

2490 Schuepbach  
Rt. 1, Box 113A  
Beaverton, Ore 97005

2490

### STATUS OF APPLICATION

Change in character of use  
Date filed February 25, 1971  
Date of hearing June 2, 1971  
Place of hearing Hillsboro, Ore  
Date of order 8-24-72 Vol. 22, page 197  
Date for application of water 10-1-74  
Proof mailed \_\_\_\_\_  
Proof received COBU 12/22/2009  
Certificate issued JAN 18 1977 Vol. 36, page 44119

6-28-78 RJ

86081 3/5/2010

### DESCRIPTION OF WATER RIGHT

Name of stream a well  
Trib. of - County of Washington  
Use From Irrigation to Municipal  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority January 21, 1959  
In name of Schuepbach Brothers  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. G-1351 Per. No. G-1229 Cert. No. 33114  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slw

### FEES PAID

Date	Amount	Receipt No.
<u>2-25-71</u>	<u>25.00</u>	<u>22766</u>
<u>PON 3-30-71</u>	<u>30.00</u>	<u>23094</u>
<u>12-22-09</u>	<u>75.00</u>	<u>98846</u>
TOTAL		
<u>4-23-71</u>	<u>\$2.00</u>	<u>Cert. Fee</u>
		<u>From Pub. Notice</u>

### FEES REFUNDED

Date	Amount	Check No.
<u>4-23-71</u>	<u>\$4.24</u>	<u>Pub. Notice 4222</u>

### REMARKS

Order- Vol 22, pages 198-209 - August 24, 1972

G-1351

FIELD Form SENT 3/6/98

Assignment: 12/22/2009

TUALATIN VALLEY WATER DISTRICT  
1850 SW 170th AVENUE  
BEAVERTON OR 97006

COBU MAP # 0481



STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TUALATIN VALLEY WATER DISTRICT  
1850 SW 170<sup>TH</sup> AVE  
BEAVERTON OR 97006

ALOHA HUBER WATER DISTRICT  
17880 SW BLANTON ST  
ALOHA OR 97005

confirms the right to use the waters of A WELL (SCHUEPBACH WELL), a tributary of BEAVERDAM CREEK (TUALATIN RIVER) for MUNICIPAL USE.

This right was perfected under Permit G-1229. The date of priority is JANUARY 21, 1959.

A total diversion of not to exceed 116 acre-feet per year (37,798,600 gallons) at a rate of 0.58 CUBIC FOOT PER SECOND (260 gallons per minute); however, this rate may be exceeded for periods of time by rotation and ceasing pumping for proportionate periods in order to not exceed the equivalent total withdrawal that would have been obtained by continuous pumpage.

The additional rate of withdrawal shall be correlated with the use of the well for irrigating the 58 acres of remaining lands so that the total diverted at any one time for municipal and irrigation purposes shall not exceed 1.31 cubic feet per second (588 gallons per minute).

The period of allowed use is May 1 through September 30 of each year.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	1 W	WM	17	SE SW	50	65 FEET SOUTH & 2290 FEET WEST FROM NE CORNER, WILLIAMS DLC 50

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	5	NW NE
1 S	1 W	WM	5	SW NE
1 S	1 W	WM	5	SE NE

**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	5	NW ¼
1 S	1 W	WM	5	SW ¼
1 S	1 W	WM	5	SE ¼
1 S	1 W	WM	6	ALL
1 S	1 W	WM	7	NE NE
1 S	1 W	WM	7	NW NE
1 S	1 W	WM	7	SW NE
1 S	1 W	WM	7	NW ¼
1 S	1 W	WM	7	SW ¼
1 S	1 W	WM	7	SE ¼
1 S	1 W	WM	8	NE NE
1 S	1 W	WM	8	SE NE
1 S	1 W	WM	8	NE NW
1 S	1 W	WM	8	NW NW
1 S	1 W	WM	8	NW SW
1 S	1 W	WM	8	SW SW
1 S	1 W	WM	8	NE SE
1 S	1 W	WM	8	SE SE
1 S	1 W	WM	17	ALL
1 S	1 W	WM	18	ALL
1 S	1 W	WM	19	ALL
1 S	2 W	WM	1	ALL
1 S	2 W	WM	2	NE ¼
1 S	2 W	WM	2	NE NW
1 S	2 W	WM	2	SE NW
1 S	2 W	WM	2	NE SW
1 S	2 W	WM	2	SE SW
1 S	2 W	WM	2	SE ¼
1 S	2 W	WM	11	NE ¼
1 S	2 W	WM	11	NE NW
1 S	2 W	WM	11	SE NW
1 S	2 W	WM	11	NE SW
1 S	2 W	WM	11	NE SE
1 S	2 W	WM	11	NW SE
1 S	2 W	WM	11	SE SE
1 S	2 W	WM	12	ALL
1 S	2 W	WM	13	ALL
1 S	2 W	WM	23	NE ¼
1 S	2 W	WM	23	NE SE
1 S	2 W	WM	23	NW SE
1 S	2 W	WM	23	SE SE
1 S	2 W	WM	24	ALL

The water user shall maintain the meter for reading both rate of flow and total discharge in good working order.

The water user shall keep records of the water withdrawn and file monthly reports with the Water Resources Department of the total amount of water diverted, the amount of municipal use, the amount for irrigation of the remaining lands and the maximum diversion rate that occurred during the month.

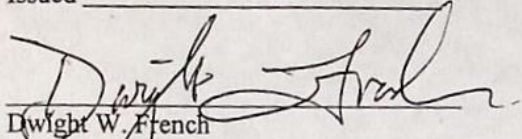
This certificate is issued to confirm a change in PLACE OF USE AND CHARACTER OF USE approved by an order of the Water Resources Director entered August 24, 1972, at Special Order Volume 22, Page 198, approving Transfer Application 2490, and together with Certificate 44119, supersedes Certificate 33114, State record of Water Right Certificates.



Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued **MAR 05 2010**



Dwight W. French  
Administrator Water Rights and Adjudications, for  
Phillip C. Ward, Director







# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

DATE: MARCH 5, 2010

## NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.



# Mailing List for Transfer Certificate

Mailing Date:

Application: T-2490

Certificate: 86081

Certificate/Transfer Holder: (include copy of map)

TUALATIN VALLEY WATER DISTRICT ✓  
1850 SW 170<sup>TH</sup> AVE  
BEAVERTON OR 97006

ALOHA HUBER WATER DISTRICT ✓  
17880 SW BLANTON ST  
ALOHA OR 97005

Copies Mailed

By: *Connie Vance*  
(SUPPORT STAFF)

on: MAR 05 2010  
(DATE)

Persons to receive copies of proposed certificate: (Include map)

1. Watermaster #18, Darrell Hedin (include copy of map) ✓
2. Theodore Ressler, CWRE
3. Adam Sussman - GSI Water Solutions

Copies (of final certificate) to be sent to:

1. Watermaster #18, Darrell Hedin (include copy of map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓
6. Theodore Ressler, CWRE ✓
7. Adam Sussman - GSI Water Solutions ✓

Record Marking(s):

1. Application G-1351 ✓
2. Old Certificate# 33114 ✓

9 copies

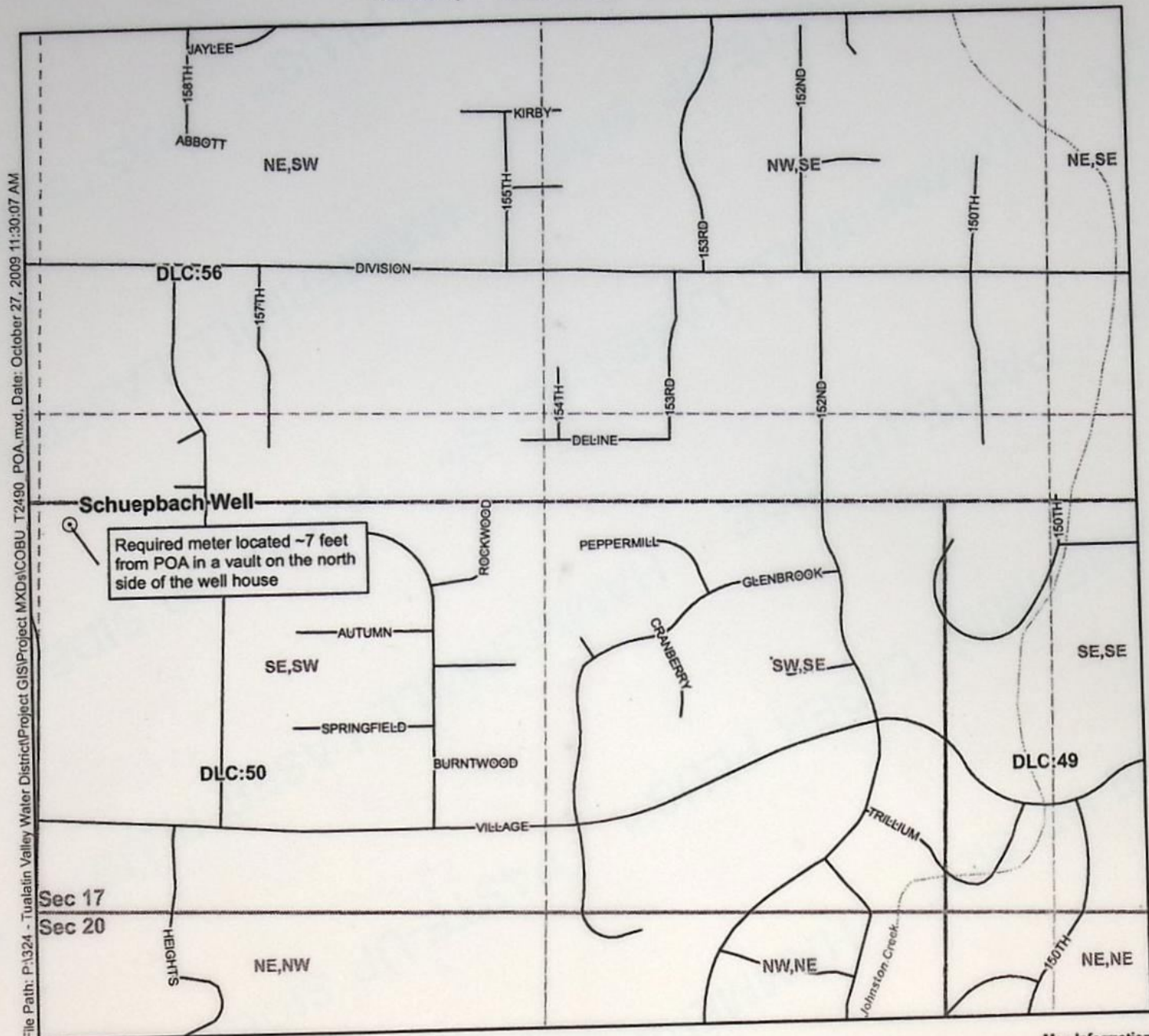


**Claim of Beneficial Use  
Point of Appropriation Map**  
Transfer T-2490 (Permit G-1229)  
Township 1 South, Range 1 West (W.M.)

RECEIVED

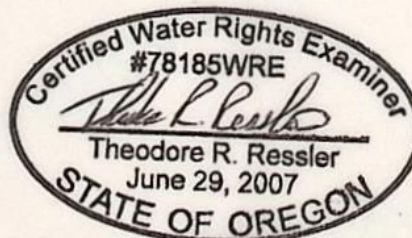
DEC 02 2009

WATER RESOURCES DEPT  
SALEM, OREGON



**Legend**

- ⊙ Point of Appropriation (POA)
- ▭ Donation Land Claims
- Roadways
- ~ Waterways
- Waterbodies



EXPIRES: 12-31-2010

**POA Location Descriptions**

Schuepbach Well  
Located 65 feet South and 2290 feet West from the  
NE corner of Williams DLC 50

**Map Information**

Projection: Oregon State Plane North Zone  
Datum: North American Datum of 1983  
Date: October 27, 2009  
Prepared By: GSI Water Solutions, Inc.

**Data Sources**

OWRD, Oregon Geospatial Clearinghouse

**Disclaimer**

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

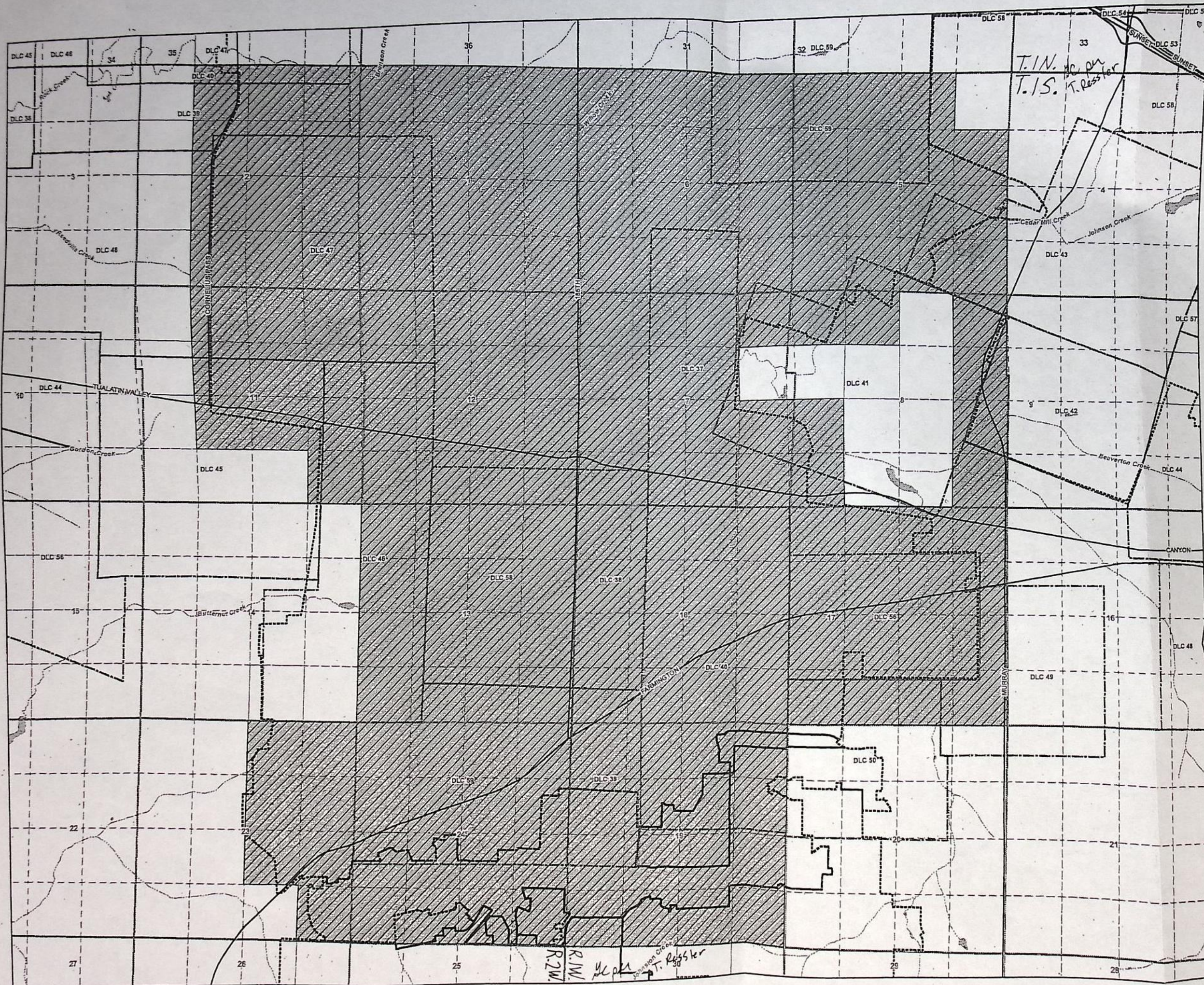


**Scale**

0 200 400  
1 inch equals 400 feet



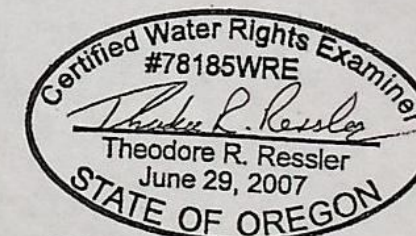




# Claim of Beneficial Use Place of Use Map Transfer T-2490 (Permit G-1229)

## LEGEND

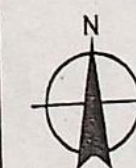
- Place of Use (POU)
- Donation Land Claims
- TVWD Boundary
- Major Roadways
- Waterways
- Waterbodies



EXPIRES: ~~12-31-2008~~  
12-31-2010 AC on T. Ressler

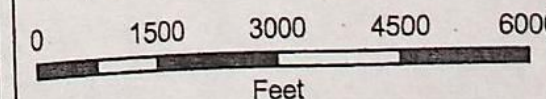
## DISCLAIMERS:

1. This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.
2. Under the provisions of ORS 540.510(3) the Tualatin Valley Water District may lawfully provide and use water in locations other than those described.



## Scale

1 inch equals 2,300 feet

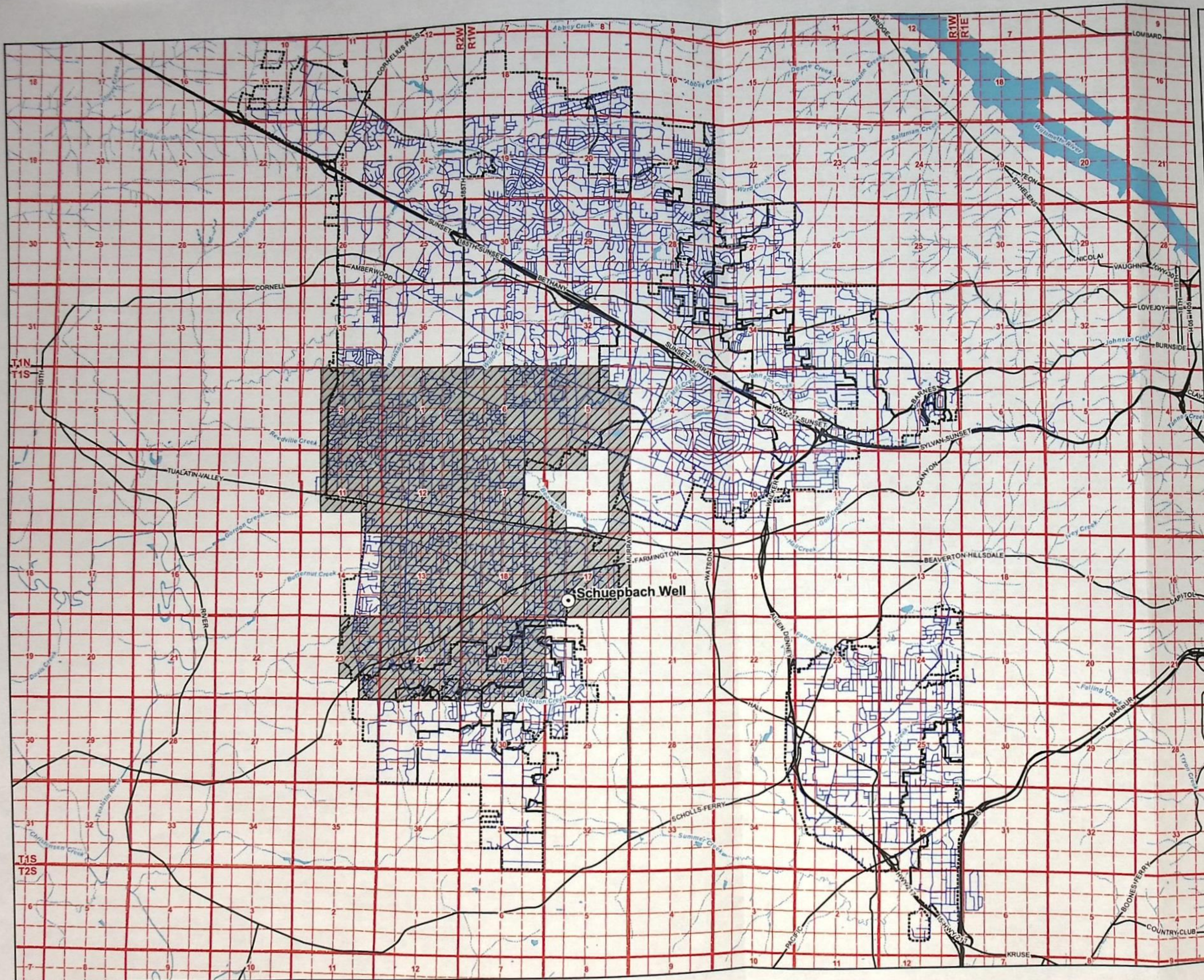


MAP NOTES:  
Projection: Oregon State Plane North Zone  
Datum: North American Datum of 1983  
Date: November 24, 2008  
Data Source: OWD, Oregon Geospatial  
Clearinghouse, TVWD



COBU MAP # 0481





# Overview Map Claim of Beneficial use for Transfer T-2490

## LEGEND

- ⊙ Point of Appropriation (POA)
- ▨ Place of Use (POU)
- ⬢ TVWD Boundary
- Water Mainlines
- Major Roadways
- Waterways
- Waterbodies

RECEIVED

DEC 02 2009

WATER RESOURCES DEPT  
SALEM, OREGON

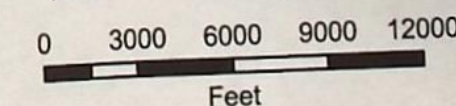
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Scale

1 inch equals 6,000 feet



## MAP NOTES:

Projection: Oregon State Plane North Zone  
Datum: North American Datum of 1983  
Date: November 24, 2009  
Data Sources: DWRD, Oregon Geospatial  
Clearinghouse, TVWD

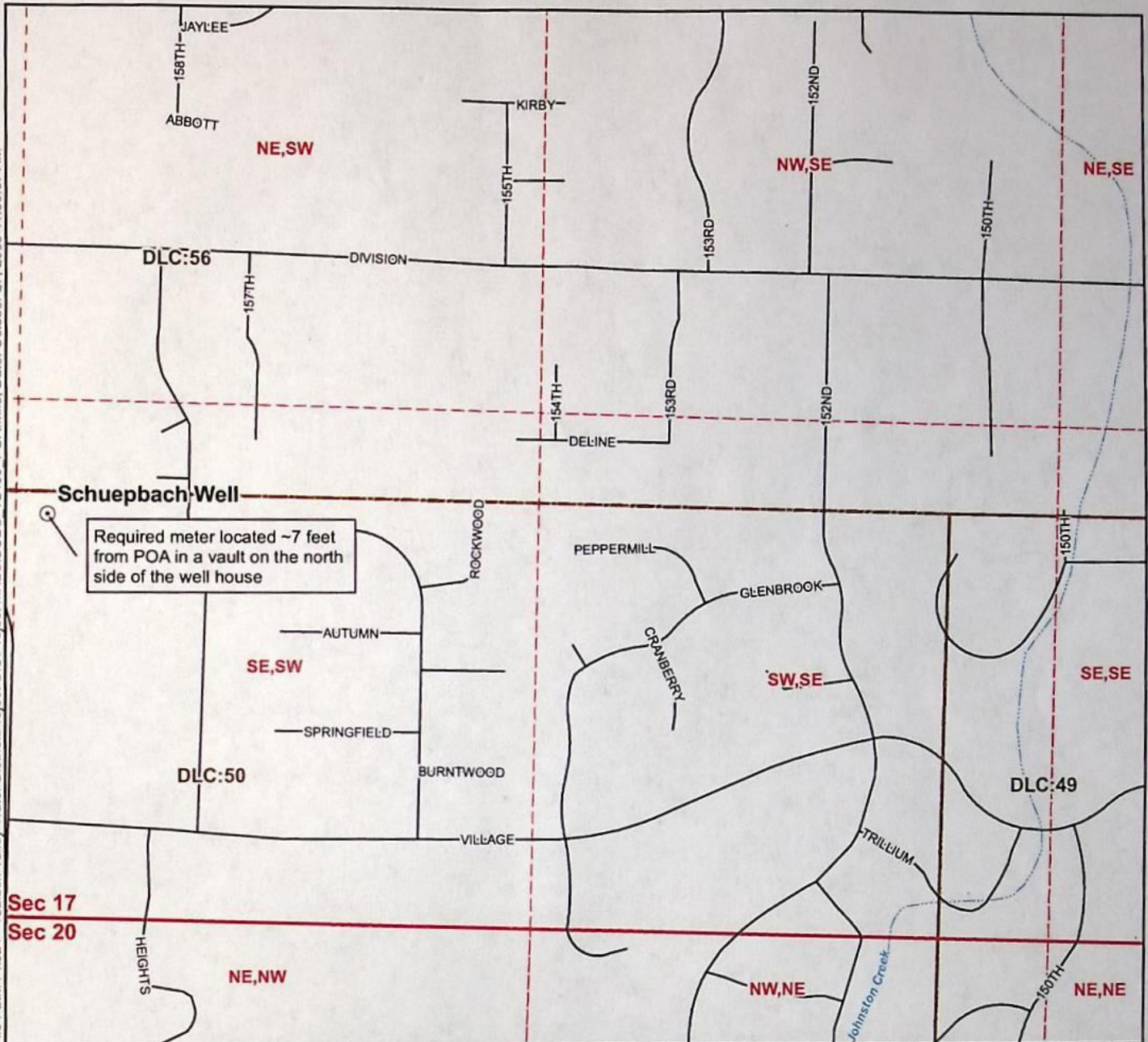




# **Claim of Beneficial Use** **Point of Appropriation Map** Transfer T-2490 (Permit G-1229) Township 1 South, Range 1 West (W.M.)

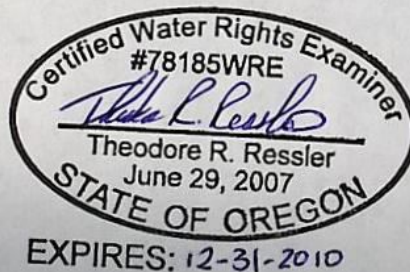
RECEIVED  
 DEC 02 2009  
 WATER RESOURCES DEPT  
 SALEM, OREGON

File Path: P:\324 - Tualatin Valley Water District\Project GIS\Project MXDs\COBU T2490 POA.mxd, Date: October 27, 2009 11:30:07 AM



## **Legend**

- Point of Appropriation (POA)
- ▭ Donation Land Claims
- Roadways
- ~ Waterways
- Waterbodies



## **POA Location Descriptions**

Schuepbach Well  
 Located 65 feet South and 2290 feet West from the  
 NE corner of Williams DLC 50

## **Map Information**

Projection: Oregon State Plane North Zone  
 Datum: North American Datum of 1983  
 Date: October 27, 2009  
 Prepared By: GSI Water Solutions, Inc.

## **Data Sources**

OWRD, Oregon Geospatial Clearinghouse

## **Disclaimer**

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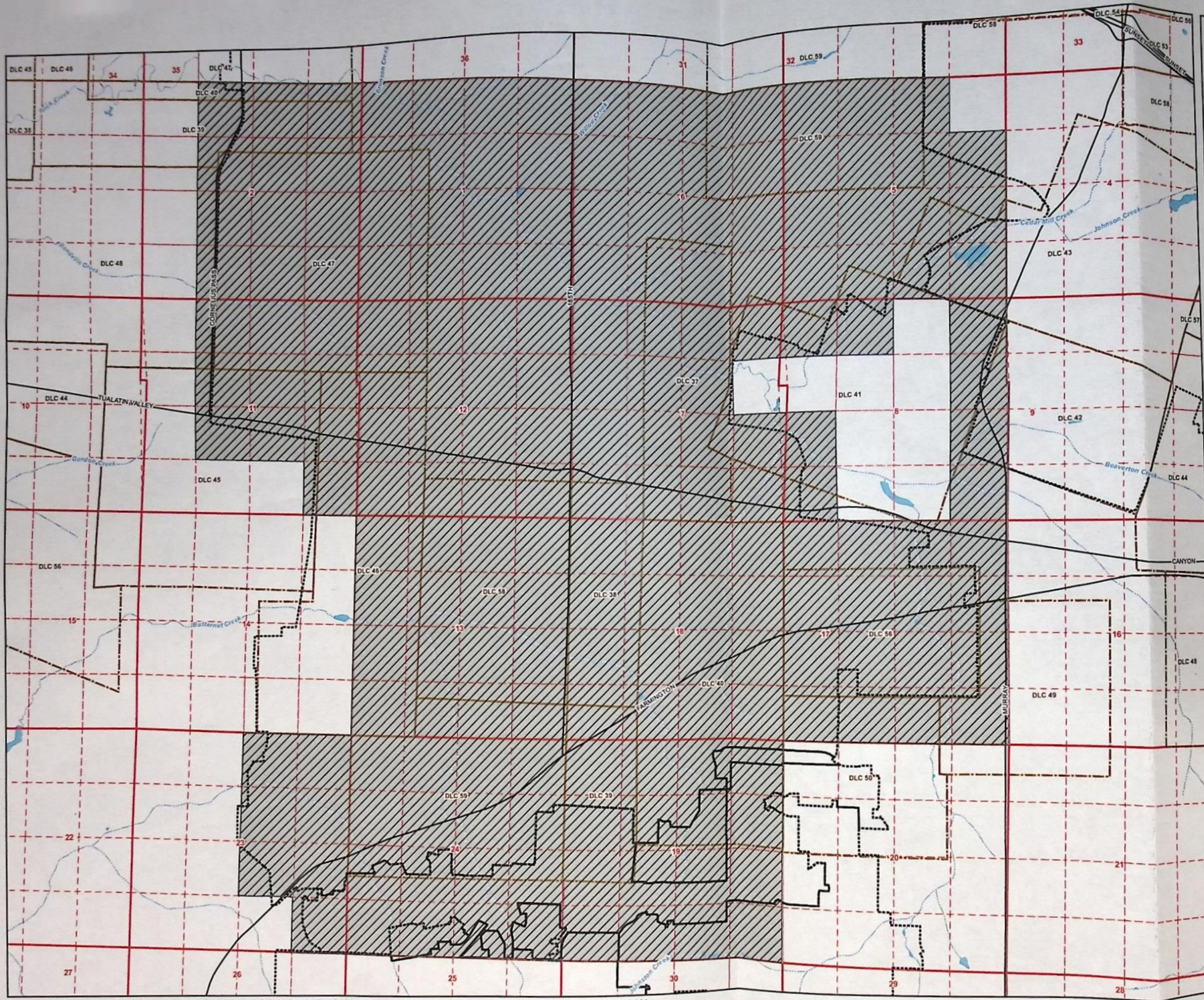


## **Scale**

0 200 400  
 1 inch equals 400 feet







Claim of Beneficial Use  
Place of Use Map  
Transfer T-2490 (Permit G-1229)

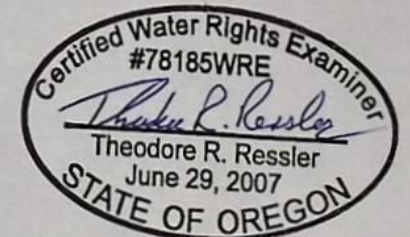
RECEIVED

DEC 02 2009

WATER RESOURCES DEPT  
SALEM, OREGON

#### LEGEND

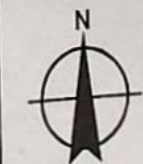
- Place of Use (POU)
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- Waterways
- Waterbodies



EXPIRES: 12-31-2008

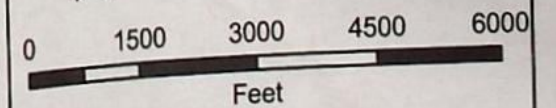
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2. Under the provisions of ORS 540.510(3) the Tualatin Valley Water District may lawfully provide and use water in locations other than those described.



#### Scale

1 inch equals 2,300 feet



#### MAP NOTES:

Projection: Oregon State Plane North Zone  
Datum: North American Datum of 1983  
Date: November 24, 2009  
Data Sources: OWRD, Oregon Geospatial  
Clearinghouse, TVWD





RECEIVED  
FEB 25 1971  
STATE ENGINEER  
SALEM OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, SCHUEPBACH BROS.

(Name of applicant)

of Rt. 1, Box 1130, Beaverton, County of Washington,  
(Postoffice)

State of Oregon, do hereby make application for change from irrigation

to domestic use by the Aloha-Huber Water District, a municipal corporation.  
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is a well  
(Name of stream)

2. The use to which the water is applied is presently irrigation transfer to Aloha-  
(Irrigation; Mining; Power; Manufacturing; etc.)  
Huber Water District for domestic use

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

4. The point of diversion is located 80 ft. S and 2140 ft. W from the NE  
(N. or S.) (E. or W.)

corner of Williams DLC 50 being within the SE1/4SW1/4  
(Section or subdivision)

of Section 17 Tp. 1S R. 1W 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
1S	1W	17									3.4	<del>11</del>	<del>8</del>	<del>32.4</del>			13	
		20					7.8											

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  
We are the legal owners of the 32.4 acres and the 7.8 acres; 10. of the 14.8 acres is being taken by Beaverton School District No. 48 for school purposes; the 12.4 acres and the 4 acres have heretofore been sold for residential use.  
(If not owner, explain your interest)

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? January 21, 1959

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

of permit G-1229



10. Do you hold a water right certificate? Yes If so, give number of certificate 33114  
(Yes or No)

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

No If so, give title of proceedings  
(Yes or No)

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			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
1S	1W	5									X	X	X	X				
		6									X	X	X	X	X	X	X	X
		7														X	X	X
		8											X					
		16					X	X	X	X								
		17	X	X	X	X	X	X	X	X	X	X	X	X			X	
		18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		19	X	X			X	X		X								

(continued under remarks)

(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 ..... ft. .... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

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

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? .....

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.? Yes, except as shown under 6 above  
(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 The Aloha-Huber Water District is short of water to supply the area and it desires to draw water from the well situate on our property and we wish to cooperate and furnish water to said Aloha-Huber Water District from the well upon our property. The point of conversion is the well.



# AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Washington

SS.

I, RUDOLPH SCHUEPBACH, JR., one of the partners of 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 25 day of February, 1971.

SCHUEPBACH BROS.

By

Rudolph Schuepbach Jr.  
(Name of applicant)

Subscribed and sworn to before me this 25 day of February, 1971.

[Notarial Seal]

Levon Jones  
NOTARY PUBLIC FOR OREGON

My commission expires 1/10/74 8-11-72

Remarks

Changes Made Mar. 30-71 Rudolph Schuepbach Jr.

T 1S R 2W Sec. 1 S $\frac{1}{2}$ SW $\frac{1}{4}$

2 SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$

10 NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$

11 NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$

12 All

13 N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$

23 E $\frac{1}{2}$

24 N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$

Beverton Times

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.



RECEIVED  
FEB 25 1971  
STATE ENGINEER  
SALEM OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, SCHUEPBACH BROS.

(Name of applicant)

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

1. The source of present water right is a well

(Name of stream)

2. The use to which the water is applied is presently irrigation transfer to Aloha-Huber Water District for domestic use

(Irrigation; Mining; Power; Manufacturing; etc.)

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

4. The point of diversion is located 80 ft. S and 2140 ft. W from the NE

(N. or S.)

(E. or W.)

corner of Williams DIC 50 being within the SE1/4SW1/4

(Section or subdivision)

of Section 17 Tp. 1S R. 1W 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			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
1S	1W	17									3.4	1 1/2	.8	32.4				
		20																

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? We are the legal owners of the 32.4 acres and the 7.8 acres; 10. of the 14.8 acres is being taken by Beaverton School District No. 48 for school purposes; the 12.4 acres and the 4 acres have heretofore been sold for residential use.

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? January 21, 1959

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number

(Yes or No)

of permit G-1229



10. Do you hold a water right certificate? Yes If so, give number of certificate 33114  
(Yes or No)

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

No If so, give title of proceedings  
(Yes or No)

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 $\frac{1}{4}$
1S	1W	5									X	X	X	X				
		6									X	X	X	X	X	X	X	X
		7														X	X	X
		8											X					
		16					X	X	X	X								
		17	X	X	X	X	X	X	X	X	X	X	X	X			X	
		18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		19	X	X			X	X		X								

(continued under remarks)

(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 ..... ft. .... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

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

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? .....

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.? Yes, except as shown under 6 above  
(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 The Aloha-Huber Water District is short of water to supply the area and it desires to draw water from the well situate on our property and we wish to cooperate and furnish water to said Aloha-Huber Water District from the well upon our property. The point of conversion is the well.



# AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Washington

ss.

I, RUDOLPH SCHUEPBACH, JR., one of the partners of 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 25 day of February, 1971.

SCHUEPBACH BROS.

By

Rudolph Schuepbach Jr.  
(Name of applicant)

Subscribed and sworn to before me this 25 day of February, 1971.

[Notarial Seal]

Leona Jones  
NOTARY PUBLIC FOR OREGON

My commission expires 1/10/74 8-11-72

Remarks

T 1S R 2W Sec. 1 S $\frac{1}{2}$ SW $\frac{1}{4}$

2 SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$

10 NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$

11 NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$

12 All

13 N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$

23 E $\frac{1}{2}$

24 N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$

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.



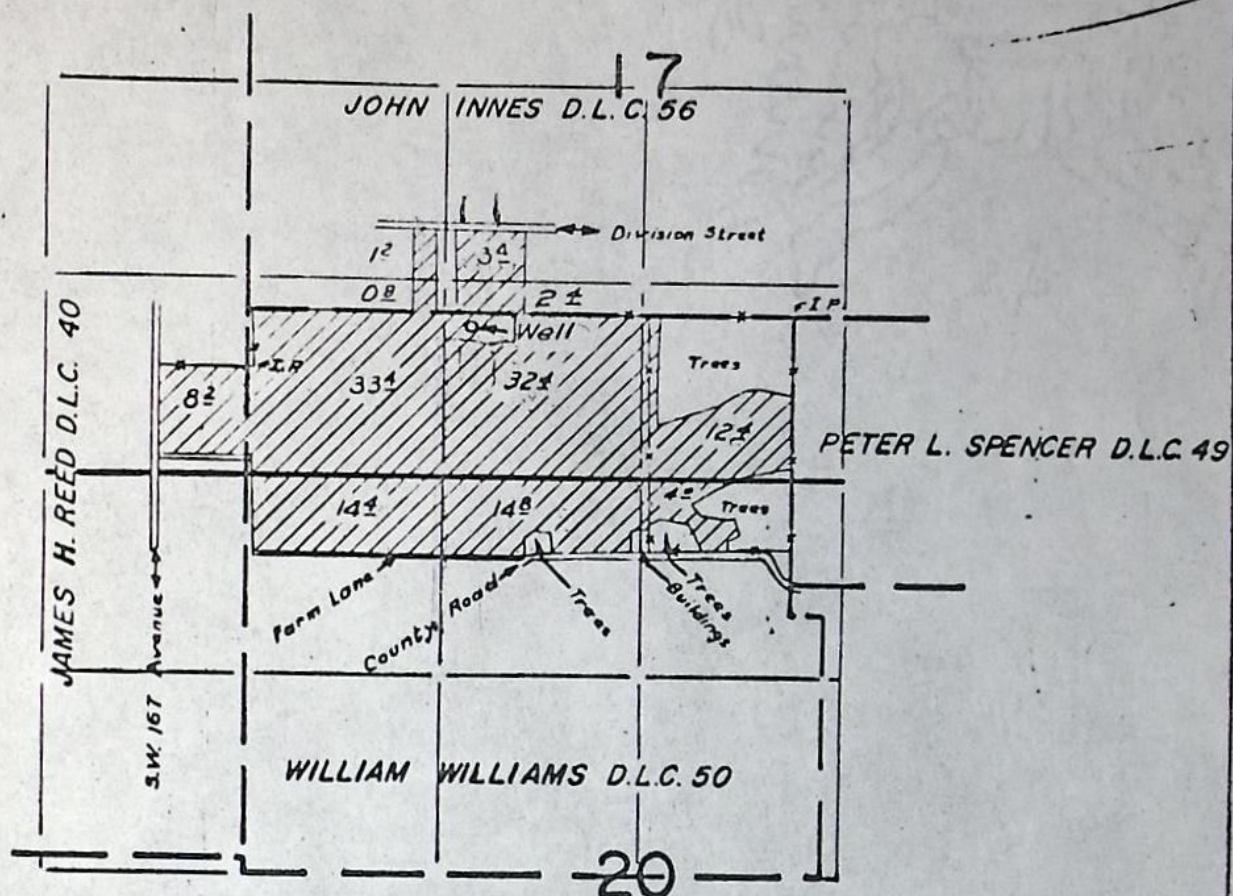
T.I.S.R.I.W.W.M.

RECEIVED

FEB 25 1971

STATE ENGINEER,  
SALEM OREGON

18



19

20

FINAL PROOF SURVEY  
UNDER

Application No. G-1351 Permit No. G-1229  
IN NAME OF

SCHUEPBACH Bros.

Surveyed May 24 1965, by M. Bish

1965-1A

L. J. Jr

of permit G-1229



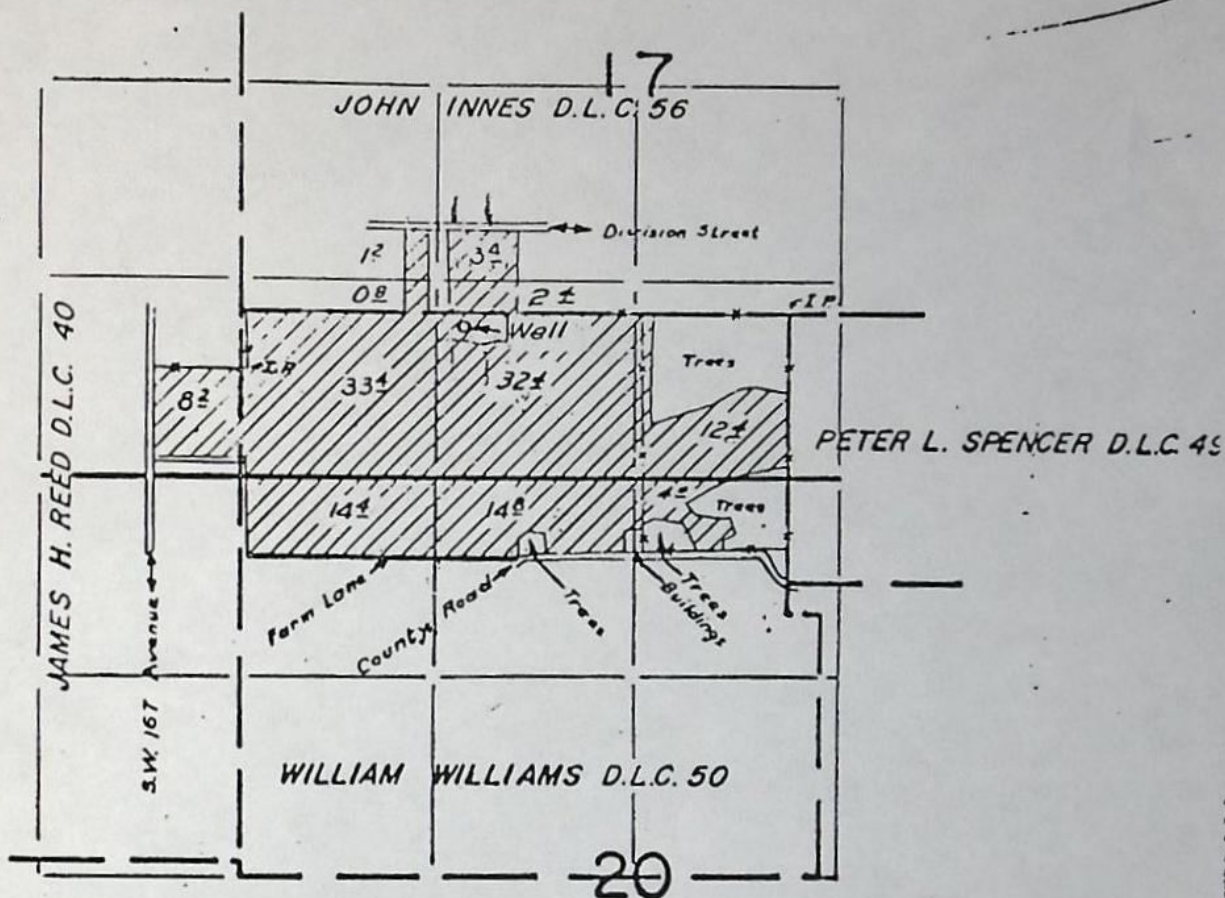
RECEIVED

FEB 25 1971

STATE ENGINEER,  
SALEM OREGON

T.I.S.R.I.W.W.M.

18



FINAL PROOF SURVEY  
UNDER

Application No. G-1351 Permit No. G-1229  
IN NAME OF

SCHUEPBACH Bros.

Surveyed May 24 1965, by M. Bish

1965-1A

S. J. Smith



App. Exhibit # 1

# REPORT OF SUPERINTENDENT

For the Month Ending JUNE 30, 19670.

## WATER RECORD during this month:

WATER SOLD 6,676,500 cf  
 WATER FROM HILLSBORO 136,300 cf  
 WATER FROM WELL#1 1,892,800 cf  
 \*TOTAL\* #2 5,608,900 cf  
 WATER\*USED\*\*MISC.TOTAL- 7,638,000 cf

KEMMER RD. \$ 6.06  
 12.16

## COST:

HILLSBORO \$ 1,000.00  
 WELL#1 182.31  
 #2 478.28  
 SIGNALLING - 12.00

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3367	30	3397
47	0	47
3414	30	3444

	Prev Bal	Wtr. Accts. Cash Red.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$12,108.75	\$ 12,291.00	\$2,529.30	\$22,344.37	\$24,873.67
SERVICES 45-3/4" @160.00		7,200.00			
SUNDRY 1-1" @225.00		225.00			
CHANGE 3/4" SERVICE TO-1"		100.00			
1NF CHECKS		75.75			
TURN ON FEES		10.00			
BACK HOE RENT		76.50			
TOTAL CASH DEPOSITED		\$ 19,978.25			

## CASH ON HAND:

\$80.00

## MONTHLY EXPEND:

\$23,671.58

## FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED \$ 19,978.25  
 MONTHLY & FIXED EXP. \$ 24,956.58  
 PROFIT OR LOSS \$ 4,978.33-  
 EXPENDED FROM CONST. FUND \$ 23,360.38



.00 T

66,765.00  
49,644.00  
59,796.00  
58,952.00  
48,142.00  
49,311.00  
31,742.00  
31,985.00  
45,006.00  
32,582.00  
32,474.00  
50,639.90 T

Ca. 7h.

Acct. Aug 4,399,000  
552,299.00 T

416,000,000 gals.

Sch. No 37, 198,600

or 9% of sup<sup>y</sup>



# REPORT OF SUPERINTENDENT

For the Month Ending JULY 31, 19670.

## WATER RECORD during this month:

WATER SOLD 4,964,400 cf  
 WATER FROM HILLSBORO 505,500 cf  
 WATER FROM WELL #1 1,341,800 cf  
 TOTAL ..... #2 6,581,700 cf  
 WATER USED + MISCH. SCHUEPBACH 145,757 cf  
 TOTAL 8,574,757

## COST:

HILLSBORO \$1,000.00  
 WELL 259.35 POWER  
 SCHUEPBACH 189.41

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3414	30	3444
44	0	44
3458	30	3488

	Prev Bal	Wtr. Accts. Cash Red.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$24,873.67	\$20,971.21	\$ 1,199.50	\$13,675.50	\$14,875.00
SERVICES	44-3/4"-@ \$160.	7,040.00			
SUNDRY					
	I N F	20.00			
	TURN ON FEES	20.00			
	UNMETERED EXTRA WATER	17.42			
TOTAL CASH DEPOSITED		\$28,068.63			

## CASH ON HAND:

\$80.00

## MONTHLY EXPEND:

\$ 8,501.56

## FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

## TOTAL CASH DEPOSITED

\$ 28,068.63

## MONTHLY & FIXED EXP.

\$ 9,786.56

## PROFIT OR LOSS

\$ 18,282.07 +

## EXPENDED FROM CONST. FUND

\$ 9,442.70



# REPORT OF SUPERINTENDENT

For the Month Ending AUGUST 31, 1967.

## WATER RECORD during this month:

WATER SOLD 5,979,600 cf  
 WATER FROM HILLSBORO 101,700 cf  
 WATER FROM WELL #2 5,937,000 cf  
 WATER FROM WELL #1 7,323,200 cf  
 TOTAL 13,361,900 cf  
 WATER USED - SCHUEPBACK WELL 5,400 cf  
 WATER USED - MISC. 5,400 cf

## COST:

HILLSBORO \$1,000.00  
 #1 WELL 259.35  
 #2 " 491.23  
 SCHUEPBACK 702.00

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3458	30	3488
73	0	73
3531	30	3561

	Prev Bal	Wtr. Accts. Cash Red.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$14,875.00	\$14,215.23	\$1,328.75	\$18,860.25	\$20,189.00
SERVICES 73 @ 160.00		11,680.00			
SUNDRY					
INF CHECKS		70.50			
TURN ON FEES		75.00			
EXTRA WATER		22.50			
S.A.I.F. DIVIDEND		72.00			
DAMAGE REPAIR		89.99			
TOTAL CASH DEPOSITED		\$26,225.22			

## CASH ON HAND:

\$80.00

MONTHLY EXPEND: \$ 25,566.40

FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED \$ 26,225.22

MONTHLY & FIXED EXP. \$ 26,851.40

PROFIT OR LOSS \$ 626.18-

EXPENDED FROM CONST. FUND \$ 3,135.09

13901,900 Total



# REPORT OF SUPERINTENDENT

For the Month Ending SEPTEMBER 31, 1967.

## WATER RECORD during this month:

WATER SOLD 5,895,200 cf  
 WATER FROM HILLSBORO 12,700 cf  
 WATER FROM WELL #2 5,541,600 cf  
 TOTAL 5,554,300 cf  
 WATER USED - MISC. cf

## COST:

HILLSBORO \$1000.00  
 # 2 WELL 507.19  
 KEMMER RD. 6.97  
 # 1 WELL 13.53  
 \$1527.69

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3516	46	3562
50	1	51
3566	47	3613

	Prev Bal	Wtr. Accts. Cash Red.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$20,189.00	\$15,670.30	\$912.75	\$19,292.75	\$20,205.50
SERVICES	48-3/4" @ 160.00 2-1" @ 225.00	7,680.00 450.00			
SUNDRY	1 - 3" @ 1,126.	1,126.00			
	METER TEST	5.00			
	EXTRA WATER	32.25			
	TURN ON FEES 1. N. F.	50.00 79.25			
	CREDIT FROM GEN. TELEPHONE	6.40			
	REPAIR ON FIRE HYDRANT	436.80			
TOTAL CASH DEPOSITED		\$25,536.00			

## CASH ON HAND:

\$80.00

## MONTHLY EXPEND:

\$ 14,897.44

## FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED \$ 25,536.00

MONTHLY & FIXED EXP. \$ 16,182.44

PROFIT OR LOSS \$ 9,353.56 +

EXPENDED FROM CONST. FUND \$ 13,410.45



# REPORT OF SUPERINTENDENT

For the Month Ending OCTOBER 31, 19670.

## WATER RECORD during this month:

WATER SOLD 4,814,200 cf  
 WATER FROM HILLSBORO 3,900 cf  
 WATER FROM WELL 4,330,200 cf  
 TOTAL 4,334,100 cf  
 WATER USED - MISC.                      cf

## COST:

HILLSBORO 400.00  
 WELL #2 395.97  
 #1 11.74  
 KEMMER RD. 11.67

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3566	47	3613
31	0	31
3597	47	3644

	Prev Bal	Wtr. Accts. Cash Rcd.	Del. Bal.	Sales	Sales & Del.
WATER	\$20,205.50	\$21,552.75	\$1,579.52	\$16,507.	
SERVICES 30-3/4" @160.		4,800.00			
SUNDRY 1- 1" @225.		225.00			
BALANCE OF 3" service		668.48			
INF CHECKS		341.25			
TURN ON FEES		65.00			
EXTRA WATER		43.20			
TELEPHONE CO. CREDIT		12.00			
ANGLE METER STOP		5.50			
TOTAL CASH					
DEPOSITED		\$27,713.18			

.00 T

16,517.25  
 15.00 -  
 16,502.25 T

## CASH ON HAND:

MONTHLY EXPEND: \$ 10,479.40

FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED \$ 27,713.18

MONTHLY & FIXED EXP. \$ 11,764.40

PROFIT OR LOSS \$ 15,948.78 +

EXPENDED FROM CONST. FUND \$ 6,738.04



# REPORT OF SUPERINTENDENT

For the Month Ending NOVEMBER 30, 1967.

## WATER RECORD during this month:

WATER SOLD 4,931,100 cf  
 WATER FROM HILLSBORO 3600 cf  
 WATER FROM WELL # 2 - 3,922,300 cf  
 TOTAL 3,925,300 cf  
 WATER USED - MISC.                      cf

## COST:

HILLSBORO \$ 400.00  
 WELL #2 416.66

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3597	47	3644
49	0	49
3646	47	3699

	Prev Bal	Wtr. Accts. Cash Rcd.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$18,081.77	\$15,225.57	\$1,830.00	<sup>17,372.25</sup> \$18,128.25	\$19,908.25 <sup>MisRead</sup>
SERVICES	48-3/4" @160.00	7,680.00			
SUNDRY	1- 2" @690.00	690.00			
	1 N F CHECKS	306.25			
	TURN ON FEES	25.00			
TOTAL CASH DEPOSITED		\$23,926.82			

CASH ON HAND:

\$80.00

MONTHLY EXPEND:

\$11,886.67

FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED \$ 23,926.82

MONTHLY & FIXED EXP. \$ 13,171.67

PROFIT OR LOSS \$ 10,755.15 +

EXPENDED FROM CONST. FUND \$ 6,541.91

\*\*\*\*\*SINK. FUND 6,729.91



# REPORT OF SUPERINTENDENT

For the Month Ending DECEMBER 31, 1967

## WATER RECORD during this month:

WATER SOLD 3,174,200 cf  
 WATER FROM HILLSBORO 1,700 cf  
 WATER FROM WELL 4,207,700 cf  
 TOTAL 7,383,600 cf  
 WATER USED - MISC.                      cf

## COST:

HILLSBORO \$400.00  
 WELL #2 452.90  
 KEMMER RD. 160.94 2 MO.

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3646	47	3693
28	0	28
3674	47	3721

	Prev Bal	Wtr. Accts. Cash Rcd.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$19,202.25	\$17,071.75	\$1,305.05	\$12,746.25	\$14,051.30
SERVICES	27-3/4" @160.	4,320.00			
SUNDRY	1-1 1/2" @470.	470.00			
	1. N. F.	16.25			
	BACK HOE RENT	136.00			
	TURN ON FEE	5.00			
TOTAL CASH DEPOSITED		\$22,019.00			

CASH ON HAND:

\$80.00

MONTHLY EXPEND:

\$ 10,427.09

FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED \$ 22,019.00

MONTHLY & FIXED EXP. \$ 11,712.09

PROFIT OR LOSS \$ 10,306.91 +

EXPENDED FROM CONST. FUND \$ 7,426.64



# REPORT OF SUPERINTENDENT

For the Month Ending JANUARY, 1971.

## WATER RECORD during this month:

WATER SOLD 3,198,500 cf  
 WATER FROM HILLSBORO 6,100 cf  
 WATER FROM WELL 3,614,500 cf  
 TOTAL ~~6,819,100~~ 3,620,600 cf  
 WATER USED - MISC. \_\_\_\_\_ cf

## COST:

HILLSBORO \$400.00  
 #2 WELL 440.54

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3674	47	3721
26	0	26
3700	47	3747

	Prev Bal	Wtr. Accts. Cash Red.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$ 14,051.30	\$16,063.99	\$1,506.00	<del>\$12,773.00</del> \$12,830.75	<del>\$14,279.00</del> \$14,336.75
SERVICES	26-3/4" @160.	4,160.00			
SUNDRY					
	I. N. F.	145.00			
	TURN ON FEES	55.00			
	BAL. ON FIRE HYD.	146.49			
TOTAL CASH					
DEPOSITED		\$20,570.48			

CASH ON HAND:

\$80.00

MONTHLY EXPEND:

\$ 60,102.32

FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED \$ 20,570.48

MONTHLY & FIXED EXP. \$ 61,387.32

PROFIT OR LOSS \$ 40,816.84 -

EXPENDED FROM CONST. FUND \$ 1,138.74

SINKING FUND 10,825.00



# REPORT OF SUPERINTENDENT

For the Month Ending FEBRUARY 28, 1971

## WATER RECORD during this month:

WATER SOLD 4,500,600 cf  
 WATER FROM HILLSBORO 7,300 cf  
 WATER FROM WELL 3,622,700 cf  
 TOTAL 3,630,000 cf  
 WATER USED - MISC.                      cf

## COST:

HILLSBORO \$400.00  
 # TWO WELL 467.90

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3700	47	3747
35	0	35
3735	47	3782

	Prev Bal	Wtr. Accts. Cash Red.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$14,279.00	\$12,194.17	\$1,443.00	\$17,650.25	\$19,093.25
SERVICES	34-3/4" @ 160.	5,440.00			
SUNDRY	1-1/2" @ 470.	470.00			
	EXTRA WATER	24.75			
	TURN ON FEES	5.00			
	I. N. F.	133.50			
TOTAL CASH DEPOSITED		\$18,267.42			

CASH ON HAND:

\$80.00

MONTHLY EXPEND: \$ 7,022.62

FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED \$18,267.42

MONTHLY & FIXED EXP. \$ 8,307.62

PROFIT OR LOSS \$ 9,959.80 +

EXPENDED FROM CONST. FUND \$ 7,080.54



# REPORT OF SUPERINTENDENT

For the Month Ending MARCH 31, 1967.

## WATER RECORD during this month:

WATER SOLD 3,258,200 cf  
 WATER FROM HILLSBORO 100 cf  
 WATER FROM WELL 4,169,000 cf  
 TOTAL 4,169,100 cf  
 WATER USED - MISC. cf

## COST:

HILLSBORO \$400.00  
 #2----WELL 481.99  
 #1----WELL 59.41  
 KEMMER RD. 63.58

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3735	47	3782
48	0	48
3783	47	3830

	Prev Bal	Wtr. Accts. Cash Red.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$19,093.25	\$18,544.85	\$1,115.63	\$13,151.75	\$14,267.38
SERVICES	48-3/4" @\$160.	7,680.00			
SUNDRY	TURN ON FEE	20.00			
	I. N. F.	18.75			
	DAMAGE REPAIR	105.38			
TOTAL CASH DEPOSITED		\$26,368.98			

## CASH ON HAND:

\$80.00

## MONTHLY EXPEND:

\$16,497.65

## FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$1285.00

## TOTAL CASH DEPOSITED

\$26,368.98

## MONTHLY & FIXED EXP.

\$17,782.65

## PROFIT OR LOSS

\$8,586.33 +

## EXPENDED FROM CONST. FUND

\$8,989.11



# REPORT OF SUPERINTENDENT

For the Month Ending APRIL 30, 1967.

## WATER RECORD during this month:

WATER SOLD 3,247,400 cf  
 WATER FROM HILLSBORO 47,600 cf  
 WATER FROM WELL 4,263,800 cf  
 TOTAL 4,311,400 cf  
 WATER USED - MISC.                      cf

## COST:

HILLSBORO \$400.00  
 #2 WELL 449.83  
 #1                       
 KEMMER RD. 25.49

## SERVICE RECORD for this month:

SERVICES EXISTING first day of this month:  
 SERVICES INSTALLED DURING this month:  
 SERVICES EXISTING on last day of month:

INSIDE	OUTSIDE	TOTAL
3783	47	3830
72	0	72
3855	47	3902

	Prev Bal	Wtr. Accts. Cash Red.	Del. Bal.	Sales	Sales & Del. Balance
WATER	\$14,267.38	\$13,180.01	\$1,309.25	\$13,101.25	\$14,410.50
SERVICES	69-3/4" @160.	11,040.00			
SUNDRY	3-1IN, @225.	675.00			
	EXTRA WATER	9.75			
	1 N F	34.50			
	TURN ON FEES	80.00			
TOTAL CASH DEPOSITED		\$25,019.26			

## CASH ON HAND:

\$80.00

## MONTHLY EXPEND:

\$ 12,225.31

## FIXED MONTHLY EXP.\*INCLUDES

BOND PMT., INT., & INS. \$ 1285.00

TOTAL CASH DEPOSITED

\$ 25,019.26

MONTHLY & FIXED EXP.

\$ 13,510.31

PROFIT OR LOSS

\$ 11,508.95 +

EXPENDED FROM CONST. FUND

\$ 25,218.09

Respectfully submitted,



Applicant # 3  
Exhibit



# LABORATORY CERTIFICATE

*Charlton Laboratories*

CHEMISTS — BACTERIOLOGISTS — ENGINEERS

2340 S. W. JEFFERSON ST.

P.O. BOX 1048

PORTLAND 7, OREGON

CAPITOL 8-9663

MEMBERSHIPS IN  
AMERICAN CHEMICAL SOCIETY  
AMERICAN SOCIETY FOR TESTING MATERIALS  
AMERICAN SOCIETY FOR METALS  
AMERICAN WATER WORKS ASSN.  
AMERICAN PUBLIC HEALTH ASSN.  
CERTIFIED MARINE CHEMISTS  
AMERICAN OIL CHEMISTS SOCIETY  
PACIFIC N.W. SECTION OF  
AMERICAN ASSN. OF CEREAL CHEMISTS  
AMERICAN COUNCIL OF INDEPENDENT  
LABORATORIES  
AMERICAN CONCRETE INSTITUTE  
SOCIETY OF AUTOMOTIVE ENGINEERS  
AMERICAN WELDING SOCIETY  
NATIONAL ASSOCIATION OF  
CORROSION ENGINEERS  
AMERICAN ELECTROPLATERS' SOCIETY

TO: Aloha-Huber Water District  
17880 S. W. Flanton  
Aloha, Oregon

LABORATORY NO. 64716

DATE: September 11, 1961

SUBJECT: WATER SAMPLE FROM SHUBACH WELL

DATE RECEIVED: 9-5-61

pH Value 7.55

parts per million

Total Solids (Residue on Evaporation)	390
Alkalinity (as $\text{CaCO}_3$ )	
Carbonate	0
Bicarbonate	177
Hardness (as $\text{CaCO}_3$ )	186
Iron (Fe)	0.04
Chloride (Cl)	67.7
Sulfate ( $\text{SO}_4$ )	trace

This water is classed as a very hard bicarbonate type. It is moderately high in chloride (salt).

CHARLTON LABORATORIES, INC.

By *J. M. Hogl*  
J. M. Hogl  
COPY, ORIGINAL SIGNED PERSONALLY

JMH:ek  
3c





MEMORANDUM OF AGREEMENT  
Between  
SCHUEPBACH BROS.  
and  
ALOHA-HUBER WATER DISTRICT

THIS AGREEMENT made and entered into this 24<sup>th</sup> day of July, 1970, by and between FRED SCHUEPBACH and RUDOLPH SCHUEPBACH, JR., a copartnership doing business as Schuepbach Bros., hereinafter referred to as "First Parties" and ALOHA-HUBER WATER DISTRICT, hereinafter referred to as "Second Party";

W I T N E S S E T H :

WHEREAS, First Parties have a well upon their property capable of producing considerable water for which they have a water right for irrigation; and

WHEREAS, the Second Party does not have an adequate supply of water to properly serve its users and is desirous of purchasing water from First Parties; and

WHEREAS, the conversion of the water from the irrigation system to and use by Second Party will require some study and it will be necessary that permits be secured by both parties (the First Parties for the change of use of the water right, and the Second Party for the right to draw water from the First Parties' water system); and

WHEREAS, an emergency now exists and there is great danger of fire within the Aloha-Huber Water District and the lack of water in the water mains constitutes a danger to life and property and a memorandum agreement is considered desirable to make an arrangement for a period of not more than 30 days during which time details of a more permanent agreement can be worked out.

NOW, THEREFORE, the parties do hereby agree as follows, the Second Party having caused this agreement to be executed pursuant to a duly called meeting of the Board of Commissioners of the Aloha-Huber Water District:

The First Parties agree to permit Second Party to draw



from the well upon the First Parties' property and metered at a meter to be installed by the Second Party on the southerly line of Division Street at a point opposite to 160th Street, Washington County, Oregon. In consideration thereof the Second Party agrees to pay to First Parties a sum equal to 13¢ per 100 cubic feet of water which Second Party shall draw from the well of First Parties.

The Second Party shall furnish a good and working meter, check valve and other equipment required, and maintain the same in a good and workmanlike manner at its own expense.

IT IS FURTHER UNDERSTOOD AND AGREED that First Parties make no representations as to the quality and quantity of the water and the Second Party represents that it has satisfied itself concerning the same, and will save the First Parties harmless with regard thereto.

IT IS FURTHER UNDERSTOOD AND AGREED that the Second Party shall not be required to use water, and it shall be the sole judge as to its requirements. However, as long as it is using water the Second Party agrees to read the meter at the end of each week or seven-day period and furnish First Parties with a statement each week showing the quantity of the water used during such period and remit to First Parties the agreed value thereof within a reasonable time after such reading.

IT IS FURTHER UNDERSTOOD AND AGREED that this agreement shall become null and void after 30 days from date hereof or if proper permits cannot be obtained to accomplish the purposes of this agreement, then at such earlier date as either party may elect.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands the day and year first hereinabove written.

SCHUEPBACH BROS.

By Fred Schuepbach  
Fred Schuepbach

By Rudolph Schuepbach  
Rudolph Schuepbach, Jr.

ALOHA-HUBER WATER DISTRICT

SECOND PARTY:

By Charence B. Ennos  
Its



NOTICE OF FILING APPLICATION FOR A  
CHANGE IN USE OF WATER

Notice is given hereby that Schuepbach Brothers have filed an application for the approval of a change in use of water from a well.

Certificate of water right issued to Schuepbach Brothers and recorded at page 33114, Volume 25, State Record of Water Right Certificates, confirms a right to the use of 1.35 cubic feet per second of water from a well for the irrigation of, among other lands, 3.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 34.8 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.3 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 17, and 7.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 20, T. 1 S., R. 1 W., W.M., with a date of priority of January 21, 1959.

The applicants herein, owners of the lands above described, propose to change the use heretofore made of water to domestic use by Aloha-Huber Water District in Secs. 5, 6, 7, 8, 16, 17, 18, 19, T. 1 S., R. 1 W., Secs. 1, 2, 10, 11, 12, 13, 23, and 24, T. 1 S., R. 2 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Hillsboro, Oregon, on June 2, 1971, at 9:30 a.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 Schuepbach Brothers, Rt. 1, Box 1130, Beaverton, Oregon, and one copy filed with the State Engineer, Salem, Oregon, 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 31st day of March, 1971.

CHRIS L. WHEELER  
State Engineer



RECEIVED  
MAY 20 1971  
STATE ENGINEER  
SALEM, OREGON

BEFORE THE STATE ENGINEER  
OF THE STATE OF OREGON

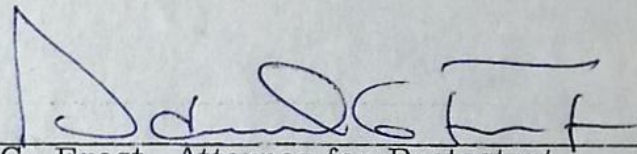
In the Matter of the Application of )  
Schuepbach Brothers for the Approval )  
of a Change in Use of Water from a )  
Well. )

SCHUEPBACH BROTHERS, Applicants. )

JOHN B. PEYTON, Protestant. )

PROOF OF MAILING

I hereby certify that I served the foregoing Protest on Schuepbach Brothers, Applicants herein, on the 19th day of May, 1971, by mailing to them a true and correct copy thereof, certified by me as such. I further certify that said copy was placed in a sealed envelope addressed to said Schuepbach Brothers at Route 1, Box 1130, Beaverton, Oregon 97005, and deposited in the postoffice at Hillsboro, Oregon, on the 19th day of May, 1971, and that the postage thereon was prepaid.

  
David G. Frost, Attorney for Protestant,  
John B. Peyton

DAVID G. FROST  
ATTORNEY AT LAW  
HARE-STURGIS BLDG.  
HILLSBORO, OREGON 97123  
648-1186



BEFORE THE STATE ENGINEER  
OF THE STATE OF OREGON

Filed this 20th day of May 19 71

In the Matter of the Application of  
Schuepbach Brothers for the Approval  
of a Change in Use of Water from a  
Well.

CHRIS L. WHEELER

STATE ENGINEER

*James M. Carver Jr.*  
DEPUTY STATE ENGINEER

SCHUEPBACH BROTHERS, Applicants.

P R O T E S T

JOHN B. PEYTON, Protestant.

JOHN B. PEYTON, for his protest to the granting of the application  
mentioned above, alleges as follows:

I

That protestant is the owner and user of a well located on Cooper  
Mountain, Washington County, Oregon, which well is used for domestic  
purposes. The protestant's residence address is 8245 S. W. 170th Avenue,  
Beaverton, Oregon 97005.

II

That protestant would be adversely affected by the granting of the  
application of the Schuepbach Brothers for the following reasons:

1. That protestant is informed, and therefore alleges,  
that the basalt aquifer, which supplies the ground water source  
for protestant's well, is not being recharged by ground water  
sources at a rate sufficient to maintain the level of the water  
supply so as to provide existing wells in the area, and  
particularly protestant's, with sufficient waters to maintain  
their prior existing uses.

2. That protestant is informed, and therefore alleges,  
that the proposed change of use would greatly reduce the water  
level in the basaltic aquifer due to the fact that the applicants  
have not used their allotted water on a continuous basis for many  
years.

3. That Aloha-Huber Water District is in need of an

\$5.00 FEE PAID

REC. NO. 23661

DATE 5-20-71



DAVID G. FROST  
ATTORNEY AT LAW  
HARE-STURGIS BLDG.  
HILLSBORO, OREGON 97123  
648-1186

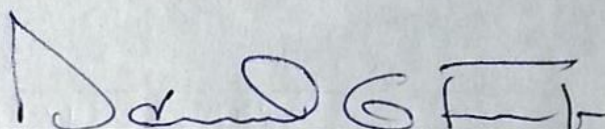
1 additional water source for domestic use and a constant use of  
2 the 1.35 cubic feet per second of water from applicants' well  
3 would materially draw down the water level.

4 4. That the existing use of applicants' well for  
5 irrigation allows the water used to recharge the existing ground  
6 water supply whereas a change of use from agricultural to  
7 domestic would provide a materially lesser amount of water for  
8 recharge.

9 III

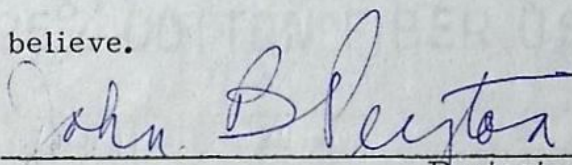
10 That protestant's well predates applicants' well and protestant, there-  
11 fore, has a prior right of appropriation.

12 WHEREFORE, Protestant requests that the application for a change in  
13 use of water be denied.

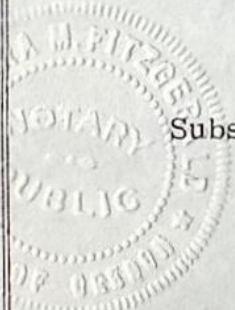
14   
15 David G. Frost, Attorney for Protestant  
16 126 North Second Avenue  
17 Hillsboro, Oregon 97123  
18 648 1186

19 STATE OF OREGON )  
20 County of Washington ) ss.

21 I, JOHN B. PEYTON, being sworn, say: I am Protestant in the above  
22 entitled matter; I have read the foregoing Protest, know the contents thereof,  
23 and the same is true as I verily believe.

24   
25 Protestant

26 Subscribed and sworn to before me this 19th day of May, 1971.

27   
28 Sandra M. Fitzgerald  
29 Notary Public for Oregon  
30 My commission expires: ~~12/4/72~~ 5-23-71  
31  
32



LAW OFFICES  
SCHWENN, BRADLEY AND BATCHELOR

W. C. SCHWENN  
CARRELL F. BRADLEY  
DEMAR L. BATCHELOR  
J. D. BAILEY

**RECEIVED**  
JUN 11 1971  
**STATE ENGINEER**  
**SALEM OREGON**

139 EAST LINCOLN  
HILLSBORO, OREGON 97123  
TELEPHONE 648-6677

June 10, 1971

State Engineer  
Water Resources Department  
516 Public Service Building  
Salem, Oregon 97310

Attention: Chris L. Wheeler

Dear Mr. Wheeler:

At our hearing on June 2, you asked for copies of chemical reports on the water from the two wells operated by the Aloha-Huber Water District. I have enclosed photocopies of the reports which we received. You will note that the older report bears a penciled notation: "Well # 1." That report refers to water withdrawn from a well under a water right evidenced by a certificate recorded at page 36440 State Record of Water Rights, Certificates, and the well is located in Lot 1, NE 1/4 of SE 1/4 of Section 24, T1S, R2W, W.M. The other report bears this penciled notation: "Grabhorne Road, Well # 2." That report refers to water taken from a well in the SE 1/4 of the SE 1/4 of Section 23, T1S, R2W, W.M., and withdrawn under the right evidenced by a certificate recorded on page 36441, State Record of Water Rights.

On the day following the hearing you asked me to produce some evidence that the report introduced at the hearing and purporting to relate to the Schupback well in question at the hearing was actually made on water from the particular well that we were talking about. You told me that Schupback has more than one well in the area and you questioned whether the report referred to water from the right well. I talked with Mr. McLean, the superintendent of the district, and he recalls and would testify that he personally took the water from the well, and that it was the particular Schupback well now in question, and (in response to another question of yours) that he had the report made because at that time the district,



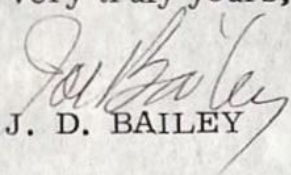
SCHWENN, BRADLEY AND BATCHELOR

State Engineer  
June 10, 1971  
Page 2

or at least some representatives of the District, were interested in acquiring water from the well.

Please let me know if you have any other questions.

Very truly yours,

  
J. D. BAILEY

JDB:dm  
Enc.

cc Mr. David Frost

cc Mr. Eldon Carter

cc Aloha-Huber Water District

ERASABLE

BOND

HAS CONTENT



# Charlton Laboratories

CHEMISTS — BACTERIOLOGISTS — ENGINEERS

2340 S. W. JEFFERSON ST.

CAPITOL 8-9663

P.O. BOX 1048

PORTLAND 7, OREGON

AMERICAN SOCIETY FOR METALS  
AMERICAN WATER WORKS ASSN.  
AMERICAN PUBLIC HEALTH ASSN.  
CERTIFIED MARINE CHEMISTS  
AMERICAN OIL CHEMISTS SOCIETY  
PACIFIC N.W. SECTION OF  
AMERICAN ASSN. OF CEREAL CHEMISTS  
AMERICAN COUNCIL OF INDEPENDENT  
LABORATORIES  
AMERICAN CONCRETE INSTITUTE  
SOCIETY OF AUTOMOTIVE ENGINEERS  
AMERICAN WELDING SOCIETY  
NATIONAL ASSOCIATION OF  
CORROSION ENGINEERS  
AMERICAN ELECTROPLATERS' SOCIETY

TO: Aloha-Huber Water District  
17880 S. W. Blanton  
Aloha, Oregon

LABORATORY NO. 54613

DATE: August 26, 1958

SUBJECT: WELL WATER

DATE RECEIVED: 8-13-58

**RECEIVED**  
JUN 11 1971  
STATE ENGINEER  
SALEM OREGON

pH Value

7.22

	parts per million
Total Solids (Residue on Evaporation)	216
Volatile Solids (Loss on Ignition)	12
Alkalinity (As $\text{CaCO}_3$ )	
Carbonate	0
Bicarbonate	115
Hardness (As $\text{CaCO}_3$ )	111
Silica ( $\text{SiO}_2$ )	65.5
Calcium (Ca)	26.7
Magnesium (Mg)	10.7
Iron (Fe)	0.63
Aluminum (Al)	0.05
Manganese (Mn)	0.00
Sodium (Na)	14.1
Potassium (K)	2.8
Chloride (Cl)	5.1
Sulfate ( $\text{SO}_4$ )	5.9
Nitrate ( $\text{NO}_3$ )	0.0
Fluoride (F)	0.0

*W-11 #1*

This water is classed as a moderately hard bicarbonate type. The iron is a little high and may cause some nuisance because of staining. The maximum standard for municipal waters is 0.3 p.p.m. iron. The water is quite similar to Beaverton municipal water. For steam boiler use it will require treatment to prevent corrosion and scale formation.

CHARLTON LABORATORIES, INC.

By *Jm Stogel*

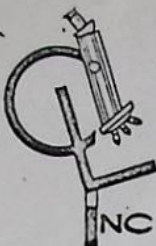
COPY, ORIGINAL SIGNED PERSONALLY



JMH:ek  
2c



CONSULTATION



INSPECTION

RESEARCH

## LABORATORY CERTIFICATE

# Charlton Laboratories

CHEMISTS — BACTERIOLOGISTS — ENGINEERS

2340 S. W. JEFFERSON ST.

CAPITOL 8-9663

P.O. BOX 1048  
PORTLAND 7, OREGON

AMERICAN CHEMICAL SOCIETY  
AMERICAN SOCIETY FOR TESTING MATERIALS  
AMERICAN SOCIETY FOR METALS  
AMERICAN WATER WORKS ASSN.  
AMERICAN PUBLIC HEALTH ASSN.  
CERTIFIED MARINE CHEMISTS  
AMERICAN OIL CHEMISTS SOCIETY  
PACIFIC N.W. SECTION OF  
AMERICAN ASSN. OF CEREAL CHEMISTS  
AMERICAN COUNCIL OF INDEPENDENT  
LABORATORIES  
AMERICAN CONCRETE INSTITUTE  
SOCIETY OF AUTOMOTIVE ENGINEERS  
AMERICAN WELDING SOCIETY  
NATIONAL ASSOCIATION OF  
CORROSION ENGINEERS  
AMERICAN ELECTROPLATERS' SOCIETY

TO: Aloha-Huber Water District  
17880 S. W. Flanton  
Aloha, Oregon

LABORATORY NO. 68385

DATE: December 3, 1962

SUBJECT: Water Sample

DATE RECEIVED: 11/26/62

**RECEIVED**  
JUN 11 1971  
STATE ENGINEER  
SALEM, OREGON

*Erabhorn*  
*Well # 2*

pH Value

7.40

	parts per million
Total Solids (Residue on Evaporation)	185
Alkalinity (as $\text{CaCO}_3$ )	
Carbonate	0
Bicarbonate	130
Hardness (as $\text{CaCO}_3$ )	122
Chloride	4.0
Sulfate	trace
Iron	0.14

This water is classed as a moderately hard bicarbonate type. Iron and chloride are low. Except for hardness, it should be satisfactory for most uses,

CHARLTON LABORATORIES, INC.

*J. M. Hogl*  
By: J. M. Hogl



JMH:lr

2 c



**RECEIVED**  
MAY 12 1971  
STATE ENGINEER  
SALEM, OREGON

May 11, 1971 Filed this 12<sup>th</sup> day of May 19 71

**CHRIS L. WHEELER**

STATE ENGINEER

*James W. Carver Jr.*  
DEPUTY STATE ENGINEER

State Engineer  
Water Resources Department  
1178 Chemeketa Street N. E.  
Salem, Oregon 97310

Subject: Application for change in use of Schuepbach Brothers certificate of water right (recorded page 33114, volume 25, State Record of Water Right Certificates) from a well for irrigation use at 1.35 cubic feet per second to a well for domestic utility use by Aloha-Huber Water District

Dear Sir:

I am hereby filing a protest against the granting of the subject change in use as stated in the subject application. I am entitled to make this protest for the following reasons:

(a) I own a well located in Section 19, T. 1 S., R. 1 W, W. M., which is adjacent to Sections 17 and 20 in which land irrigated by the subject well is located.

(b) Certificate of registration of my well is dated September 3, 1957, and is recorded on page GR-569 C, Book No. 4, and therefore, my claim of right to appropriate ground water predates the January 21, 1959 priority date of the subject well.

(c) The aquifer supplying water to my well is within the Columbia River basaltic layers which form Cooper Mountain and I believe the subject well obtains its water from the same basaltic aquifer. The water level history in my well indicates that the ground water in this area is being withdrawn at a rate in excess of the recharge and the water supply in my well is currently in jeopardy.

The specific point I wish to protest in the subject change of use is the 1.35 cubic feet per second withdrawal rate. The reasons I am protesting the change in use of the subject well at its original certified rate are as follows:

\$5.00 FEE PAID

REC. NO. 23561

DATE 5-12-71



State Engineer - 2  
May 11, 1971

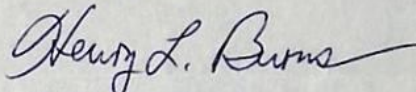
1. From a hydrological standpoint, the subject well is not the same well today as the well that was certified in 1959. The static water level, the pumping draw down, and status of the area ground water supply as of 1971 should all be considered in establishing a new pumping rate for the subject new use. If the static water level is lower and the draw down higher today than when originally certified, the allowed pumping rate should be proportionately lower than the 1.35 cubic feet per second applied for.

2. In terms of annual water consumption and total drain on the area ground water, the subject transfer from irrigation to domestic utility operation represents a very substantial change in use. Operation of an irrigation well will be seasonal whereas the domestic utility operation is potentially a year around, continuous day and night use. Furthermore, a significant portion of the water used for irrigation re-enters the ground and can contribute to recharge of the irrigation well, but water taken by a domestic utility is removed from the well site and is lost into sewer systems and remote land areas. The domestic utility use should be restricted to a total annual water withdrawal no greater than the annual withdrawal for irrigation. Also, in view of the declining ground water level, determination of annual irrigation water withdrawal should be based on irrigation use for the year 1970.

The undersigned protestant is hereby requesting that the State Engineer approve the subject change in use only on the basis of a reduced pumping rate compatible with the current condition of the subject well and the ground water supply in the area. In addition, it is requested that an annual withdrawal limitation be made on the new use for the subject well compatible with recent annual irrigation withdrawal rates.

Enclosed is a \$5 check for the required filing fee.

Sincerely,



HENRY L. BURNS  
Rt. 1, Box 1162  
Beaverton, Oregon 97005  
Tel. 649-1758

Copy by Certified Mail to:

Schuepbach Brothers  
Rt. 1, Box 1130  
Beaverton, Oregon 97005



BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

In the Matter of the Application of )  
Schuepbach Brothers for the Approval )  
of a Change in Use of Water from a ) C O N S E N T  
Well. )  
)

Beaver Construction Co., an Oregon corporation, hereby consents to that certain Application for Transfer of Water Right which has heretofore been filed by Schuepbach Brothers with the State Engineer of the State of Oregon, a copy of which is marked Exhibit A, and attached hereto for identification. In connection with this consent, Beaver Construction Co. hereby releases to Schuepbach Brothers all its right, title, and interest, if any, in and pursuant to that Certificate of Water Right which was previously issued to Schuepbach Brothers by the State of Oregon, as described in that certain Certificate of Water Right, dated April 8, 1966, and recorded in State Record of Water Right Certificates, Volume 25, page 33114, a copy of which is marked Exhibit B and attached hereto for identification purposes, which Certificate of Water Right relates to the following described real property:

3.4 acres NE 1/4 SW 1/4 as projected within Innes DLC 56  
1.2 acres NW 1/4 SW 1/4 as projected within Innes DLC 56  
0.8 acre SW 1/4 SW 1/4 as projected within Innes DLC 56  
33.4 acres SW 1/4 SW 1/4 as projected within Williams DLC 50  
32.4 acres SE 1/4 SW 1/4 as projected within Williams DLC 50  
2.4 acres SE 1/4 SW 1/4 as projected within Innes DLC 56  
12.4 acres SW 1/4 SE 1/4 as projected within Williams DLC 56  
Section 17  
8.2 acres SE 1/4 SE 1/4 as projected within Reed DLC 40  
Section 18  
4.0 acres NW 1/4 NE 1/4 as projected within Williams DLC 50  
14.8 acres NE 1/4 NW 1/4 as projected within Williams DLC 50  
14.4 acres NW 1/4 NW 1/4 as projected within Williams DLC 50  
Section 20  
T.1 S., R. 1 W., W.M.

and said Beaver Construction Co. relinquishes and waives all rights with respect to said Certificate of Water Right which it can now or could in the future assert against said well and the use of water therefrom for irrigation purposes.

Dated this 30th day of July, 1971.

BEAVER CONSTRUCTION CO.

By Dwight E. Hargis, Pres.

STATE OF OREGON

County of

July 30th, 1971, Personally appeared Dwight E. Hargis who acknowledged to be the President of Beaver Construction Co., an Oregon corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and acknowledged said instrument to be its voluntary act and deed. Before me:

Marilyn J. Walker  
Notary Public for Oregon  
My Commission Expires: 5/1/75



# Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, **SCHUEPBACH BROS.**

(Name of applicant)

of **Rt. 1, Box 1130, Beaverton**

(Postoffice)

County of **Washington**

State of **Oregon**

, do hereby make application for change **from irrigation**

**to domestic use by the Aloha-Huber Water District, a municipal corporation.**

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

1. The source of present water right is **a well**

(Name of stream)

2. The use to which the water is applied is **presently irrigation transfer to Aloha-Huber Water District for domestic use**

(Irrigation; Mining; Power; Manufacturing; etc.)

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

4. The point of diversion is located **80** ft. **S** and **2140** ft. **W** from the **NE**

(N. or S.)

(E. or W.)

corner of **Williams DLC 50**

(Section or subdivision)

being within the **SE1/4SW1/4**

of Section **17** Tp. **1S** R. **1W** 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			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
<b>1S</b>	<b>1W</b>	<b>17</b>									<b>3.4</b>	<b>1 1/2</b>	<b>.8</b>	<b>32.4</b>				
		<b>20</b>																

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? **We are the legal owners of the 32.4 acres and the 7.8 acres; 10. of the 14.8 acres are being taken by Beaverton School District No. 48 for school purposes; the 12.4 acres and the 4 acres have heretofore been sold for residential use.**

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? **January 21, 1959**

9. Was your water right acquired by State Engineer's Permit? **Yes** If so, give number

(Yes or No)

of permit **G-1229**



10. Do you hold a water right certificate? Yes If so, give number of certificate 33114  
(Yes or No)

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

No If so, give title of proceedings  
(Yes or No)

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 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
1S	1W	5									X	X	X	X				
		6									X	X	X	X	X	X	X	X
		7														X	X	X
		8											X					
		16					X	X	X	X								
		17	X	X	X	X	X	X	X	X	X	X	X	X			X	
		18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		19	X	X			X	X		X								

(continued under remarks)

(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 ..... ft. .... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

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

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? .....

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.? Yes, except as shown under 6 above  
(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 The Aloha-Huber Water District is short of water to supply the area and it desires to draw water from the well situate on our property and we wish to cooperate and furnish water to said Aloha-Huber Water District from the well upon our property. The point of conversion is the well.



# AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Washington

ss.

I, RUDOLPH SCHUEPBACH, JR., one of the partners of 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 February day of 1971

SCHUEPBACH BROS.

By RUDOLPH SCHUEPBACH, JR.  
(Name of applicant)

Subscribed and sworn to before me this February day of 1971

[Notarial Seal]

ALBERT T. KEMMER

NOTARY PUBLIC FOR OREGON

My commission expires 1/10/74

Remarks

T 1 S R 2 W Sec. 1 S<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>

2 SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>

10 NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>

11 NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub>

12 All

13 N<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>

23 E<sup>1</sup>/<sub>2</sub>

24 N<sup>1</sup>/<sub>2</sub>, N<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub>

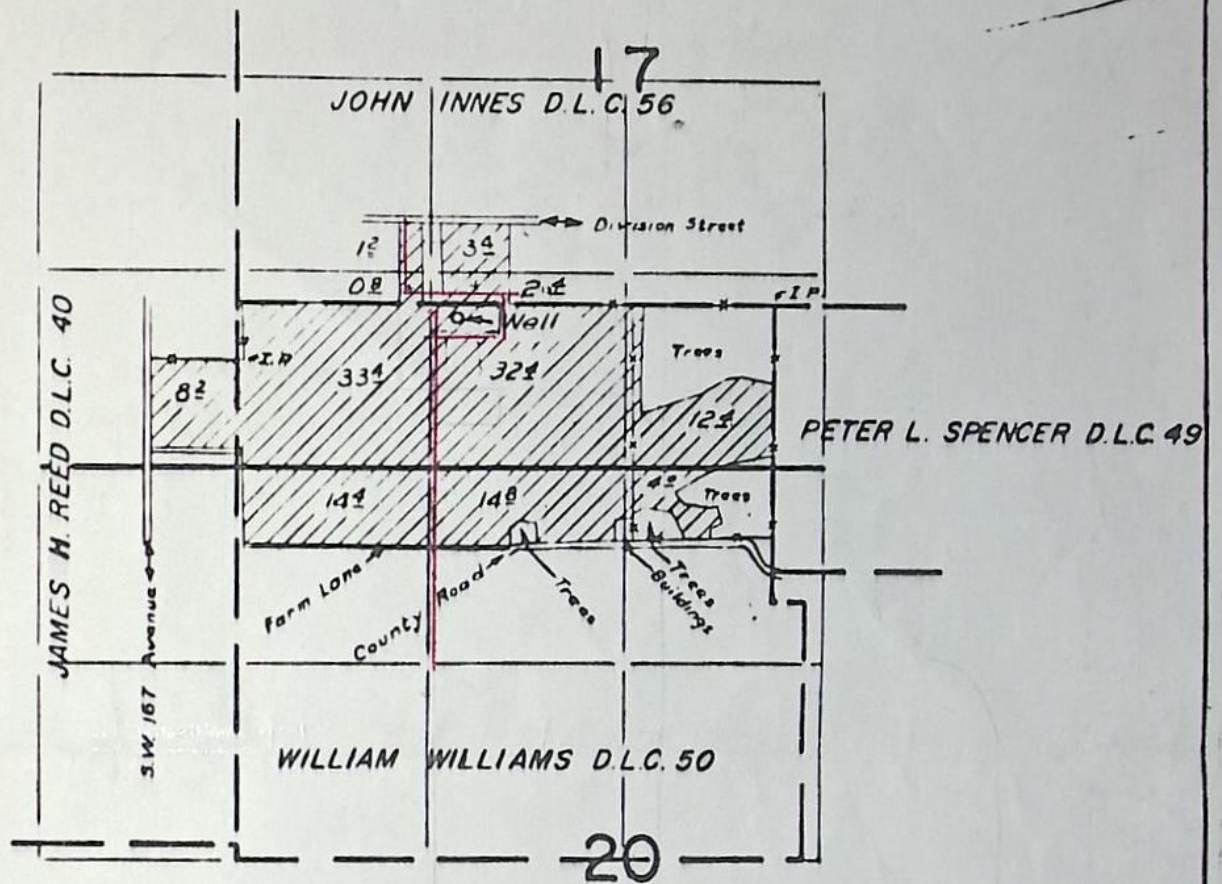
THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



T.I.S.R.I.W.W.M.

18

17



19

20

FINAL PROOF SURVEY  
UNDER

**RECEIVED**  
DEC 31 1970  
STATE ENGINEER  
SALEM, OREGON

Application No. G-1351 Permit No. G-1229  
IN NAME OF

SCHUEPBACH Bros.

Surveyed May 24 1965, by M. Bish

1965-1A

L. J. Jr.



STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That SCHUEPBACH BROTHERS

of Route 1, Box 1130, Beaverton, 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 a well

a tributary of Beavercreek Creek, (Tualatin River) for the purpose of irrigation of 127.4 acres

under Permit No. G-1229 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 January 21, 1959

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 1.35 cubic feet 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 Williams DLC 50, Section 17, T. 1 S., R. 1 W., W. M. Well located 2140 feet West and 80 feet South from the NE Corner DLC 50.

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:

3.4 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Innes DLC 56  
1.2 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Innes DLC 56  
0.8 acre SW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Innes DLC 56  
33.4 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Williams DLC 50  
32.4 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Williams DLC 50  
2.4 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Innes DLC 56  
12.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within Williams DLC 50  
Section 17  
8.2 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within Reed DLC 40  
Section 18  
4.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Williams DLC 50  
14.8 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Williams DLC 50  
14.4 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Williams DLC 50  
Section 20  
T. 1 S., R. 1 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. April 8, 1966

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33114

EXHIBIT B



REPORT TO STATE ENGINEER

**RECEIVED**  
AUG 13 1970  
STATE ENGINEER  
SALEM, OREGON

DAILY PUMPING RECORD FOR THE MONTH OF JULY 1960.

1	_____	cf
2	_____	cf
3	_____	cf
4	_____	cf
5	_____	cf
6	_____	cf
7	_____	cf
8	_____	cf
9	_____	cf
10	_____	cf
11	_____	cf
12	_____	cf
13	_____	cf
14	_____	cf
15	_____	cf
16	_____	cf
17	_____	cf
18	_____	cf
19	_____	cf
20	_____	cf
21	_____	cf
22	_____	cf
23	_____	cf
24	_____	cf
25	<u>0,000,000</u>	cf
26	_____	cf
27	_____	cf
28	_____	cf
29	_____	cf
30	_____	cf
31	<u>1,091,000</u>	cf

SCHUBACH WELL  
SW 160th Ave. & Division St.

Gallons

TOTAL      1,091,000 ~~and~~ Gals.

STATIC LEVEL \_\_\_\_\_ ft

*0.04      3428  
5.13  
100*

ALOHA-HUBER WATER DISTRICT



SCHUEPBACH WELL

160TH & DIVISION ST.

REPORT TO STATE ENGINEER

DAILY PUMPING RECORD FOR THE MONTH OF AUGUST 31 1970.

1	_____	cf
2	_____	cf
3	_____	cf
4	_____	cf
5	_____	cf
NEW HEAD-----6	_____	cf
7	_____	cf
8	_____	cf
9	_____	cf
10	_____	cf
11	_____	cf
12	_____	cf
13	_____	cf
14	_____	cf
15	_____	cf
16	_____	cf
17	_____	cf
18	_____	cf
19	_____	cf
20	_____	cf
21	_____	cf
22	_____	cf
23	_____	cf
24	<u>540,000</u>	cf
25	_____	cf
26	_____	cf
27	_____	cf
28	_____	cf
29	_____	cf
30	_____	cf
31	_____	cf

TOTAL 540,000 cf

**RECEIVED**  
SEP 3 1970  
STATE ENGINEER  
SALEM OREGON

STATIC LEVEL \_\_\_\_\_ ft

ALOHA-HUBER WATER DISTRICT



Schuebach's Wet  
Schuebach

REPORT TO STATE ENGINEER

DAILY PUMPING RECORD FOR THE MONTH OF Aug 31 1970

1	_____	cf
2	_____	cf
3	_____	cf
4	_____	cf
5	<u>1091000</u>	cf
6	<u>491000</u>	cf
7	_____	cf
8	_____	cf
9	_____	cf
10	_____	cf
11	_____	cf
12	<u>001642</u>	cf
13	<u>001925</u>	cf
14	<u>002470</u>	cf
15	_____	cf
16	_____	cf
17	<u>003033</u>	cf
18	<u>003527</u>	cf
19	<u>004404</u>	cf
20	<u>004780</u>	cf
21	<u>005397</u>	cf
22	_____	cf
23	_____	cf
24	<u>005400</u>	cf
25	_____	cf
26	_____	cf
27	_____	cf
28	_____	cf
29	_____	cf
30	_____	cf
31	_____	cf

new heel - 6

9als  
cu ft

540000

Add 3.0<sup>s</sup>  
(Sweep and)

TOTAL 540000 cf

STATIC LEVEL \_\_\_\_\_ ft

ALOHA-HUBER WATER DISTRICT

Water  
#1815

5400  
13  
RECEIVED  
MAY 14 1971  
STATE ENGINEER  
SALEM, OREGON



# RECEIVED

MAY 5 1971

STATE ENGINEER  
SALEM OREGON

Schupbach Bros		1074-3470	60 HP Irrigation Pump
	kwh.	Dem	Hours of operation
1970-	69	39	2
	4448	50	89
	17912	50	358
	1812	49	36
1969	21180	50	425
	7444	50	149
	46		1
1968	5844	50	117
	7844		157
	7238		145
1967	8064		161
	14672		293
	19956		400
	1800		36
1966	9728		195
	12778		255
	7468		149
1965	4272		85
	12264		245
	8434		169
	322		6
1964	3882		78
	6936		140
	8692	50	174
	5290		106
	578		12
1963	No record		

78,000 gallons

3471,000

13,962,000

1,404,000

16,575,000

5,811,000

39,000

22,425,000

when running

650 gpm

48560 cu ft / acre  
325,851 gallons / acre foot



Kwh.

Hours of operation

1962

74

2

22.0 AP

6984

140

4454

89

3814

78

1961

2780

55

27.5 AP

7734

155

8612

172

1960

23.5 AP

16348

327

1957

22.6 AP

15728

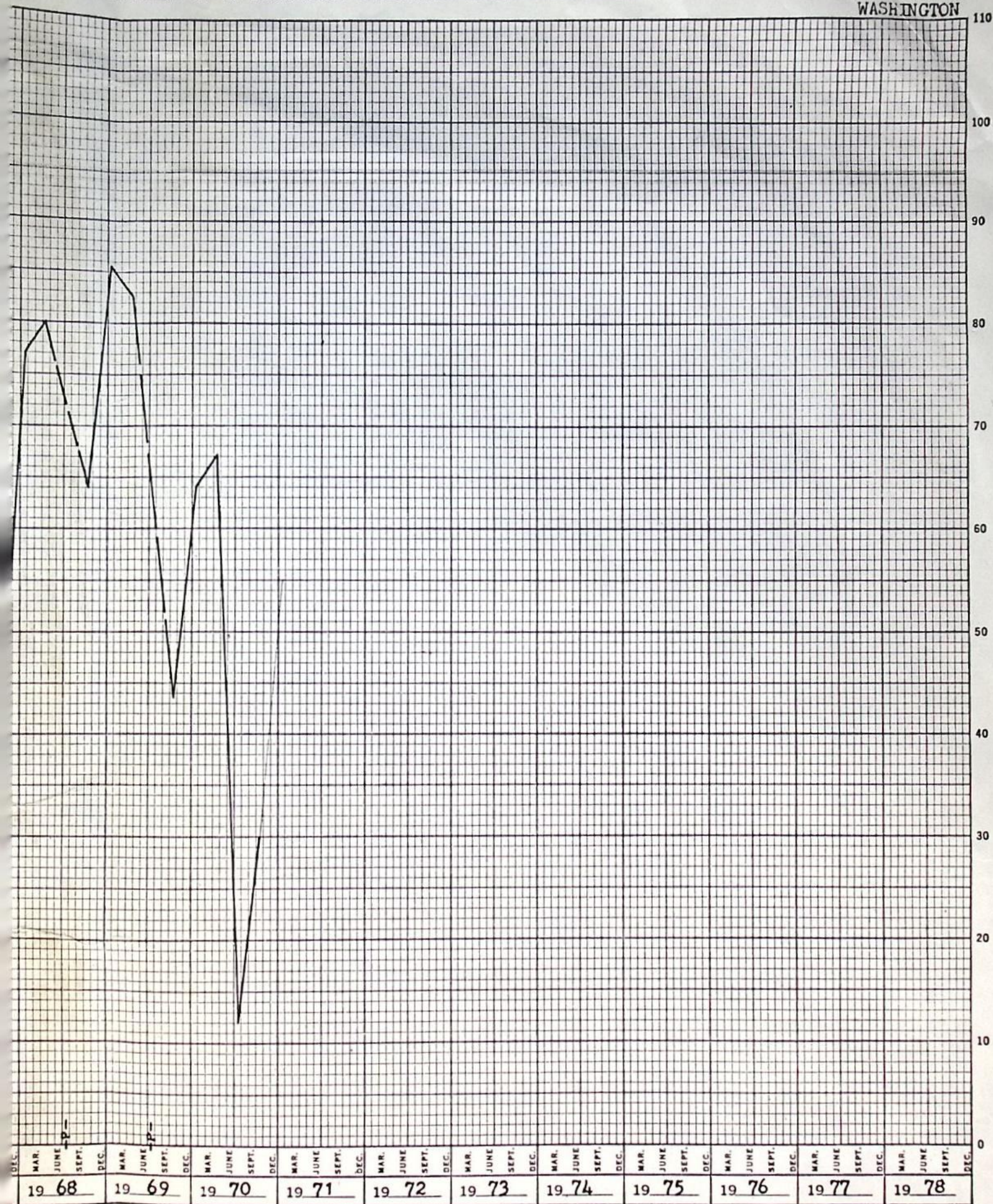
315

Erhardt  
L. E. Co.



ELL ABOUT 2 MILES SW OF BEAVERTON DEVELOPING WATER FROM BASALT

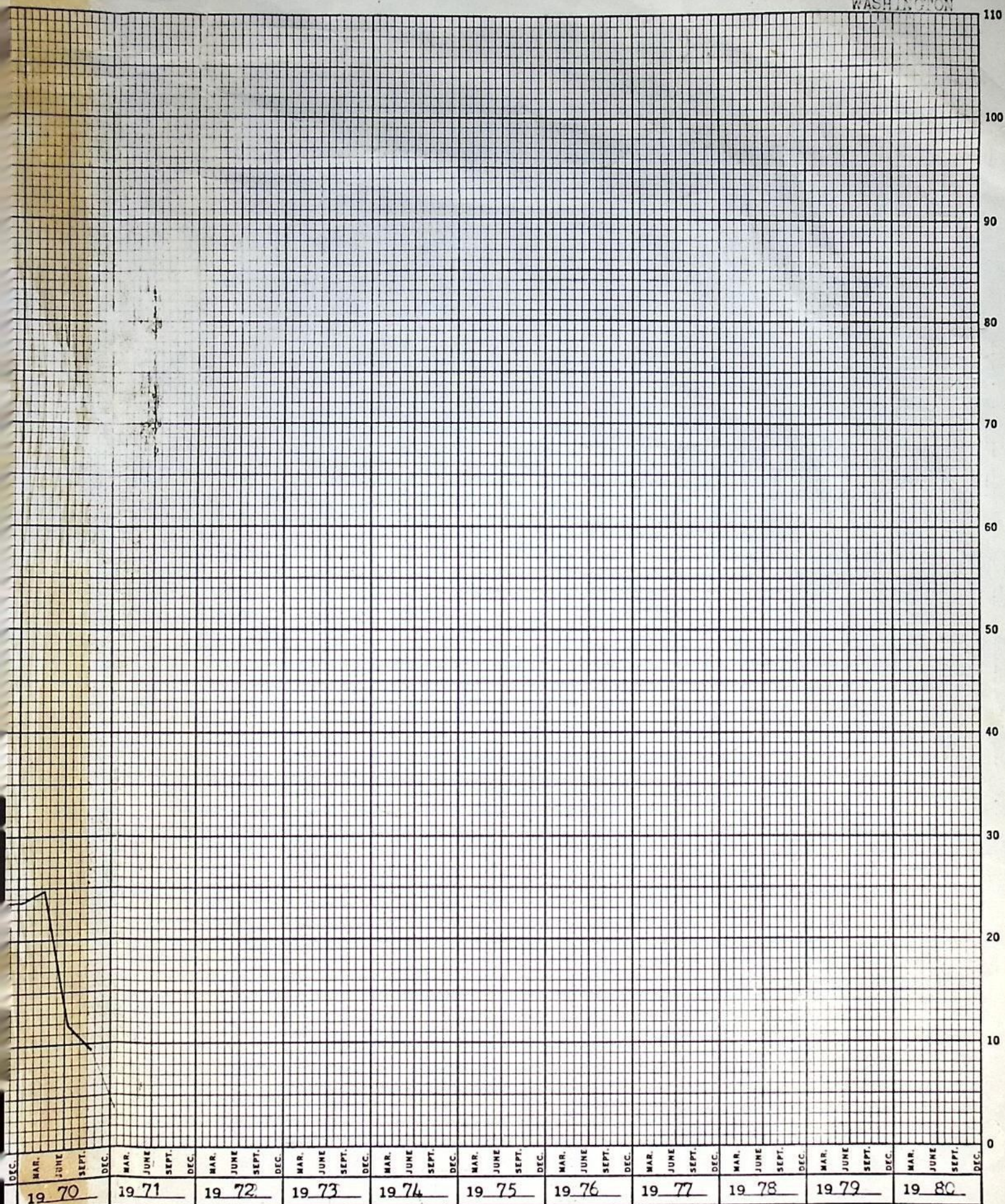
1/1W-17P(1)  
WASHINGTON





ABOUT 4 MILES SW OF BEAVERTON DEVELOPING WATER FROM BASALT

1/1K-19R(3)  
WASHINGTON





STATE ENGINEER  
SALEM, OREGON

320 FOOT DOMESTIC WELL ABOUT 4 1/2

K&E 20 YEARS BY MONTHS 47 3853  
X 110 DIVISIONS MADE IN U.S.A.  
KEUFFEL & ESSER CO.

DEPTH TO WATER (FEET)



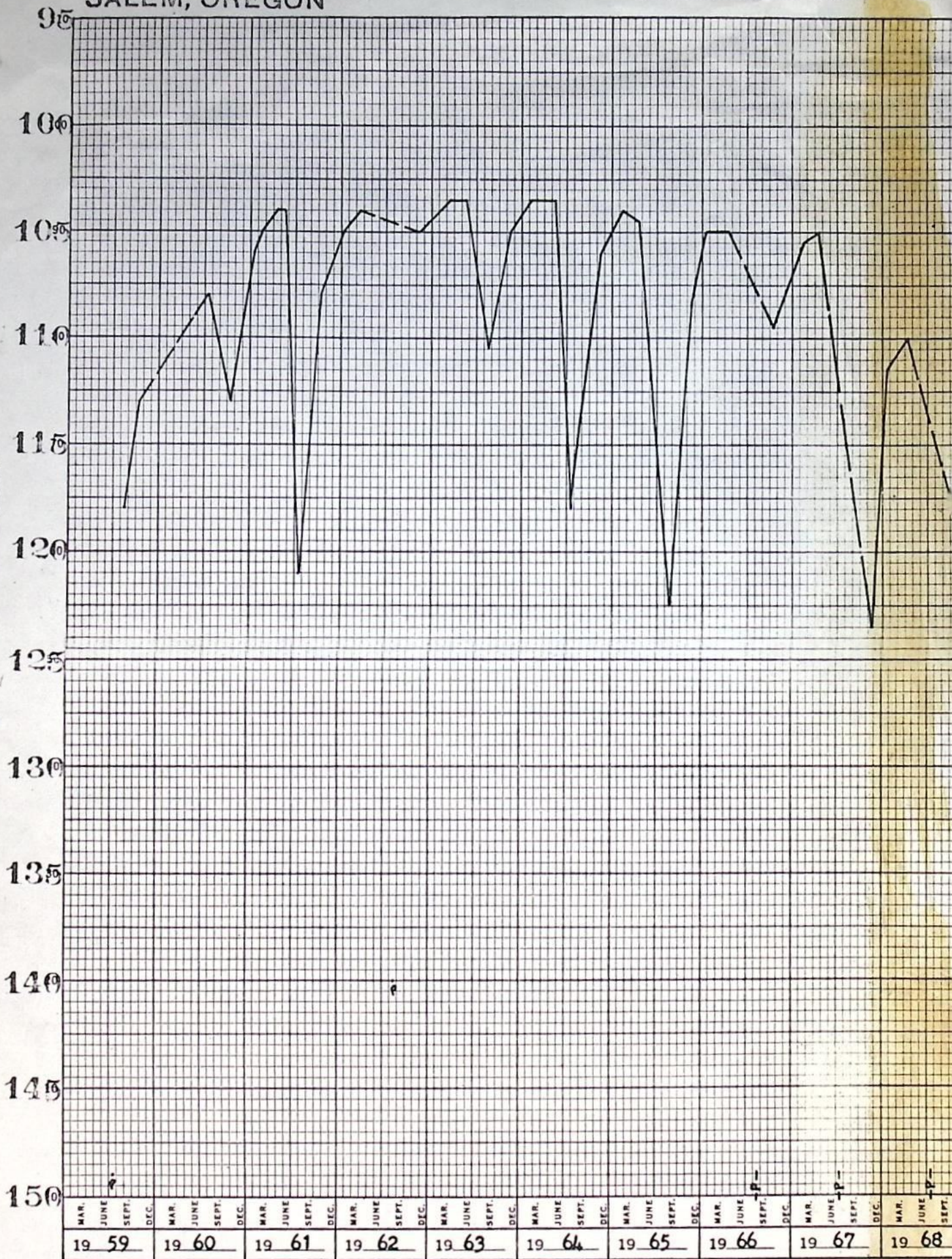
1 1/2 miles away SW Schuabach



# STATE ENGINEER SALEM, OREGON

414 FOOT IRRIGATION WELL ABC

DEPTH TO WATER (FEET)



P - PUMPING

R - RECOVERING



State Well No. 1/1W-17P(1)  
County WASHINGTON  
Application No. G1351

OWNER: Schuepbach Bros. OWNER'S NO.                     

Description of measuring point: Owners air line and gage

[illegible]

REMARKS: .....



State Well No. 1/1W-17P(1)  
County WASHINGTON  
Application No. G1351

OWNER: Schuepbach Bros. OWNER'S NO.                     

Description of measuring point: Owners air line and gage

[illegible]

REMARKS: .....



RECEIVED

File Original and  
First Copy with the  
STATE ENGINEER,  
SALEM, OREGON

1959

ENGINEER

This well  
purchased by  
Alma-Hubert  
District  
#3

# OBSERVATION WELL

G-1351

## WATER WELL REPORT

STATE OF OREGON

G5265

State Well No.

State Permit No.

cd  
1/1w-174

### (1) OWNER:

Name Hartupbach Brothers  
Address Beaverton, Oregon

### (2) LOCATION OF WELL:

County Wash Owner's number, if any—  
1/4 1/4 Section T. R. W.M.  
Bearing and distance from section or subdivision corner

### (3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐  
If abandonment, describe material and procedure in Item 11.

### (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☐ Test Well ☐ Other ☐

### (5) TYPE OF WELL:

Rotary ☐ Driven ☐  
Cable ☒ Jetted ☐  
Dug ☐ Bored ☐

### (6) CASING INSTALLED:

Threaded ☐ Welded ☒  
14" Diam. from 0 ft. to 40 ft. Gage 3"  
" Diam. from ft. to ft. Gage  
" Diam. from ft. to ft. Gage

### (7) PERFORATIONS:

Perforated? ☐ Yes ☐ No  
Type of perforator used  
SIZE of perforations in. by in.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

### (8) SCREENS:

Well screen installed ☐ Yes ☐ No  
Manufacturer's Name  
Type Model No.  
Slot size Set from ft. to ft.  
Slot size Set from ft. to ft.

### (9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel:  
Gravel placed from ft. to ft.  
Was a surface seal provided? ☒ Yes ☐ No To what depth? 40 ft.  
Material used in seal— Cement  
Did any strata contain unusable water? ☐ Yes ☐ No  
Type of water? Depth of strata  
Method of sealing strata off

### (10) WATER LEVELS:

Static level 109 ft. below land surface Date 5/17/59  
Artesian pressure lbs. per square inch Date

Log Accepted by:

[Signed] Rudolph Schugstad June 8, 1959  
(Owner)

### (11) WELL TESTS:

Drawdown is amount water level is lowered below static level  
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Harty Bros  
Yield: 744 gal./min. with 49 ft. drawdown after hrs.  
" 435 " 68 " " "  
" 1089 " 83 " 15 hrs 411097  
Bailer test gal./min. with ft. drawdown after hrs.  
Artesian flow g.p.m. Date  
Temperature of water 54.8 Was a chemical analysis made? ☐ Yes ☒ No

### (12) WELL LOG:

Diameter of well 14 inches.  
Depth drilled 414 ft. Depth of completed well 414 ft.  
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
CLAY	0	11
WEATHERED BASALT	11	167
BLACK BASALT	167	268
Red Inner Flow	268	271
BLACK BASALT	271	309
POROUS Honeycombed		
ROCK SHOWING		
ROSE QUARTZ	309	326
BLACK BASALT	326	393
POROUS BASALT	393	397
BLACK BASALT	397	405
POROUS BASALT	405	414

Work started 19 Completed 19

### (13) PUMP:

Manufacturer's Name Johnston  
Type: Turbine H.P. 100

### Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Harty Bros.  
(Person, firm, or corporation) (Type or print)

Address 3340 SW Seymour

Driller's well number

[Signed] Glenn Hart  
(Well Driller)

License No. 168 Date 5/8/59, 19



RECEIVED

File Original and  
First Copy with the  
STATE ENGINEER,  
SALEM, OREGON

1959

ENGINEER

This well  
purchased by  
Aloha-Hubert  
District  
#3

## OBSERVATION WELL

## WATER WELL REPORT

STATE OF OREGON

G-1351

State Well No.

State Permit No.

1/1w-1784 cd

## (1) OWNER: M. OREGON

Name

Address

## (2) LOCATION OF WELL:

County

Owner's number, if any—

1/4

1/4

Section

T.

R.

W.M.

Bearing and distance from section or subdivision corner

## (3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 11.

## (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐Irrigation ☐ Test Well ☐ Other ☐

## (5) TYPE OF WELL:

Rotary ☐ Driven ☐  
Cable ☐ Jetted ☐  
Dug ☐ Bored ☐

## (6) CASING INSTALLED:

Threaded ☐ Welded ☒

14" Diam. from 0 ft. to 40 ft. Gage 3"

" Diam. from ft. to ft. Gage 3"

" Diam. from ft. to ft. Gage 3"

## (7) PERFORATIONS:

Perforated? ☐ Yes ☐ No

Type of perforator used

SIZE of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

## (8) SCREENS:

Well screen installed ☐ Yes ☐ No

Manufacturer's Name

Type Model No.

Slot size Set from ft. to ft.

Slot size Set from ft. to ft.

## (9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

Was a surface seal provided? ☐ Yes ☒ No To what depth? 40 ft.

Material used in seal—CEMENT

Did any strata contain unusable water? ☐ Yes ☐ No

Type of water? Depth of strata

Method of sealing strata off

## (10) WATER LEVELS:

Static level 109 ft. below land surface Date 5/17/59

Artesian pressure lbs. per square inch Date

Log Accepted by:

[Signed] Rudolph Schupfard Jr. June 8, 1959

(Owner)

## (11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Harty Bros

Yield: 744 gal./min. with 49 ft. drawdown after hrs.

" 435 " 15 " "

" 1054 " 83 " 15 hrs 9/10/59

Baller test gal./min. with ft. drawdown after hrs. 1 hr

Artesian flow g.p.m. Date

Temperature of water 54 Was a chemical analysis made? ☐ Yes ☒ No

## (12) WELL LOG:

Diameter of well 14 inches.

Depth drilled 414 ft. Depth of completed well 414 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
CLAY	0	11
WEATHERED BASALT	11	167
BLACK BASALT	167	268
Red Inner Flow	268	271
BLACK BASALT	271	359
Porous Honeycombed		
Rock Showing		
ROSE QUARTZ	359	326
BLACK BASALT	326	393
Porous BASALT	393	397
BLACK BASALT	397	405
Porous BASALT	405	414

Work started 19 Completed 19

## (13) PUMP:

Manufacturer's Name Johnston

Type: Turbine H.P. 100

## Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Harty Bros.

(Person, firm, or corporation) (Type or print)

Address 3340 S.W. Seymour

Driller's well number

[Signed] Glenn Harty

(Well Driller)

License No. 168 Date 5/8/59, 19



1                               BEFORE THE STATE ENGINEER  
2                               OF THE STATE OF OREGON  
3

4   In the Matter of the Application of                               )  
5   Schuepbach Brothers for the Approval                            )  
6   of a Change in Use of Water from a                               ) M E M O R A N D U M  
7   Well.   )  
8   )  
9   \_\_\_\_\_  
10   SCHUEPBACH BROTHERS, Applicants.                               )

11                               It is the opinion of the writer that Henry L.  
12   Burns has relinquished his water right by reason of non-use  
13   on one hand and by reason of necessity on the other.

14                               The Court in the case of BROUGHTON v STRICKLIN,  
15   146 Or 259, at page 270, said as follows:

16                               "From the first water right cases in Oregon the  
17   rule established is that the appropriator has a  
18   right to apply only so much water as is necessary  
19   for his use and actually beneficial." (Cites  
20   numerous cases)

21                               The word "irrigation" is defined in Black's Law  
22   Dictionary as follows:

23                               "The operation of watering land for agricultural  
24   purposes by artificial means."

25                               We do not feel that Mr. Burns is using this water for  
26   irrigation purposes within the general meaning of the above  
27   case and the definition of irrigation as above stated. The  
28   case of Broughton v Stricklin, supra, also is authority for  
29   the following quote by the Court, at page 277:

30                               "We do not question the general rule that where a  
31   party has a prior right to a certain quantity of  
32   water he is entitled to it, but only to the extent  
33   needed for the use to which it was appropriated.  
34   Thereafter the next person in priority is entitled  
35   to it when temporarily not needed by the prior  
36   claimant, as held in CLAYPOOL v O'NEILL, 65 Or 511;  
37   133 P. 349)."   )

38                               With regard to the change of water right under the  
39   application before the State Engineer at this time, we would have  
40   you consider the matter of change of times and circumstances.



1           This matter of change of times and circumstances was  
2 before the Oregon State Supreme Court in the case of BERNARDS,  
3 et ux v LINK and HAYNES, 199 Or 571. This was a case wherein  
4 the Carlton & Coast Railroad Company built a railroad over an  
5 easement across the plaintiff's property; thereafter, the railroad  
6 company went out of business and the railroad easement was assigned  
7 to a company operating a log trucking operation. Logs were trucked  
8 over the easement instead of being transmitted by means of the  
9 railroad. The Court in this case recognized the change in times  
10 and circumstances. It held that the change from a railroad to a  
11 trucking line would be within the contemplation of the terms of  
12 the easement which was granted for railroad use, by reason of the  
13 change of times and circumstances.

14           In the instant case, the water district needs water  
15 and said need is greater than the need for irrigation and the  
16 application of the rule of change of times and circumstances  
17 should be applied to the instant matter before the State Engineer  
18 and the principles of the case cited applied with reference to  
19 the application of Schuepbach Brothers to transfer certain water  
20 right over to the Aloha-Huber Water District from the use heretofore  
21 applied by the Schuepbach Brothers for irrigation.

22           In the case cited above on page 497, at paragraph 3,  
23 the Court cites as follows:

24           "3. Although the owner of a right of way over  
25 land of another is limited in his use of the right to  
26 the terms of the grant, yet it is settled that the  
27 grantee may avail himself of modern improvements  
28 which will enable him to enjoy more fully the rights  
29 which were granted. In other words, in determining  
30 the meaning of the grant, it will be inferred, in  
31 the absence of express language to the contrary, that  
32 the grantee is not restricted to the methods of use  
which were current at the time of the grant. We  
shall now take notice of a few decisions upon this  
phase of the controversy."

31           The Court goes on to cite the case of DILLER v ST.  
32 LOUIS, S & P R.R., 304 Ill 373, 136 NE 703, wherein it says:



1           "\* \* \* A reservation of a right of way entitles  
2           the one who has the right to adapt it to the  
          improvement of the age."

3           It would be a physical impossibility for all people  
4           to drill a well and the service to the public through a public  
5           utility is such a change from transferring from irrigation use  
6           to domestic use of water as to constitute an orderly change under  
7           the context of the foregoing opinion.

8           The laws of the State of Oregon gives to each well  
9           owner under Section 537.545 the right to appropriate water and  
10          exempts such appropriator from filing to the extent of

11                 "watering any lawn or noncommercial garden  
12                 not exceeding one-half acre in area, for single  
                or group domestic purposes in an amount not  
                exceeding 15,000 gallons a day"

13          for domestic use. If everyone was required to drill a well and  
14          if the State Engineer took the position that just because a man  
15          had a well he was entitled to appropriate 15,000 gallons of water  
16          irrespective of the rights of the public, only the rich would be  
17          entitled to draw water. This was never the intention of the law,  
18          nor has it been the policy of the State Engineer. The only way  
19          water can be appropriated for domestic use in a heavily developed  
20          area, such as in the Beaverton Aloha-Huber area is by means of a  
21          public utility, such as the Aloha-Huber Water District.

22          They are in a position to regulate sprinkling and other  
23          uses of water, thereby distributing to all users a fair proportion  
24          of whatever water is available in the area. No one can complain  
25          that such a uniform allocation of water by a public utility under  
26          the supervision of the State Engineer is not a fair and equitable  
27          distribution of water, and a person just because he has a deep  
28          well cannot contend that he alone is the only one entitled to a  
29          great quantity of water and the balance of the public entitled to  
30          little or no consideration.

31          Both of the objectors, Mr. Burns and Mr. Peyton, were  
32          included in an area to be annexed to the Aloha-Huber Water District

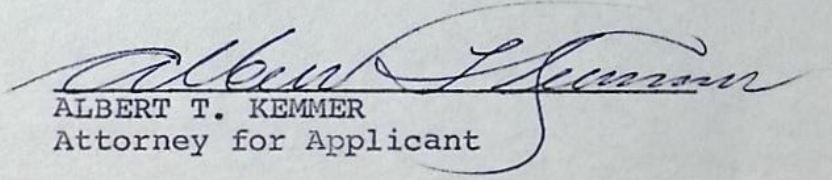


1 whereby they could receive equal treatment afforded all other  
2 people of the area. They chose to object to their inclusion  
3 within the Aloha-Huber Water District. In fact, voted themselves  
4 outside of the district. It is a policy of law that one who  
5 seeks equities, must do equity or abide by the rules of equity.  
6 The laws regulating water rights are governed by the rules of  
7 equity.

8           Therefore, by excluding themselves from the area  
9 and as a member of the public they are not in a good position  
10 to now object to a transfer by the Schuepbach Brothers to the  
11 Aloha-Huber Water District so that the people in the area can  
12 receive their fair proportion of the water which is available  
13 to the area.

14           I would also ask that you take into consideration the  
15 fact that the public utilities which the Aloha-Huber Water District  
16 furnishes water to, such as the fire department/<sup>is</sup>for the protection  
17 of all the people in the area, including the objectors. It also  
18 furnishes water for the road department with reference to the  
19 construction of roads and provides for fire protection by reason  
20 of hydrants to protect the property in the area and the property  
21 of the objectors, either directly or indirectly. They operate  
22 without profit for the benefit of the public.

23           Respectfully submitted,

24   
25 ALBERT T. KEMMER  
26 Attorney for Applicant



August 15, 1972

State Engineer  
Water Resources Department  
1178 Chemketa St. N.E.  
Salem, Oregon 97310

RECEIVED  
AUG 17 1972  
STATE ENGINEER  
SALEM, OREGON

Dear Sir:

Recent articles in local newspapers indicate that the Aloha Huber water district is again promoting use of the Schuepbach irrigation well as a domestic utility well. As a formal protestor at the hearing you conducted on this change in use last year (June 2, 1971) I feel it appropriate that I reassert my observations of the ground water supply within the basaltic layers which form Cooper Mountain.

At various times since my deep well was drilled in 1953 I have had opportunity to measure accurately the static water level. Also, in June 1971 I increased the depth of my well from 296 to 405 feet and during reinstallation of my pump I installed an air bubbler line so that for the past year I have been able to monitor water levels without dependance on the occasional maintenance situation for opportunities to check water level. The following tabulation is a water level history of my well based on a well head elevation of 430 feet above sea level and all static measurements made after at least 12 hours without pumping.

October 1953	220 ft. above sea level with no measureable drawdown at 15 gpm pumping rate.
--------------	--

February 1967	195 ft. above S.L.
August 1970	160 ft. above S.L.
June 1971	150 ft. above S.L. with more than 15 ft. draw down at one gpm pumping rate--before redrilling the well.

June 1971	150 ft. above S.L. with less than one ft. drawdown at more than ten gpm pumping rate--after redrilling the well.
-----------	--

October 1971	145 ft. above S.L.
October to May 1971--1972	monthly checks on static water level showed nearly stable conditions with no sign of recharge in spite of unusually heavy rainfall.

June 1972	143 ft. above S.L.
August 1972	140 ft. above S.L.

It should be noted that repeating of an identical static water level after drilling 109 feet into a different aquifer layer shows that measurements within my well are



Ltr. to State Engr. Aug. 15, '72, page 2.

indicative of the ground water table for more than my immediate location. Aloha Huber utility wells are located within the same Cooper Mountain aquifer as my well. Continuous high pumping rates by the Aloha Huber water district coincides with a lowering water table. Loss of static water level seems to be permanent with recharge rates less than the current rate of withdrawal.

On the basis of the above observations it would appear that ground water stored in aquifers of Cooper Mt. is being mined and the water supply cannot be considered an adequate or ecological source for a large user such as a public water district. Accordingly, I am respectfully requesting that you deny any substantial increases in water withdrawal from Cooper Mountain aquifers and that you give serious consideration to immediate declaration of a critical ground water status for this area.

Sincerely,

*Henry L. Burns*

Henry L. Burns  
Rt. 1 Box 1162  
Beaverton, Oregon 97005



Permit No. G-1229

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Schuepbach Brothers  
(Name of applicant)  
of 5470 S. W. 111st Street, Beaverton, county of Washington,  
(Postoffice Address)  
state of Oregon, do hereby make application for a permit to appropriate the  
following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is  
situated Beavordam Creek  
(Name of stream)

tributary of Tualatin River

2. The amount of water which the applicant intends to apply to beneficial use is \_\_\_\_\_ cubic  
feet per second or 835 gallons per minute.

3. The use to which the water is to be applied is irrigation

4. The well or other source is located 2147 ft. W and 101 ft. S from the NE  
(N. or S.) (E. or W.)  
corner of Lot 375 Johnson Estate Addition William H. Williams DLG #50  
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one well, each must be described. Use separate sheet if necessary)

being within the SE 5 W of Sec. 17, Twp. 1 S., R. 1 W.,  
W. M., in the county of Washington

5. The not determined yet to be \_\_\_\_\_ miles  
(Canal or pipe line)  
in length, terminating in the \_\_\_\_\_ of Sec. \_\_\_\_\_, Twp. \_\_\_\_\_,  
(Smallest legal subdivision)

R. \_\_\_\_\_, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is \_\_\_\_\_

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the  
supply when not in use must be described.

8. The development will consist of one well having a  
(Give number of wells, tunnels, etc.)  
diameter of 12 or 14 inches and an estimated depth of 300 to 400 feet. It is estimated that 75  
feet of the well will require approved type casing. Depth to water table is estimated 200 to 400  
(Kind) (Feet)



## CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, ..... ft.; size at intake, ..... in.; in size at ..... ft. from intake ..... in.; size at place of use ..... in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? ..... Estimated capacity, ..... sec. ft.

10. If pumps are to be used, give size and type ..... turbine

Give horsepower and type of motor or engine to be used .....

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development .....

12. Location of area to be irrigated, or place of use parts of Section 17, 18 & 20

Township N. or S.	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
1 S.	1 W.	18	SESE	9
		<del>20</del>		<del>15</del>
		17	SWSW	35.99
			SE SW	36
			NW SW	125
			NE SW	450
			SWSE	24
		20	NW NW	16
			NE NW	15.35
			NW NE	10.90
			total	152 acres

(If more space required, attach separate sheet)

Character of soil ..... Willamette loam

Kind of crops raised ..... potatoes, vegetables, legumes, grains



## MUNICIPAL SUPPLY—

13. To supply the city of .....  
 in ..... county, having a present population of .....  
 and an estimated population of ..... in 19.....

## ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$5,000.....  
 15. Construction work will begin on or before March 1, 1959.....  
 16. Construction work will be completed on or before July 1, 1959.....  
 17. The water will be completely applied to the proposed use on or before July 1, 1962?.....  
 18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. ....

*Fred Schuerbach*  
*Rudolph Schuerbach*  
 (signature of applicant)

Remarks: .....

STATE OF OREGON, }  
 County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for .....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before ....., 19.....

WITNESS my hand this ..... day of ....., 19.....

STATE ENGINEER

By ..... ASSISTANT



STATE OF OREGON.

PERMIT

County of Marion,

ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed ~~1.86~~ **1.86** cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

The use to which this water is to be applied is **irrigation**

If for irrigation, this appropriation shall be limited to **1/80** of one cubic foot per second 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 be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is **January 21, 1959**

Actual construction work shall begin on or before **March 16, 1960** and shall thereafter be prosecuted with reasonable diligence and be completed on or before **October 1, 1960**

Complete application of the water to the proposed use shall be made on or before **October 1, 1961**

WITNESS my hand this **16th** day of **March** 19**59**

*Lewis A. Stanley*  
STATE ENGINEER

Application No. G-1351

Permit No. G-1229

# PERMIT

TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the **21st** day of **January**,  
19**59**, at **1:00** o'clock **P.** M.

Returned to applicant:

Approved:

**March 16, 1959**

Recorded in book No. **5** of

Ground Water Permits on page **1229**

**LEWIS A. STANLEY**

STATE ENGINEER

Drainage Basin No. **2** page **235**


Fees \$ **28.10**

State Printing



BEAVERTON QUADRANGLE  
OREGON—WASHINGTON CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)  
NE/4 BEAVERTON 15' QUADRANGLE

(NEWBERG)



21°

TRUE NORTH

MAGNETIC NORTH

APPROXIMATE MEAN DECLINATION, 1961

OREGON

QUADRANGLE LOCATION

1961



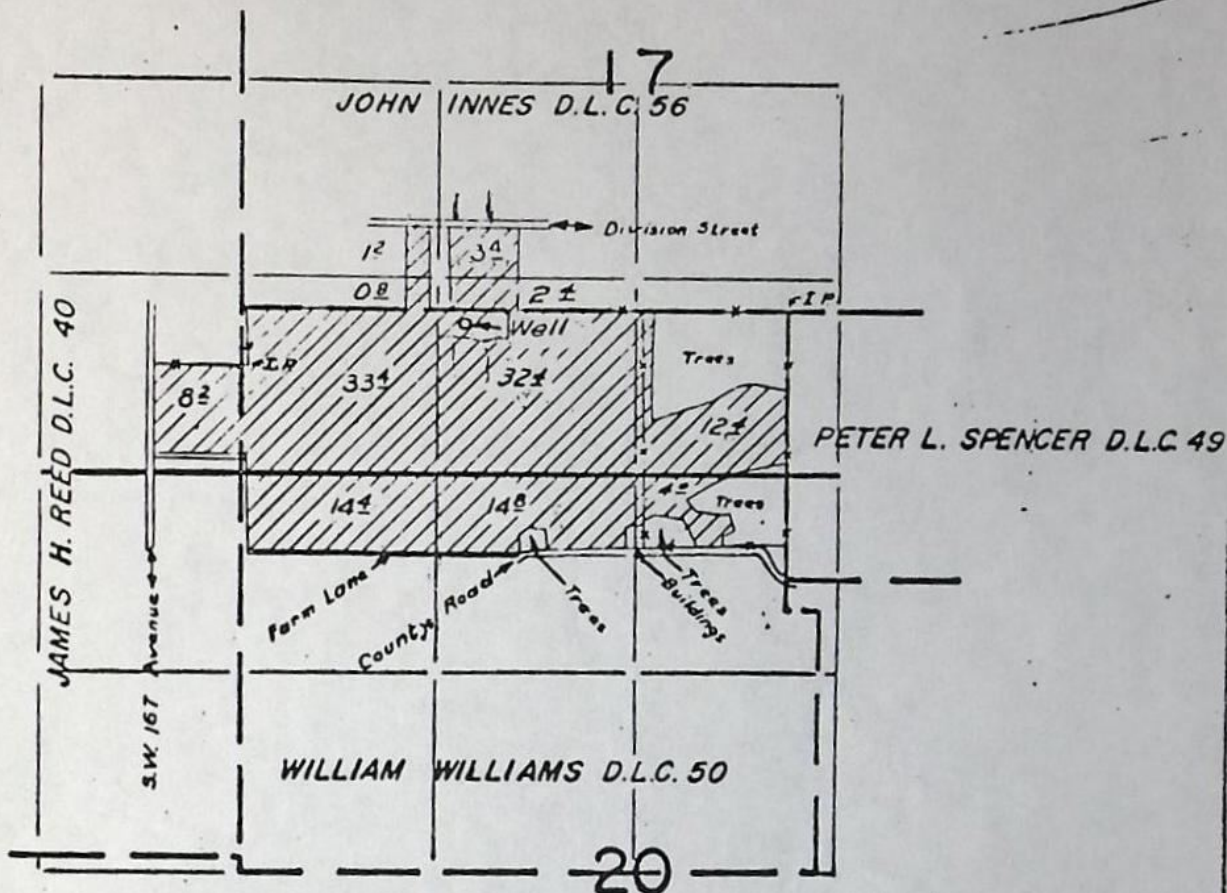
RECEIVED

FEB 25 1971

STATE ENGINEER  
SALEM OREGON

T.I.S.R.I.W.W.M.

18



19

20

FINAL PROOF SURVEY  
UNDER

Application No. G-1351 Permit No. G-1229  
IN NAME OF

SCHUEPBACH Bros.

Surveyed May 24 1965, by M. Bish

1965-1A

S. J. In