

STATUS OF APPLICATION

Change in points of diversion
 Date filed 4-4-75
 Date of hearing _____
 Place of hearing _____
 Date of order 12-16-75 Vol. 26, page 226
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued 8-30-76 Vol. 35, page 43615

8-30-76 Vol. 35 page 40
JAN 29 1979
JAN 29 1979
40
40

43615

43616
47349
47350

REMARKS

App 16743 x 22909

DESCRIPTION OF WATER RIGHT

Name of stream Carpenter Creek
 Trib. of _____ County of Washington
 Use irrigation
 Quantity of water _____ No. of acres 1.4
 Name of ditch _____
 Date of priority January 13, 1937
November 17, 1947
 In name of Ferdinand Lemcke
 Adjudication, Vol. _____, page _____
 App. No. 16743 Per. No. 12525 Cert. No. 14137
22909 18003 20206

Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-4-75</u>	<u>30.00</u>	<u>46017</u>
TOTAL . . .		
<u>12-12-75</u>	<u>8.00</u> Cert. Fee	<u>50658</u>

FEES REFUNDED

Date	Amount	Check No.
<u>8-24-76</u>	<u>10.00</u>	<u>737</u>

INDEX CARDS: Entered Checked

✓	Name	<u>WA</u>	<u>WA</u>
✓	Stream	<u>WA</u>	<u>WA</u>
✓	Pt. of Div.	<u>WA</u>	<u>WA</u>
✓	Calendar	<u>WA</u>	<u>WA</u>
✓	Checked to Records:		
✓	Typ. & Rgs.	<u>WA</u>	<u>WA</u>
✓	Deeds-vault	<u>WA</u>	<u>WA</u>
✓	Deeds-safe	<u>WA</u>	<u>WA</u>
✓	Cert. of W/R (2)	<u>WA</u>	<u>WA</u>
✓	Per. Folder (2)	<u>WA</u>	<u>WA</u>
✓	Chasindex	<u>WA</u>	<u>WA</u>
✓	Cross Ref.	<u>WA</u>	<u>WA</u>
✓	Power Claim	<u>WA</u>	<u>WA</u>
✓	Abstracts	<u>WA</u>	<u>WA</u>

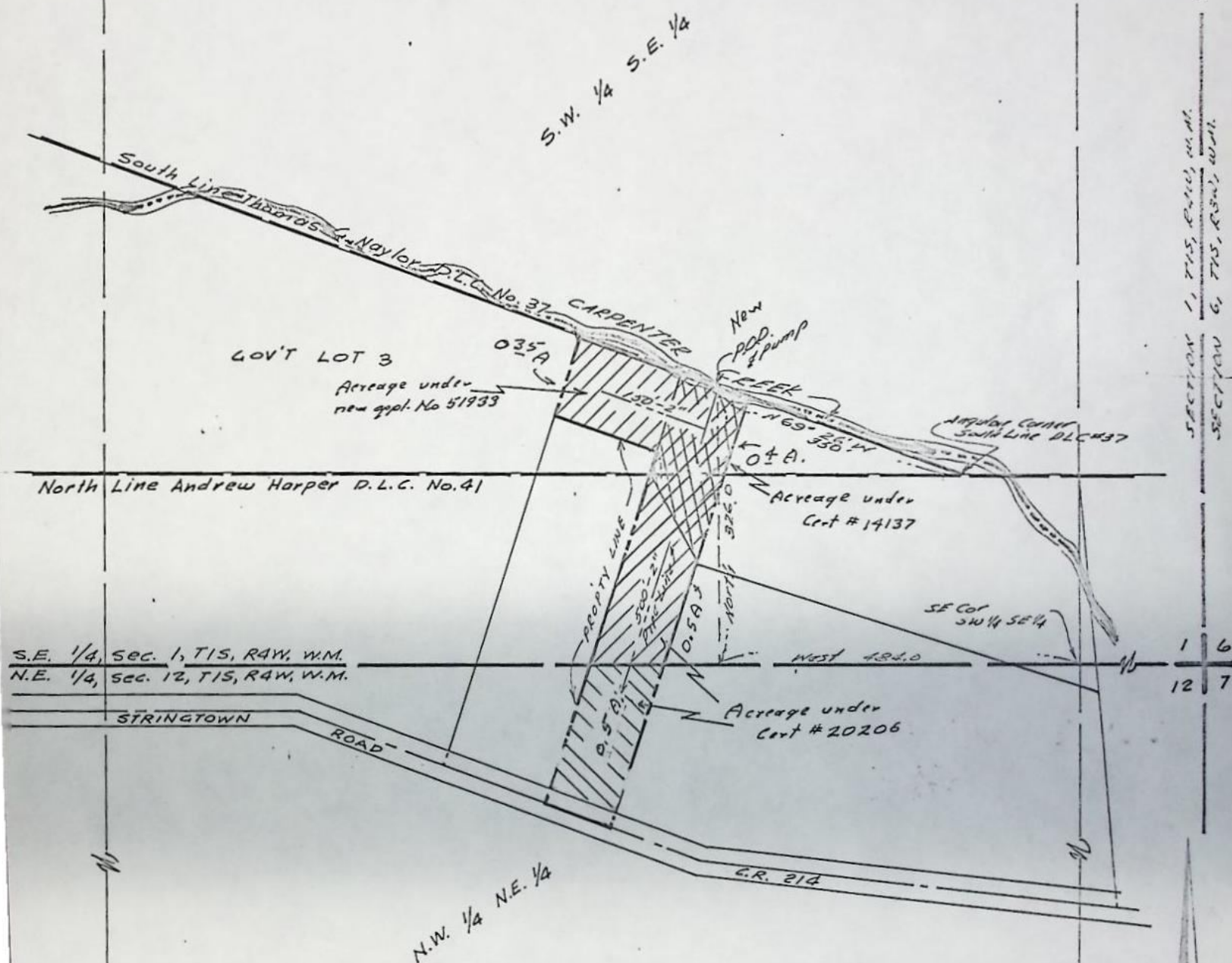


1

FAIRLAND FLOCK

RECEIVED
APR 04 1975
STATE ENGINEER
SALEM, OREGON

10 May 1974



TOTAL AREA IRRIG. LAND = 1.50 ACRES

Application No. 51933
Permit No.

RECEIVED
MAY 13 1977
STATE ENGINEER
SALEM, OREGON

h. a. mohr & ASSOCIATES CIVIL ENGINEERS



CHANGE IN POINT OF DIVERSION

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FORTransfer No. 3194 ✓ County Washington ✓1. Name James L. Rollier ✓ Address Route 1, Box 178-R, Forest Grove 971162. Source of Supply Carpenter Creek, Trib. of TUALATIN R.3. Amount of Water ~~0.05~~ 0.005 Priority Date Jan. 13, 1937 ✓
~~0.325~~ 0.013 Nov. 17, 1947 ✓4. Use irrigation OF 14 AC.5. Proposed Point of Diversion 375 ft. N. and 484 ft. W. from the SE corner of
the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, T. 1 S., R. 4 W., W.M.6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/76

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
1S	4W	1	SW $\frac{1}{4}$ SE $\frac{1}{4}$ W/IN DLC 41 W/IN LOT 3	0.13 AC. 0.27 AC.	0.4 acre 1/13/37 ✓
1S	4W	1	SW $\frac{1}{4}$ SE $\frac{1}{4}$ W/IN DLC 41	0.5 acre	11/17/47 ✓
1S	4W	12	NW $\frac{1}{4}$ NE $\frac{1}{4}$ W/IN DLC 41	0.5 acre	✓

30-182

INSPECTION
11-9-77
R.G.M.Not Home
11-2-77
JSD

INFO: JAMES ROLLIER

DIV. PT. HAS BEEN MOVED AS DESCRIBED
HAS BURIED ELECTRICAL CABLE TO DIV. & PUMP TIMER AT HOUSE
IS GETTING MORE PIPE NEXT SUMMER.

DIV. - DIRECT

PUMP & MOTOR - 2 H.P. ELECTRIC, SOLD PUMP THIS FALL - WILL GET
A MORE EFFICIENT ONE BY SUMMER

PIPE - 280' - 2" ALUM.

HEADS - 2 R.B. 20's $\frac{7}{32} \times 0$ BOTH MAX.

CROP - PASTURE & YARD

LIFT - +5 TO +10'

TIE - APPL. MAP. IS OK.

11-9-77

R. G. Muehlen

STATE OF OREGON

COUNTY OF

WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, ThatESTATE OF
FERDINAND LEMCKE

of Rt. 1, Forest Grove, State of Oregon, 97116, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Carpenter Creek

a tributary of Tualatin River
irrigating 3.6 acres

for the purpose of

under Permit No. 12525 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 13, 1937 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 0.045 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, T. 1 S., R. 4 W., W. M., being within Andrew Harper DLC 41.

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:

0.5 acre Lot 3 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)	0.3 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
1.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$
0.1 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$	Both projected within Andrew Harper DLC 41
Both projected within Andrew Harper DLC 41	Section 12
Section 1	T. 1 S., R. 4 W., W. M.

An order of the Water Resources Director entered December 16, 1975 approved a change in point of diversion for the irrigation of 0.4 acre. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Ferdinand Lemcke recorded at Page 14137, Volume 12, 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

James E. Sisson
Water Resources Director

9-29 26 11:30 A.M.
JAMES THOMPSON, County Clerk
James Thompson

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 252 on the 29 day

of September, 19 76 11:30 AM

Roger Thompson
County Clerk

Leg D. Smallwood,
Deputy

STATE OF OREGON

COUNTY OF

WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ESTATE OF FERDINAND LEMCKE

of Rt. 1, Forest Grove, State of Oregon, 97116, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Carpenter Creek

a tributary of Tualatin River
irrigating 25.0 acres

for the purpose of

under Permit No. 18003 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 November 17, 1947 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 0.312 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Andrew Harper DLC 41, Section 12, T. 1 S., R. 4 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 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:

1.6 acres Lot 3 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)	4.1 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
5.3 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.8 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
5.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	Both projected within Andrew Harper DLC 41
Both projected within Andrew Harper DLC 41	Section 12
Section 1	T. 1 S., R. 4 W., W. M.

An order of the Water Resources Director entered December 16, 1975 approved a change in point of diversion for the irrigation of 1.0 acre. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to the Estate of Ferdinand Lemcke recorded at Page 20206, Volume 14, 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

James E. Sisson
Water Resources Director

Filed for record 9-29 1976 11:30 A.M.
THOMSEN, County Clerk
A. S. Sisson Deputy

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 *253* on the *19* day

of *September* 19 *76* 11:30 AM

Roger Hansen
County Clerk

by D. Smalleywood,
Deputy

Transfer No. 3194

NOTICE OF COMPLETION OF CONSTRUCTION

I, JAMES L. ROLLIER, hereby certify

that the construction work has been completed and the change in

point of diversion of water made as set forth in the order of

Water Resources Director

TL

the ~~State Engineer~~ dated 10 DAY OF DEC 1975 approving an appli-

cation for a change in point of diversion of water from _____

CARPENTER CREEK.

James L. Rollier
Name

RECEIVED 9-30-1976
Date

OCT 04 1976
WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION
OF JAMES L. ROLLIER FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM CARPENTER CREEK

ORDER APPROVING
TRANSFER NO. 3194

On April 4, 1975, James L. Rollier filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Carpenter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ferdinand Lemcke and recorded at Page 14137, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from Carpenter Creek for the irrigation of, among other lands, 0.4 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 4 West, W.M., with a date of priority of January 13, 1937. Certificate of water right issued to Estate of Ferdinand Lemcke and recorded at Page 20206, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.325 cubic foot per second of water from Carpenter Creek for the irrigation of, among other lands, 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 1 South, Range 4 West, W.M., with a date of priority of November 17, 1947. The lands are irrigated from a point of diversion located 70 feet South and 70 feet East from the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 1 South, Range 4 West, W.M.

The applicant herein, owner of a portion and contract purchaser of the balance of the lands above described, proposes to irrigate these lands from a point of diversion to be located 326 feet North and 484 feet West from

the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 1 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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

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

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

From a point located 70 feet South and 70 feet East from the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 1 South, Range 4 West, W.M.

To a point to be located 326 feet North and 484 feet West from the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 4 West, W.M.

for the irrigation of 0.4 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 4 West, W.M., with a date of priority of January 13, 1937, and for the irrigation of 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 1 South, Range 4 West, W.M., with a date of priority of November 17, 1947, 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, 1976.

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 0.018 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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

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

It is FURTHER ORDERED that the certificates of water right heretofore issued to Ferdinand Lemcke and Estate of Ferdinand Lemcke and recorded at Page 14137, Volume 12, and Page 20206, Volume 14, State Record of Water Right Certificates, are canceled, and in lieu thereof two new certificates be issued covering the balance of the lands 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, two certificates of water right shall be issued to James L. Rollier confirming the change in point of diversion.

Dated at Salem, Oregon, this 16th day of December, 1975.

/s/ JAMES E. SEXSON
Director



WATER RESOURCES DEPARTMENT

WASHINGTON COUNTY COURTHOUSE

~~27280 S.W. TUALATIN V. HWY~~ • HILLSBORO, OR • 97123 • Phone 648-8791

ROBERT W. STRAUB
GOVERNOR

December 10, 1975

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

EMERY N. CASTLE
Chairman
Corvallis

CHAPIN D. CLARK
Vice Chairman
Eugene

GEORGE H. PROCTOR
Klamath Falls

ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

Water Resources Dept.
1178 Chemeteka St. N. E.
Salem, Oregon 97310

Attn: Mr. Trevor Jones

Re: File T-3194

Dear Mr. Jones:

Today I made an inspection of the proposed change in Diversion Point submitted by James L. Rollier for use of water under Permit Nos. 12525 and 18003.

I don't believe that this change will injure any existing water rights and that Provision No. 2 should be used in the order.

Enclosed is a check for eight (\$8) dollars to cover the cost of recording.

Yours truly,

Clayton J. Gardner
Clayton J. Gardner
Watermaster District No. 1

Encl. 1

CJG:fl

4482

RECEIVED
DEC 12 1975
WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, James L. Rollier

(Name of applicant)

of Rt 1 Box 178-R Forest Grove, County of Washington

(Postoffice)

State of Oregon 97116, do hereby make application for change in point of

diversion

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

1. The source of present water right is Carpenter Creek

(Name of stream)

2. The use to which the water is applied is irrigation

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

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

4. The point of diversion is located 70 ft. S and 70 ft. E from the SE

(N. or S.)

(E. or W.)

corner of SW 1/4 SE 1/4 of Section 1 being within the NE 1/4 NE 1/4

(Section or subdivision)

of Section 12 Tp. 15 R. 4W 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
15	4W	1															04	
			acreage listed above under the Certificate recorded at page 14137															
			acreage listed below under the Certificate recorded at page 20206															
15	4W	1															05	
		12		05														

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? owner of part and

(If not owner, explain your interest)

contract purchaser of part

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

Cert # 20206 - November 17, 1947

8. What is the date of priority of your water right? Cert. # 14137 - Jan 13, 1937

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

(Yes or No)

of permit 12525 E 18003

10. Do you hold a water right certificate? Yes If so, give number of certificate 14137 & 20206
(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? Cert # 14137 Ferdinand Lemcke & Estate of Ferdinand Lemcke Cert # 20206
(If not, give name)

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

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

(Attach separate sheet if necessary)

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

14. The proposed point of diversion is located 326 ft. N and 184 ft. W from the SE corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 Tp. 15 R. 4 W W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)
in the county of Washington The name of the ditch to be used is will use a pump

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

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

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

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

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
NOME M T G	WASH FED SAV. PLAN	\$19,950

20. Reasons for the proposed changes are TO SET POINT OF DIVERSION ONTO MY PROPERTY

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Marion

} ss.

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

In Witness Whereof, I have hereunto set my hand this 4th day of April, 1975

x James L. Rollier
(Name of applicant)

Subscribed and sworn to before me this 4th day of April, 1975

[Notarial Seal]

Nestor R. Turner
NOTARY PUBLIC FOR OREGON

My commission expires May 12, 1978

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.