

3294

STATUS OF APPLICATION

Change in point of diversion
Date filed 8-14-75
Date of hearing ~~2-10-76~~ 4/28/76
Place of hearing Hillsboro
Date of order 5-10-76 Vol. 27, page 142
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 4

Certificate issued AUG 30 1976 Vol. 35, page 43617
JUL 23 1979 46 Survey 1178 48414

DESCRIPTION OF WATER RIGHT

Name of stream Jualstini River
Trib. of Willamette River County of Washington
Use irrigation
Quantity of water 0.12 No. of acres 9³
Name of ditch _____
Date of priority July 7, 1955
In name of Henry S. Mears

Adjudication, Vol. _____, page _____
App. No. 30117 Per. No. 23771 Cert. No. 28498
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
8-14-75	20.00	48942
8-18-75	15.00	49010
8-18-75	45.00	49011
TOTAL . . .	84.00	FROM P.O.N
1-23-76	Cert. Fee <i>etc.</i>	Rec. # 49011

FEES REFUNDED

[illegible]

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS;	Entered	Checked
<u>WA</u>	Name	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>WA</u>	Stream	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>WA</u>	Pt. of Div.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>WA</u>	Calendar	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	CHECKED TO RECORDS:		
<u>✓</u>	Twp. & Rgs.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u> </u>	Decree-vault	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u> </u>	Decree-safe	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>✓</u>	Cert. of W/E	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>✓</u>	Per. Folder	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u> </u>	Chainindex	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u> </u>	Cross Ref.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u> </u>	Power Claim	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u> </u>	Abstracts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

STATE OF OREGON

COUNTY OF

WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HENRY S. MEARS

17015 Upper Boone's Ferry Road
of Rt. 1 Box 271 Tigard, State of Oregon, 97223, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Fanno Creek

a tributary of Willamette River for the purpose of
irrigating 1.7 acres

under Permit No. 23771 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 July 7, 1955 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.02 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T. 2 S., R. 1 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ 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:

1.7 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 13
T. 2 S., R. 1 W., W. M.

An order of the Water Resources Director entered May 10, 1976 approved a change in point of diversion for the irrigation of 9.3 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Henry S. Mears recorded at Page 28498, Volume 20, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. August 30, 1976

Paid for ... 9-29 76 11/30
to ...
...
...
...

James E. Szym
Water Resources Director

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of

Washington } ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume *5*

of Record of Water Right Certificates, at
page *151* on the *29* day

of *September*, 19*26* *11:30 AM*

Roger Hansen
County Clerk

by *D. Snackwood*
Deputy

144-207

CHANGE IN P. O. D. FROM TUALATIN RIVER

County Washington

- DBS-111-202
6-20-78
SPA

31 Nov 1994

[illegible]

INFO: MR. THOMAS - LAND IS ALL IRR. FROM NEW DIV. PT. SURVEYED
ALSO LAND IN CONNECTION w/ Appl 53537 - SAME DIV. PT.

SOURCE: TUALATIN RIVER

DIV. PT. :- DIRECT

Pump & Motor: 3 ϕ WESTING HOUSE
15 HP @ 3465
CORNELL C. DD. 3"X2"

PIPE: 1600' - 5" & 4" ALUM
1720' - 3" ALUM

HEADS: ³⁵~~43~~ RB 30 3/16
8 RB 30 3/16x1/8
- RUNS 21 MAX - ALL RUNNING THIS DATE

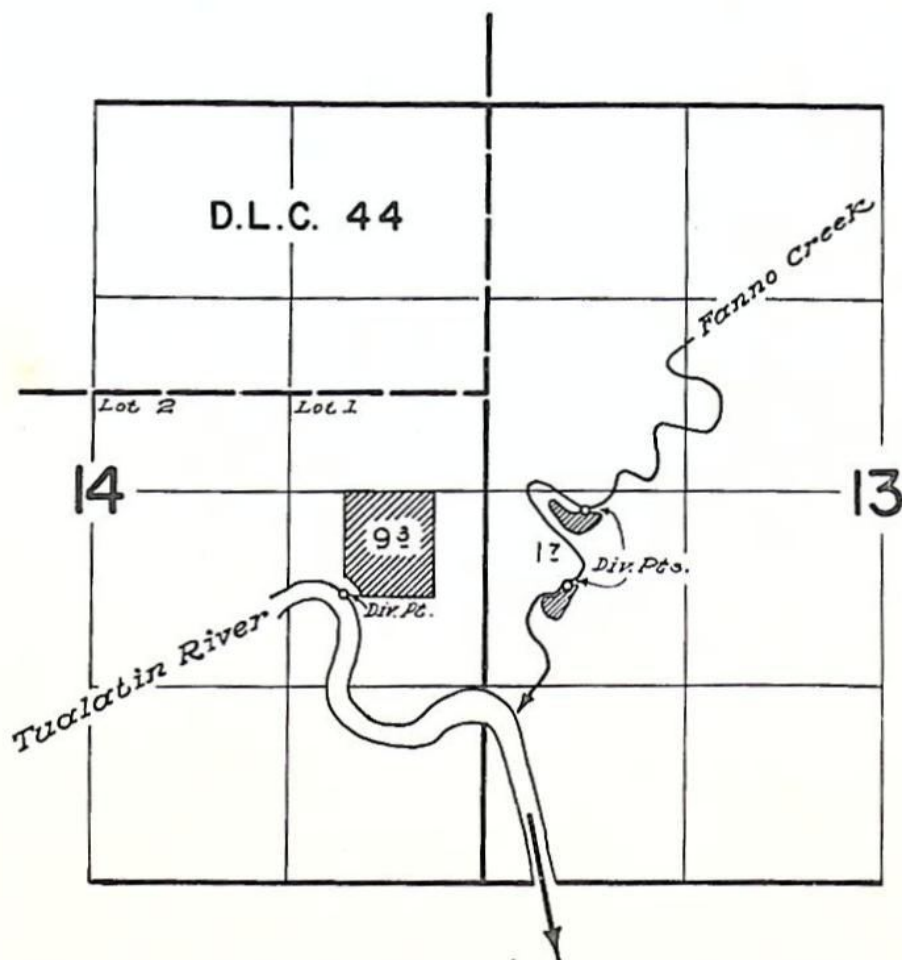
CROP: PASTURE

LIFT: +20' FROM RIVER TO LAND
LAND LEVEL

TIE: DBS-111-202

Steven B. Clapperton
FIELD ENGINEER
6-20-78

T.2S.R.1W.W.M.



FINAL PROOF SURVEY
UNDER

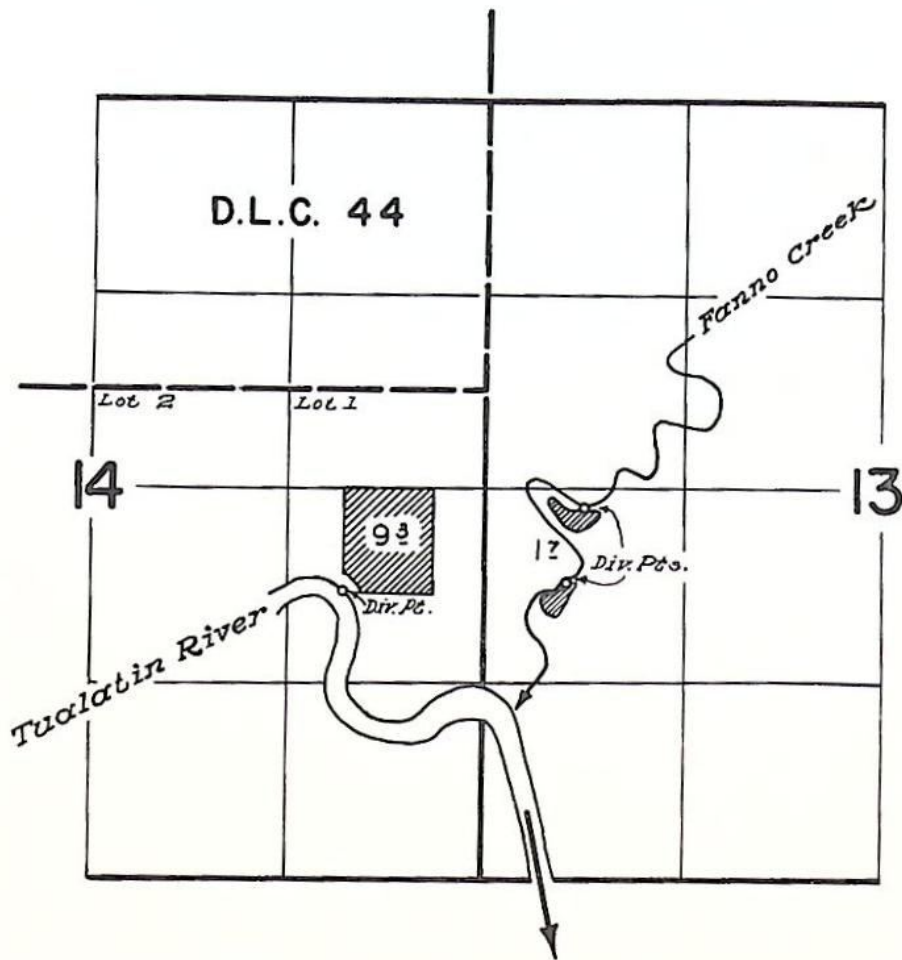
Application No. 30.117... Permit No. 23.77.1
IN NAME OF

HENRY S. MEARS

Surveyed May 23, 1960, by

R. H. Johnson

T.2S.R.1W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 30.117... Permit No. 23.771.
IN NAME OF

HENRY S. MEARS

Surveyed May 23, 1960, by

[Signature]

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF JOHN M. THOMAS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM TUALATIN RIVER)

ORDER APPROVING
TRANSFER NO. 3294

On August 14, 1975, John M. Thomas filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Tualatin River, pursuant to the provisions of ORS 540.510 to 540.550.

Certificate of water right issued to Henry S. Mears and recorded at Page 28498, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.12 cubic foot per second of water from Tualatin River for the irrigation of 9.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 2 South, Range 1 West, W.M., with a date of priority of July 7, 1955. These lands are irrigated from a point of diversion located 1940 feet North and 950 feet West from the Southeast corner of Section 14, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 2 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1300 feet North and 10 feet West from the Southeast corner of Section 14, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 2 South, Range 1 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Hillsboro, Oregon, on April 28, 1976, at 9:30 a.m. The notice was published in the Tigard Times, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks

in the issues of March 4, 11 and 18, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Tualatin River, to wit:

From a point located 1940 feet North and 950 feet West from the Southeast corner of Section 14, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 2 South, Range 1 West, W.M.

To a point to be located 1300 feet North and 10 feet West from the Southeast corner of Section 14, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 2 South, Range 1 West, W.M.

for the irrigation of 9.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 2 South, Range 1 West, W.M., with a date of priority of July 7, 1955, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.12 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Henry S. Mears and recorded at Page 28498, Volume 20, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to John M. Thomas confirming the change in point of diversion.

Dated at Salem, Oregon, this 10th day of May, 1976.

/s/ JAMES E. SEXSON
Director

Application for Transfer of Water Right

Water Resources Director
To the ~~STATE ENGINEER~~ OF OREGON:

I, John M. Thomas
(Name of applicant)
of 16575 SW 85th Ave
(Postoffice), County of TIGARD Washington

State of Oregon 97223, do hereby make application for change in

point of diversion

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

- The source of present water right is Tualatin River
(Name of stream)
- The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is N/A
- The point of diversion is located 1940 ft. N and 950 ft. W from the SE
(N. or S.) (E. or W.)
corner of Section 14 being within the NE 1/4 SE 1/4
(Section or subdivision)
of Section 14 Tp. 2S 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
<u>2S</u>	<u>1W</u>	<u>14</u>													<u>93</u>			

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)

- Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)
- Has water been used beneficially for the purposes indicated herein during the past 5 years? yes
- What is the date of priority of your water right? July 7, 1955
- Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)
of permit 23771

10. Do you hold a water right certificate? yes If so, give number of certificate 28498
(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 N/A
(Yes or No)

12. Is the water right recorded in your name? No Henry S. Mears
(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
<u>2S</u>	<u>1W</u>	<u>14</u>																

(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 1300 ft. N and 10 ft. W from the SE
(N. or S.) (E. or W.)
corner of 14 being within the SE 1/4 SE 1/4 of Section 14 Tp. 2S R. 1W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Washington The name of the ditch to be used is N/A

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

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

N/A

17. Are there any diversions between your present point of diversion and the proposed point of diversion? yes

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
(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 changed from gasoline pump

& motor to electric

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Marion } ss.

I, JOHN M. THOMAS, 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 14th day of August, 1975

John M. Thomas
(Name of applicant)

Subscribed and sworn to before me this 14th day of August, 1975

[Notarial Seal]

Larry W. Johnson
NOTARY PUBLIC FOR OREGON

My commission expires Nov 3, 1976

Remarks _____

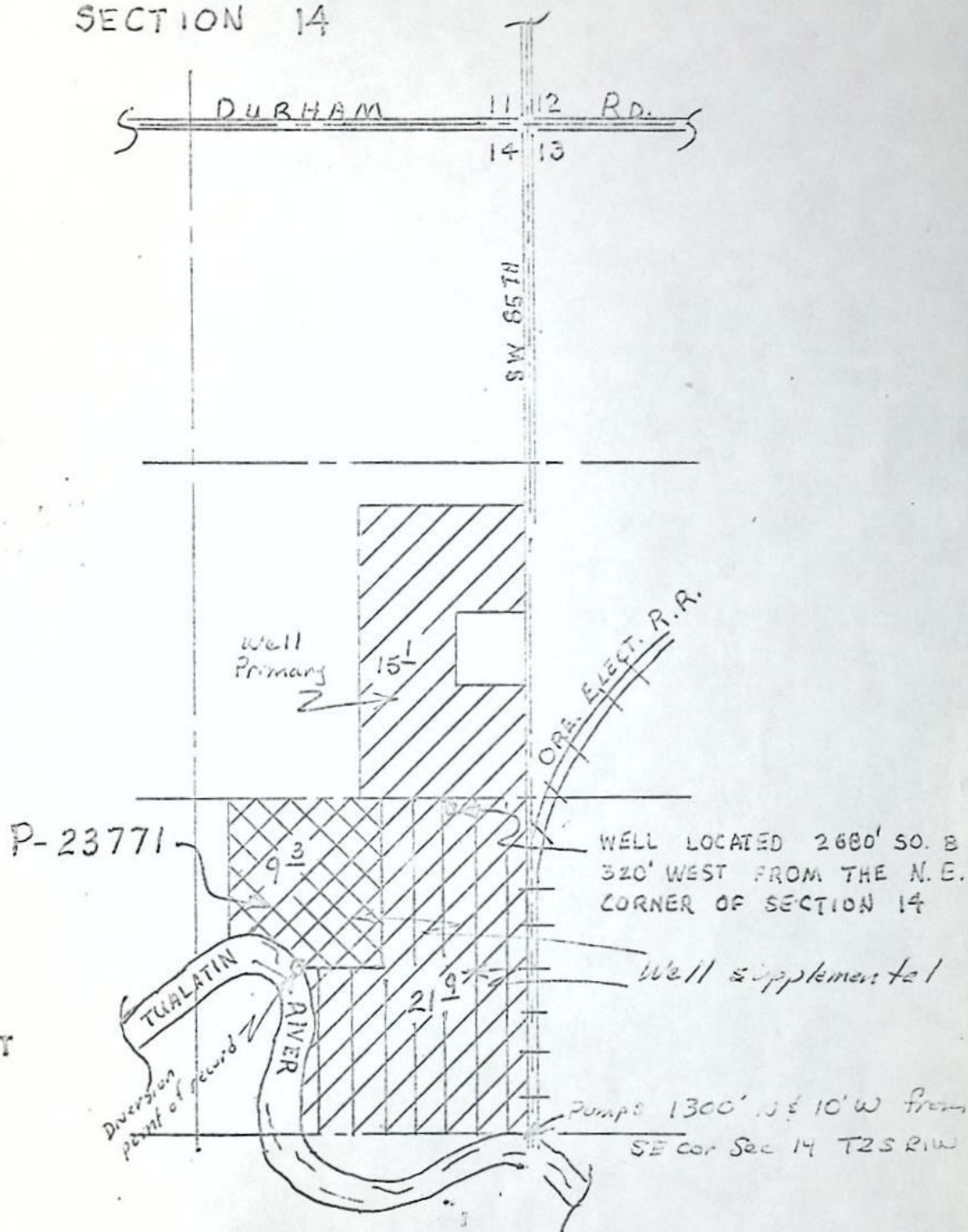
THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

Application No. 735.17 & E-1070
Permit No.

JOHN THOMAS
16575 SW 85TH
TIGARD, OREGON

TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.

SECTION 14



RECEIVED

AUG 14 1975

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1" = 660 FT.

RECEIVED
JAN 16 1978
WATER RESOURCES DEPT.
SALEM, OREGON

STATEMENT OF COMPLETION

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3294 was accomplished by Aug., 1976.

1-13-78

Date

John M. Thomas
Signature



Please send form for application for extension of time limit.

OK JWC

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF OREGON,
COUNTY OF WASHINGTON,

ss.

JAN 2 1976

WATER RESOURCES DE.
SALEM, OREGON

I, Joseph Schafer

being first duly sworn, depose and say that I am the publisher

of The Tigard Times, a newspaper of general circulation, as defined

by ORS 193.010 and 193.020, published at Tigard, in the aforesaid county and

state; that the legal notice, a printed copy of which is hereto annexed, was

published in the entire issue of said newspaper for 2 successive and

consecutive weeks in the following issues

December 18 & 25, 1975

Joseph J. Schafer
(Signature)

Subscribed and sworn to before me this 30th day of

December 19 75

James E. Sexson
Notary Public of Oregon

My commission expires July 6 19 79

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

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The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 1300 ft. N. and 10 ft. W. from the SE corner of Sec. 14, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 14, T. 2 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Hillsboro, Oregon, on February 10, 1976, 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 John M. Thomas, 16575 S.W. 85th Ave., Tigard, Or., 97223, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 8th day of December, 1975.

JAMES E. SEXSON
Director

(TT 2561 — Publish Dec. 18, 25, 1975)

\$18.55

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,
COUNTY OF WASHINGTON,

ss.

RECEIVED

MAR 19 1976

WATER RESOURCES DEPT.
SALEM, OREGON

I, Joseph Schafer

being first duly sworn, depose and say that I am the publisher

of The Tigard Times, a newspaper of general circulation, as defined
by ORS 193.010 and 193.020, published at Tigard, in the aforesaid county and
state; that the legal notice, a printed copy of which is hereto annexed, was
published in the entire issue of said newspaper for 3 successive and
consecutive weeks in the following issues

March 4, 11 & 18, 1976

Joseph J. Schafer
(Signature)

Subscribed and sworn to before me this 18th day of

March 19 76

Janice Sperling
Notary Public of Oregon

My commission expires July 6 19 79

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JAMES E. SEXSON
Director