

3320

STATUS OF APPLICATION

Change in point of diversion & place of use
Date filed 10-3-75
Date of hearing _____
Place of hearing _____
Date of order 12-5-75 Vol. 26, page 211
Date for application of water 10-1-76
Proof mailed SEP 15 1977
Proof received _____
Certificate issued OCT 17 1977 Vol. 36, page 44895

DESCRIPTION OF WATER RIGHT

Name of stream a spring
Trib. of _____ County of Tillamook
Use domestic
Quantity of water 0.01 No. of acres Domestic one family
Name of ditch _____
Date of priority December 3, 1947
In name of Fred & Bertha Hallinger
_____ Adjudication, Vol. _____, page _____
App. No. 22930 Per. No. 18075 Cert. No. 21694
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-3-75</u>	<u>50.00</u>	<u>49780</u>
TOTAL . . .		
<u>9-19-77</u>	<u>\$2</u> Cert. Fee	<u>63940</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

S-c #53400

	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>DB</u>	___
<input checked="" type="checkbox"/>	Stream	<u>DB</u>	___
<input checked="" type="checkbox"/>	Pt. of Div.	___	___
<input checked="" type="checkbox"/>	Calendar	<u>✓</u>	___
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>WJ</u>	___
<input checked="" type="checkbox"/>	Decree-vault	___	___
<input checked="" type="checkbox"/>	Decree-safe	___	___
<input checked="" type="checkbox"/>	Cert. of W/R	<u>DB</u>	___
<input checked="" type="checkbox"/>	Per. folder	<u>WJ</u>	___
<input checked="" type="checkbox"/>	Chaindex	___	___
<input checked="" type="checkbox"/>	Cross Ref.	___	___
<input checked="" type="checkbox"/>	Power Claim	___	___
<input checked="" type="checkbox"/>	Abstracts	<u>✓</u>	___

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION)
OF ROBERT E. DuBOIS FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER FROM A SPRING)

ORDER APPROVING
TRANSFER NO. 3320

On October 3, 1975, Robert E. DuBois filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from a spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Fred and Bertha Hallinger and recorded at Page 21694, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.01 cubic foot per second of water from a spring for domestic use for one family at a house in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 3 South, Range 9 West, W.M., with a date of priority of December 3, 1947. The point of diversion at the spring is located 1475 feet South and 1600 feet West from the North quarter-corner of Section 31, being within Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 31, Township 3 South, Range 9 West, W.M.

The applicant herein, owner of the house site above described, proposes to transfer the water right therefrom, without loss of priority, to a new house site located in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M., and to supply the new house site from a point of diversion at the spring to be located 1450 feet South and 1600 feet West from the North quarter-corner of Section 31, Township 3 South, Range 9 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 place of use of water is approved and the water right hereinbefore described as appurtenant to the house site in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M., with a date of priority of December 3, 1947, be transferred to a new house site in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from the spring, to wit:

From a point located 1475 feet South and 1600 feet West from the North quarter-corner of Section 31, being within Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 31, Township 3 South, Range 9 West, W.M.

To a point to be located 1450 feet South and 1600 feet West from the North quarter-corner of Section 31, Township 3 South, Range 9 West, W.M.

for domestic use in a new house site located in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M., with a date of priority of December 3, 1947, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion and place of use 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 0.01 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster is 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 certificate of water right heretofore issued to Fred and Bertha Hallinger and recorded at Page 21694, Volume 16, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to Robert E. DuBois confirming the change in point of diversion.

Dated at Salem, Oregon, this 5th day of December, 1975.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF

TILLAMOOK

Proof of Appropriation of Water

ROBERT E. DUBOIS

of Rt. 2, Box 225, Cloverdale
has applied beneficially the waters of
a spring

, State of Oregon, 97112 ,

a tributary of Nestucca River for the purpose of
domestic use for one family including the irrigation of lawn and garden not to
exceed $\frac{1}{2}$ acre in area.

under Permit No. 18075 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
December 3, 1947

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of

0.01 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 Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 31, T. 3 S., R. 9 W.,
W. M., 1130 feet North and 1220 feet East from the W $\frac{1}{2}$ Corner, Section 31

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 ----- of one cubic foot per second
per acre,

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, and to which such right is appurtenant, is
as follows:

Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 31
T. 3 S., R. 9 W., W. M.

This certificate is issued to confirm a change in place of use and point of
diversion approved by an order entered December 5, 1975 and supersedes
certificate 21694

RECEIVED

SEP 19 1977

WATER RESOURCES DEPT
SALEM, OREGON

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of SEPTEMBER,

1977.

Robert E. Dubois
Victoria M. Dubois

258

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

Robert E. DuBois
RT 2 Box 225 **This Is to Certify,** That ~~FRED and BERTHA HALLINGER~~
of ~~Beaver~~ *cloverdale*, State of Oregon *97112*, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
a spring
a tributary of
domestic use for one family *including the irrigation of lawn & garden not to exceed*
under Permit No. 18075 of the State Engineer, and that said right to the use of said waters *1/2 ac in*
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby *area*
confirmed dates from December 3, 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
0.01 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 *Lot 2* (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 31, Township 3 South, Range 9
West, W. M. *S 1130' N E 1220' E from the W $\frac{1}{4}$ cor Sec 31*

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 - - - of one cubic foot per second
per acre,

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:

Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 31
Township 3 South, Range 9 West, W. M.

This certificate is issued to confirm a change in place of use and point of diversion
approved by an order of the Water Resources Director entered *Dec 5, 1975*,
and supersedes certificate of water right issued to *21694*

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 21st day of September, 1956.

.....LEWIS A. STANLEY.....
State Engineer

Appl. 53400
Ret. 39 596

County Tillamook ✓

- [illegible]

INFO- MR. DuBois - SHOWED US SPRING AND USE.

SPRING- IN DRAW ON HILL.

PERFORATED PIPE COLLECTS WATER

RUNS INTO COLLECTING TANK.
GRAVITY SYSTEM.

PIPE- 1 1/4" AND 1" PLASTIC PIPE FOR SPRING TO HOUSES.

USE- DOMESTIC 2 HOUSES (1 FAMILY EACH) LAWN & GARDEN IRRIGATION.

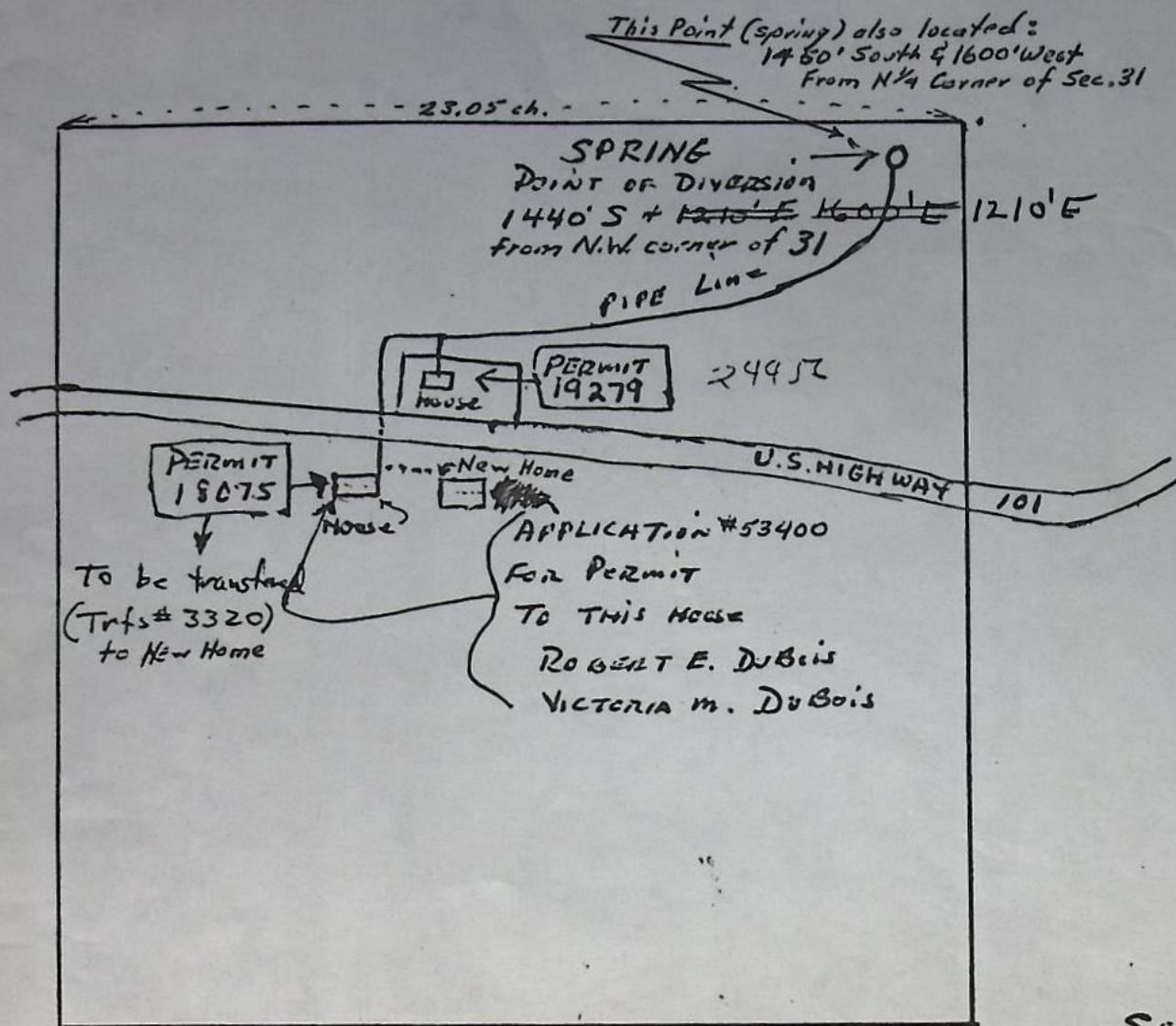
LIFT- 80' FALL

TIE- NW AND NE PROP CORN. & EAST PROP. LINE.

Notes West House COVERED UNDER APPL. 53400 NOW
EAST HOUSE (TR. 40) COVERED BY TRANS 3320

Larry Jol
FE
7/1/76

SW 1/4 NW 1/4
Tillamook County T3S R9W.Wm. Sec. 31



RECEIVED
JUL 10 1975
WATER RESOURCES DEPT.
SALEM, OREGON

Scale 1 inch = 4 CHAINS

ROBERT E. & VICTORIA M. DuBois
RT 2 Box 225
CLOVERDALE, OREGON 97112

Application No. 53400
Permit No.

Transfer No 3320

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3320

I, Robert E. Hubson, hereby certify that
on 22 April, 1976, the water has been applied to the
lands to which the water right was transferred by an order of the ~~State~~ ^{Water Resources Director}
~~Engineer~~ dated 5 December 1975, approving an application for a
change in place of use of water from _____.

24 April 1976
Date

Robert E. Hubson
Signature

RECEIVED

MAY - 31976

WATER RESOURCES DEPT
SALEM, OREGON



WATER RESOURCES DEPARTMENT

WASHINGTON COUNTY COURTHOUSE

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

ROBERT W. STRAUB
GOVERNOR

December 1, 1975

Tr. 3320

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

James E. Sexson, Director
Water Resources Dept.
1178 Chemeteka Street N. E.
Salem, Oregon 97310

Attention: Mr. Wayne J. Overcash

Dear Wayne:

On November 28, 1975, I made an inspection of the change in place of use and change in diversion point filed for by Robert E. DuBois.

I believe that the proposed change may be made without injuring any existing rights and that Provision No. 2 should be used in the order.

Yours truly,

Clayton J. Gardner
Watermaster District No. 1

CJG:fl

November 3, 1975

T-3320

Clayton J. Gardner, Watermaster
Washington County Courthouse
Hillsboro, OR 97123

Dear Mr. Gardner:

Mr. Robert E. DuBois filed an application for approval of a change in place of use of water and change in point of diversion of water from a spring.

The right involved was established under permit No. 18075 in the name of Fred and Bertha Hallinger and is for the use of the waters from a spring for domestic supplies for one family.

The present place of use is at a housesite in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M., and the present point of diversion is located 1475 feet South and 1600 feet West from the N $\frac{1}{4}$ corner of Section 31, being within Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M.

The proposed place of use is to be located at a new housesite in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West and the proposed point of diversion is to be located further north in the spring area at a point 1450 feet South and 1600 feet West from the N $\frac{1}{4}$ corner of Section 31, being within Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M.

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

Sincerely,

Wayne J. Overcash
Assistant

WO:db

Application for Transfer of Water Right

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

X I, ROBERT E. DUBOIS
RT2 Box 225
(Name of applicant)
of CLOVERDALE, County of TILLAMOOK
(Postoffice)

State of OREGON, do hereby make application for change in point of diversion

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

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

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

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

4. The point of diversion is located 1475 ft. S and 1600 ft. W from the N $\frac{1}{4}$
(N. or S.) (E. or W.)

corner of Sec 31 being within the Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Section or subdivision)

of Section 31 Tp. 3S R. 9W W. M., in the County of TILLAMOOK
(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 $\frac{1}{4}$	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 $\frac{1}{4}$
<u>35</u>	<u>9W</u>	<u>31</u>							<u>X</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)

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

X 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? Dec 3 1947
Dec. 3. 1947

9. Was your water right acquired by State Engineer's Permit? YES If so, give number
(Yes or No)
18075
of permit

10. Do you hold a water right certificate? YES If so, give number of certificate 21694
(Yes or No)

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

If so, give title of proceedings FRED & BERTHA HALLINGER
(Yes or No)

12. Is the water right recorded in your name? FRED & BERTHA HALLINGER
(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 $\frac{1}{4}$
35	9W	31							X									

(Attach separate sheet if necessary)

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

X 14. The proposed point of diversion is located 1450 ft. S and 1650 ft. W from the NE $\frac{1}{4}$ corner of Sec 31 being within the 12 (SW $\frac{1}{4}$) of Section 31 Tp. 35 R. 9W W. M.,
(N. or S.) (E. or W.)
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of TILLAMOOK The name of the ditch to be used is _____

X 15. Are you the owner of the land on which the proposed point of diversion is to be located? No

X 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.

WESLEY PENGELLY RT 2 Box 223 CLOVERDALE ORE 97112

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

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

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

X 20. Reasons for the proposed changes are To put each of two users on their own pipeline & change use to new home.
Appl filed for permit for present house.

X
AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Marion

SS.

I, Robert E. Hub Boie, 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 3 day of Oct, 1975

Robert E. Hub Boie
(Name of applicant)

Subscribed and sworn to before me this 3 day of Oct, 1975

[Notarial Seal]

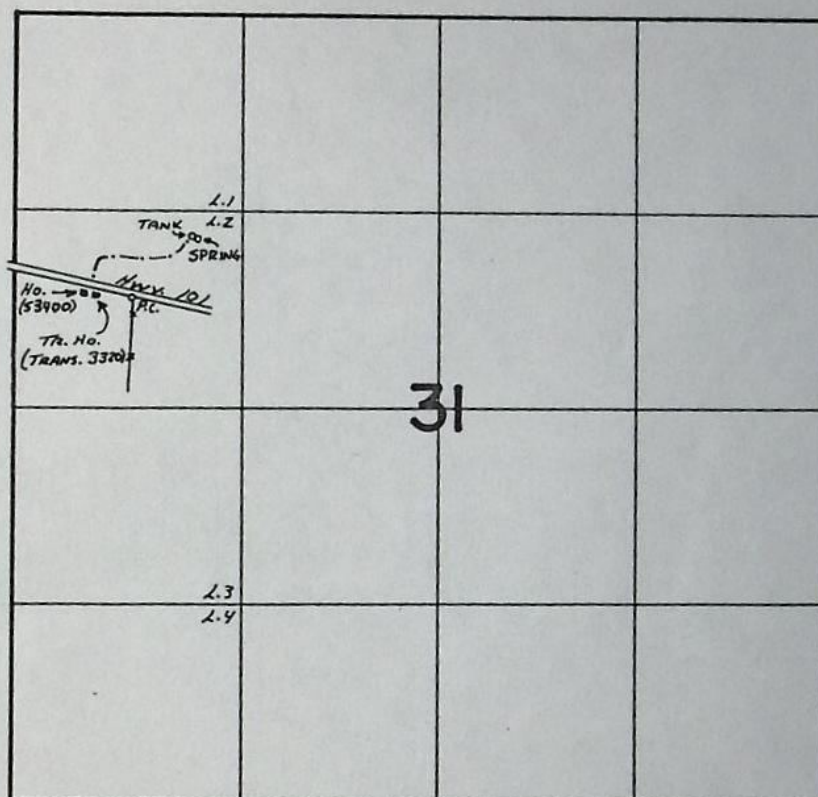
James Jones
NOTARY PUBLIC FOR OREGON

My commission expires Aug 11, 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.

T.3S.,R.9W.,W.M.



SPRING Loc: 1130' N AND 1220' E FROM W 1/4 COR. SEC. 31

FINAL PROOF SURVEY
UNDER

Transfer No. 3320
Application No. 53400 Permit No. 39596..
IN NAME OF

ROBERT E. & VICTORIA M. DUBOIS

Surveyed July 1, 1976, by L. T. T. T.