. S and 700 ft. E from the SE corner of George Beal DLC No. 77 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 32, T. 1 N., R. 3 W., W.M.

Would you please advise if the proposed change may be made without injury to existing rights and which provision for the installation of measuring devices should be included in the order?

Very truly yours,

Trevor Jones
Assistant

slv

Enclosure

T-2489
R-47773
47774
23833

March 12, 1971

H. A. Mohr & Associates, Inc.
Peterson Building
Hillsboro, Oregon 97123

Dear Mr. Mohr:

This will acknowledge the return of the corrected application No. 47774 in the name of Sylvester Van Loo.

Also acknowledged is an application for change in point of diversion of water from Council Creek and a map. This application, which has been filed as transfer No. 2489, is in satisfactory form and the appropriate action will be taken.

Applications No. R-47773 and 47774 are in satisfactory form for approval by issuance of permits.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:klc

E

cc: Sylvester Van Loo

H. A. MOHR
CIVIL ENGINEER

H. A. MOHR & ASSOCIATES, INC.
CIVIL ENGINEERS
PETERSON BUILDING
HILLSBORO, OREGON 97123

PHONE 648-1232

15 February 1971

RECEIVED
FEB 17 1971
STATE ENGINEER
SALEM, OREGON

State Engineer
516 Public Service Building
Salem, Oregon 97310

Attention: Mr. Larry W. Jebousek, Assistant

Re: Application of Sylvester Van Loo
Change of Point of Diversion for Permit 18778
Water Right Application 47774

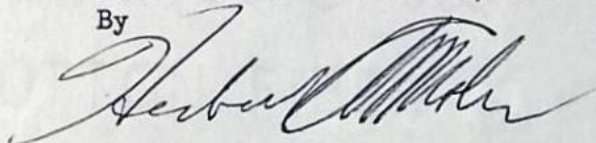
Dear Mr. Jebousek:

Returned herewith are applications of Mr. Sylvester Van Loo for change in point of diversion and to appropriate stored water corrected and completed in accordance with your instructions in letter dated 18 December 1970.

It is hoped the applications are now in order for favorable consideration at the earliest possible date.

Yours very truly,

H. A. MOHR & ASSOCIATES, INC.
By



Herbert A. Mohr

HAM:mj
Encl.