

3375 Edwin N. Hale  
1201 Clackamette Drive #3  
Oregon City 97045

3375

13

STATUS OF APPLICATION

Change in point of diversion  
Date filed 3-19-76  
Date of hearing 12-7-76  
Place of hearing Oregon City  
Date of order 12-16-76 Vol. 28, page 191  
Date for application of water 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 28 1977 Vol. 31, page 44932  
MAR 23 1987 51 55853

DESCRIPTION OF WATER RIGHT

DVA Notification

Name of stream Beaver Creek  
Trib. of \_\_\_\_\_ County of Clackamas  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority March 18, 1952  
In name of George F. Gould  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 26979 Per. No. 21192 Cert. No. 37358  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
3-19-76	35.00	52035
8-5-76	45.00 P.O.N.	55325
TOTAL . . .		
11-10-76	<sup>2<sup>nd</sup></sup> Cert. Fee	55325

Paid Enterprise Courier \$34.55 55325  
Ex. # 949 11/10/76

FEES REFUNDED

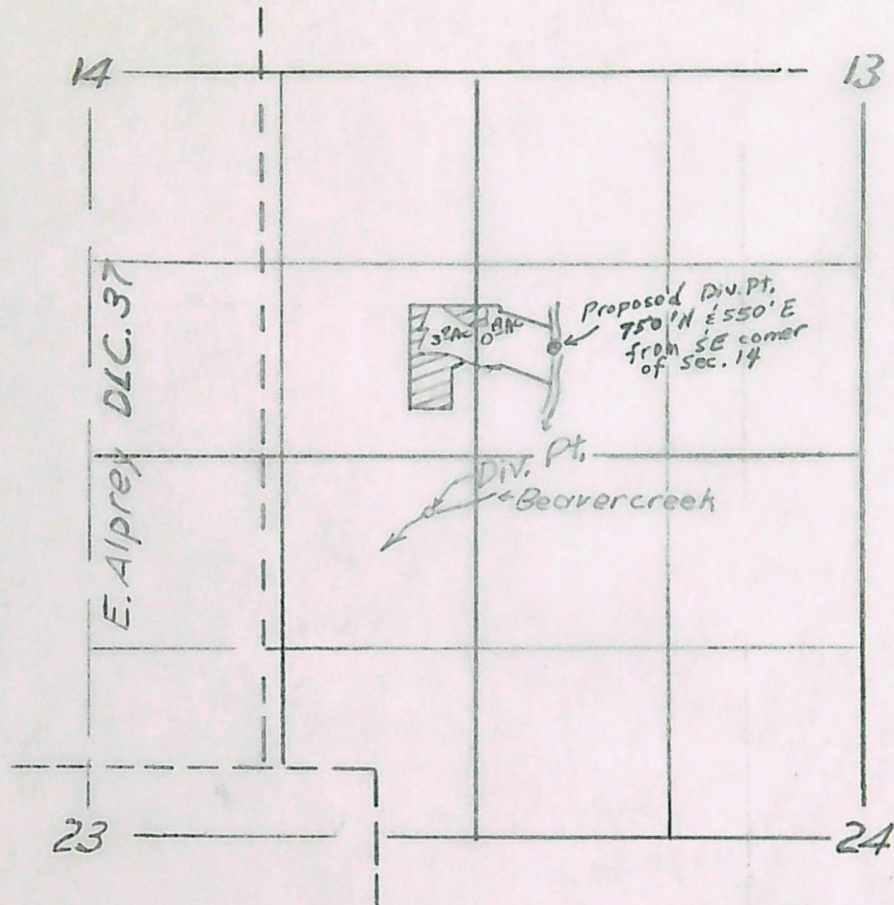
Date	Amount	Check No.
11-10-76	\$ 8.45	950

REMARKS

Also see Transfer B-202  
which involved another part  
of original right evidenced  
by the Certificate 22525

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<input checked="" type="checkbox"/> W/H	Name	<input checked="" type="checkbox"/>	_____
	<input checked="" type="checkbox"/> W/H	Stream	<input checked="" type="checkbox"/>	_____
	<input checked="" type="checkbox"/> W/H	Pt. of Div.	<input checked="" type="checkbox"/>	_____
	<input checked="" type="checkbox"/> W/H	Calendar	<input checked="" type="checkbox"/>	_____
	CHECKED TO RECORDS:			
	_____	Twp. & Rec.	<u>GLS</u>	_____
	_____	Decree-vault	_____	_____
	_____	Decree-safe	_____	_____
	<input checked="" type="checkbox"/>	Cert. of W/R	<u>rows</u>	<u>lg</u>
_____	<input checked="" type="checkbox"/>	Per. Folder	<u>lg</u>	_____
_____	_____	Chaindex	_____	_____
_____	_____	Cross Ref.	_____	_____
_____	_____	Power Claim	_____	_____
<input checked="" type="checkbox"/>	_____	Abstracts	<input checked="" type="checkbox"/>	_____

T. 3 S. R. 1 E. W. M.



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SALEM, OREGON

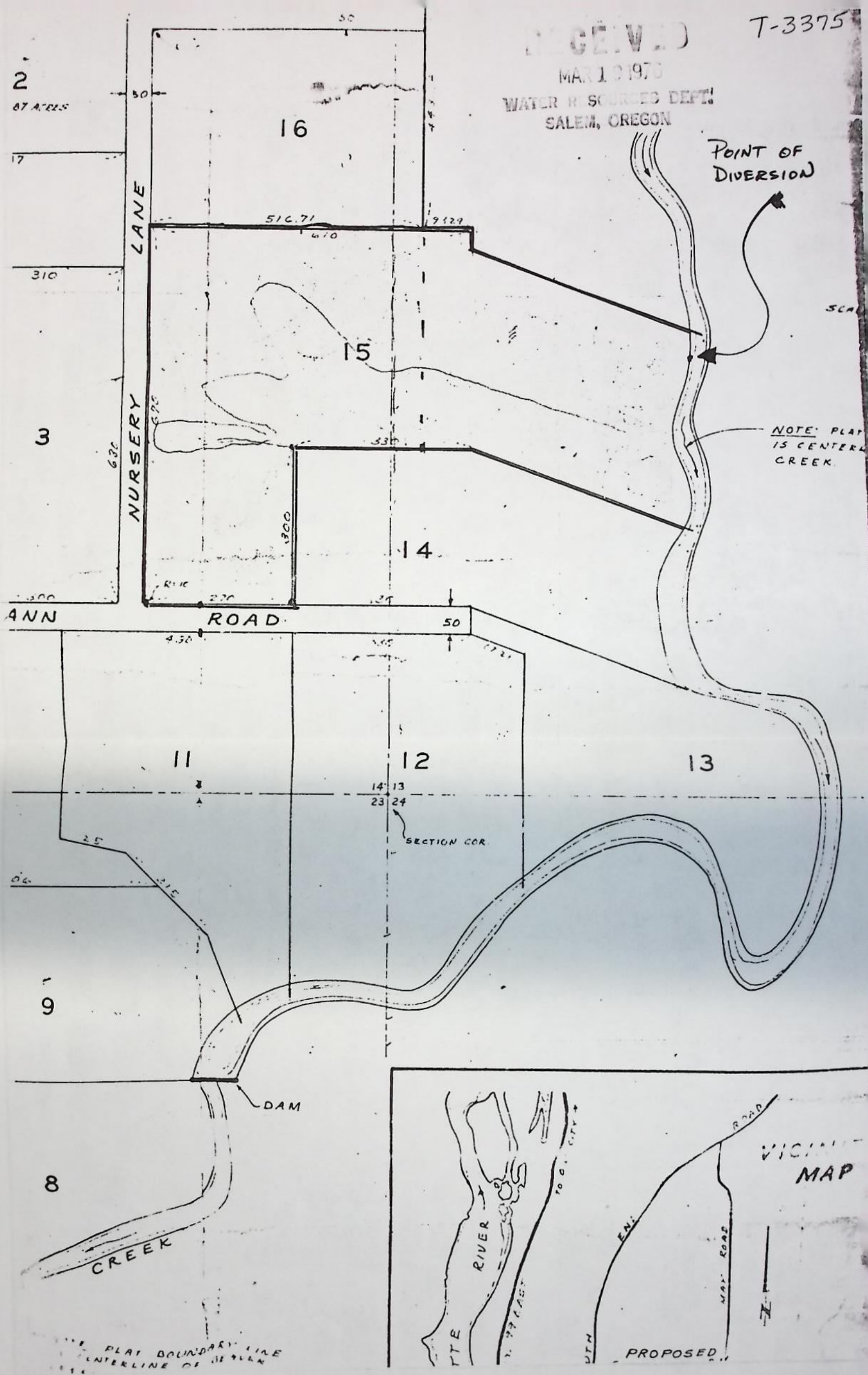
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T-3375

MAR 19 1970

WATER RESOURCES DEPT.  
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION )  
OF EVAN N. HALE FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM BEAVER CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3375

On March 19, 1976, Evan N. Hale filed an application in the office of the water Resources Director for the approval of a change in point of diversion of water from Beaver Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to George F. Gould and recorded at Page 37358, Volume 26, State Record of Water Right Certificates, confirms a right which includes the use of 0.051 cubic foot per second from Beaver Creek for the irrigation of, among other lands, 0.19 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13 and 3.9 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, Township 3 South, Range 1 East, W.M., with a date of priority of March 18, 1952.

These lands are irrigated from a point of diversion located 400 feet South and 300 feet West from the Northeast corner of Section 23, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 23, Township 3 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to a point located 750 feet North and 550 feet East from the Southwest corner of Section 13, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, Township 3 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Oregon City Enterprise Courier, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of October 13, 20 and 27, 1976.

Mr. Keith Palmer, Watermaster of District No. 16, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion from Beaver Creek as described herein, without loss of priority, is approved.

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 0.051 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 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 certificate of water right heretofore issued to George F. Gould and recorded at Page 37358, Volume 29, 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 proof satisfactory to the Water Resources Director of completion of

ALL COTTON

works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Evan N. Hale.

Dated at Salem, Oregon, this 16th day of December, 1976.

/s/ JAMES E. SEXSON  
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

CHANGE IN POINT OF DIVERSION

222-178

11/15  
11/15  
No one on Place  
Hale lives on House land  
in Oregon City

REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FOR

656-3211, 225-5925

70 SALEM  
FOR OLD  
RT  
3-13-80

7:15 A.M.

Transfer No. 3375

County Clackamas

1. Name Evan N. Hale Address 1701 Clackamette Drive 3, Oregon City
2. Source of Supply Beaver Creek, Trib. of 97045
3. Amount of Water 0.051 c.f.s. Priority Date Mar. 18, 1952
4. Use irrigation
5. Proposed Point of Diversion 750 ft. N. and 550 ft. E. from SW corner of  
Sec. 13, being within SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, T. 3 S., R. 1 E., W.M.

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/77

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
3S	1E	13	SW $\frac{1}{4}$ SW $\frac{1}{4}$		0.19 acre
3S	1E	14	SE $\frac{1}{4}$ SE $\frac{1}{4}$		3.9 acres

10/1/80  
29/92 suppl  
B-202  
Note: suppl  
right not addressed  
29/92  
POD for  
transfer B-202  
approx 300 ft  
too far south  
2-12-87

1980-4-1  
3-4-80  
R.G. Muehlen

10:00 A.M.

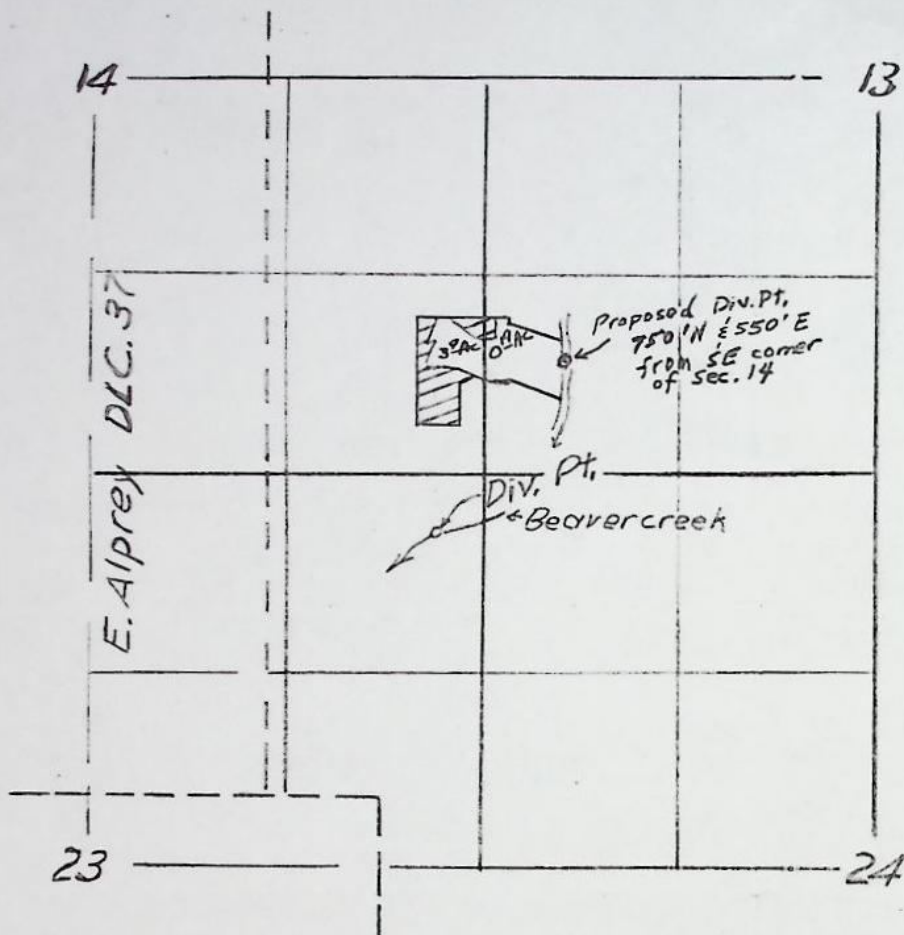
INFO: MR. HALE

DIV. HAS BEEN MOVED AS DESCRIBED & LAND IS  
STILL IRR. SEE APPL. 54612 FOR REST OF  
REPORT

TIE - 1980-H-1 . . . . .

3-4-80  
R.G. Mucken

T. 3 S. R. 1 E. W. M.



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SALEM, OREGON

CLACKAMAS/CL

JAN 10 1986

NOTICE OF INTEREST IN WATER RIGHT

To: Director of Water Resources  
555 13th Street, N.E.  
Salem, Oregon 97310

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JAN 10 1986

WATER RESOURCES DEPT.  
SALEM, OREGON

This is to notify you of an interest in the following described water right:

Loan Number

P-59994

Borrower's Name

Hale, Evan N.

Mailing Address

Property being served by the water:

Township 3 S

Township \_\_\_\_\_

Township \_\_\_\_\_

Range 1 E

Range \_\_\_\_\_

Range \_\_\_\_\_

Section 14 D

Section \_\_\_\_\_

Section \_\_\_\_\_

Tract \_\_\_\_\_

Tract \_\_\_\_\_

Tract \_\_\_\_\_

Water Right Numbers:

54612 T3375 T B202

Permit Number(s)

40977

Certificate Number(s)

Survey NC

Survey NC

45264

Irrigation District

4.2 Ac

4.9

4.56 Ac

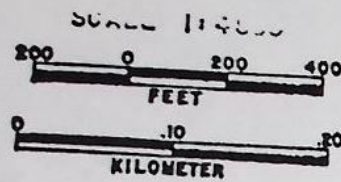
The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

Attention: Butch Gehley, Appraisal Coordinator

1-16-86  
DM

Attachments:

- ☒ Legal Descriptions  
☒ Tax Lot Maps  
☐ Please return copy to ODVA



SEE MAP 3 IE 14

44	600
----	-----

INESE

T3SRIE

Sec 14 & 13

NWSU

86-03

3w 5w

86-05

GOULD

000  
14c

SEE MAP 3 IE 23

Transfer No. 3375

NOTICE OF COMPLETION OF CONSTRUCTION

I, EVAN N. HALE 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 the Water Resources  
Director dated 12-16-76, approving an application  
for a change in point of diversion of water from BEAVER CREEK

1-4-77

Date

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JAN - 6 1977

WATER RESOURCES DEPT  
SALEM, OREGON

  
Name

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MAR 19 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
AUG - 5 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Evan N. Hale  
(Name of applicant)

of 1701 Clackamette, Oregon City  
(Postoffice), County of Clackamas

State of Oregon, do hereby make application for change

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

1. The source of present water right is Beaver 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 no name

4. The point of diversion is located 400 ft. S and 300 ft. W from the NE  
(N. or S.) (E. or W.)

corner of Sec. 23 being within the NE 1/4  
(Section or subdivision)

of Section 23 Tp. 3S R. 1E W. M., in the County of Clackamas  
(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
3S	1E	13											0.051					
		14				see appendix "A"												3.2

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? contract purchaser  
(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? March 18, 1952  
see final proof survey attached

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

of permit 21192

10. Do you hold a water right certificate? ..... If so, give number of certificate 37358  
(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 .....  
(Yes or No)

12. Is the water right recorded in your name? ..... George F. Gould .....  
(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 750 ft. N and 550 ft. E from the SE corner of Sect. 14 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14 Tp. 3S R. 1E W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.)  
in the county of Clackamas. The name of the ditch to be used is buried pipe line

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

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.? no  
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>see attachment "B"</u>		

20. Reasons for the proposed changes are divert water at a point contiguous to my property

EX-100-00000  
WATER RESOURCES DEPT  
JUN-1980  
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AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of CLACKAMAS

} ss.

I, Evan N. Hale, 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 17 day of MARCH, 1976.

(Name of applicant)

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 1976

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

My commission expires Nov. 27, 1977

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.

NOTICE OF FILING  
APPLICATION FOR A  
CHANGE IN POINT OF  
DIVERSION FROM  
BEAVERCREEK

Notice is given hereby that Evan N. Hale has filed an application for the approval of a change in point of diversion from Beaver Creek.

Certificate of water right issued to George F. Gould and recorded at Page 37358, Vol. 26, State Record of Water Right Certificates, confirms a right which includes the use of 0.051 cubic foot per second from Beaver Creek for the irrigation of, among other lands, 0.19 acre in SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Sec. 13 and 3.9 acres in SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Sec. 14, T. 3 S., R. 1 E., W.M., with a date of priority of March 18, 1952.

These lands are irrigated from a point of diversion located 400 ft. S. and 300 ft. W. from the NE corner of Sec. 23, being within the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Sec. 23, T. 3 S., R. 1 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 750 ft. N. and 550 ft. E. from the SE corner of Sec. 14, being within the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Sec. 13, T. 3 S., R. 1 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Oregon City, Oregon, on Dec. 7, 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 Evan N. Hale, 1701 Clackamette, Oregon City, Oregon 97045, 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 OBJECTION IS 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 4th day of October, 1976.

JAMES E. SEXSON

Director

(Oct. 13, 20, 27, 1976)

Legal No. 983

# Affidavit of Publication

State of Oregon,

County of Clackamas

ss.

I, Kathy Smith, being first duly

sworn, depose and say that I am the principal clerk of the owner, of ENTERPRISE-COURIER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Oregon City in the aforesaid county and state; that the

Notice of Filing Application for a Change

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:

October 13, 20, 27, 1976

Kathy Smith

Subscribed and sworn to before me this 27th

October, 19 76

Dorcas Olaf

Notary Public of Oregon.

My commission expires 4th day of

February, 19 76

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SALEM, OREGON



STATE OF OREGON

INTEROFFICE MEMO

TO: James W. Carver

DATE: October 12, 1976

FROM: Keith Palmer Watermaster Dist. 16

SUBJECT: Transfer No. 3375

I have completed my investigation of the transfer application by Evan N. Hale . It appears that this transfer can be made without injury to existing rights.

I also feel that provision two, as outlined in Chapter 3.23 of the watermaster manual should be incorporated into this order.

*Keith M. Palmer*

Order No. 725358

## APPENDIX "A"

A tract of land situated in Sections 13 and 14, T. 3 S., R. 1 E., of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows, to-wit:

BEGINNING at a point in the centerline of a 40.00 foot County road, which point bears South along the easterly boundary of the Elizabeth Alprey D.L.C. #37, 462.25 feet from the Northeast corner of Lot 10, Wittenberg Acres, Record of Townplats, Clackamas County, Oregon. From said place of beginning; thence leaving said easterly boundary of said D.L.C., East along the centerline of a 40.00 foot roadway, 1267.20 feet and the true place of beginning. From said true place of beginning; thence West along the centerline of said 40.00 foot roadway 300.00 feet to the intersection of a 40.00 foot roadway extending northerly (also Southeast corner of that certain tract of land conveyed to William H. Schautin, et ux, as recorded in Book 690, Page 529, Record of Contracts, Clackamas County, Oregon); thence North along said 40.00 foot road centerline, 740.00 feet; thence leaving said road centerline East, 630.00 feet, thence South 40.00 feet; thence South 69° 52' East, 413.53 feet; thence continuing South 69° 52' East 30.00 feet, more or less, to the centerline of Beaver Creek; thence southerly along said centerline of Beaver Creek, 375.00 feet, more or less, to the intersection of a line which bears North 330.00 feet, East 330.00 feet, and South 69° 52' East 429.94 feet from said place of beginning; thence leaving said centerline of Beaver Creek, North 69° 52' West 20.00 feet, more or less; thence continuing North 69° 52' West 409.09 feet; thence West 330.00 feet; thence South 330.00 feet to the true place of beginning. Containing 11.82 acres, more or less, inclusive of roadway.

SUBJECT to easement that portion within said 40.00 foot roadways.

ALSO the right to use with others for road purposes the following described 40.00 foot roadway:

From said true place of beginning of the herein described tract; thence West along the centerline of a 40.00 foot right of way 1267.20 feet.

ALSO from said Southeast corner of Schautin, North along the centerline.

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MAR 19 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

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MAY 19 1975  
WATER RESOURCES DEPT.  
SALEM, OREGON

SCHEDULE B

T-3395

This policy does not insure loss by reason of the matters shown or referred to in this Schedule except to the extent that the owner of any mortgage or deed of trust is expressly insured in Paragraphs numbered 4 and 5 on the front of this policy.

PART I:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; pending proceedings for vacating, opening or changing of streets or highways preceding entry of the ordinance or order therefor.

2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

3. Easements, claims of easement or encumbrances which are not shown by the public records, unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

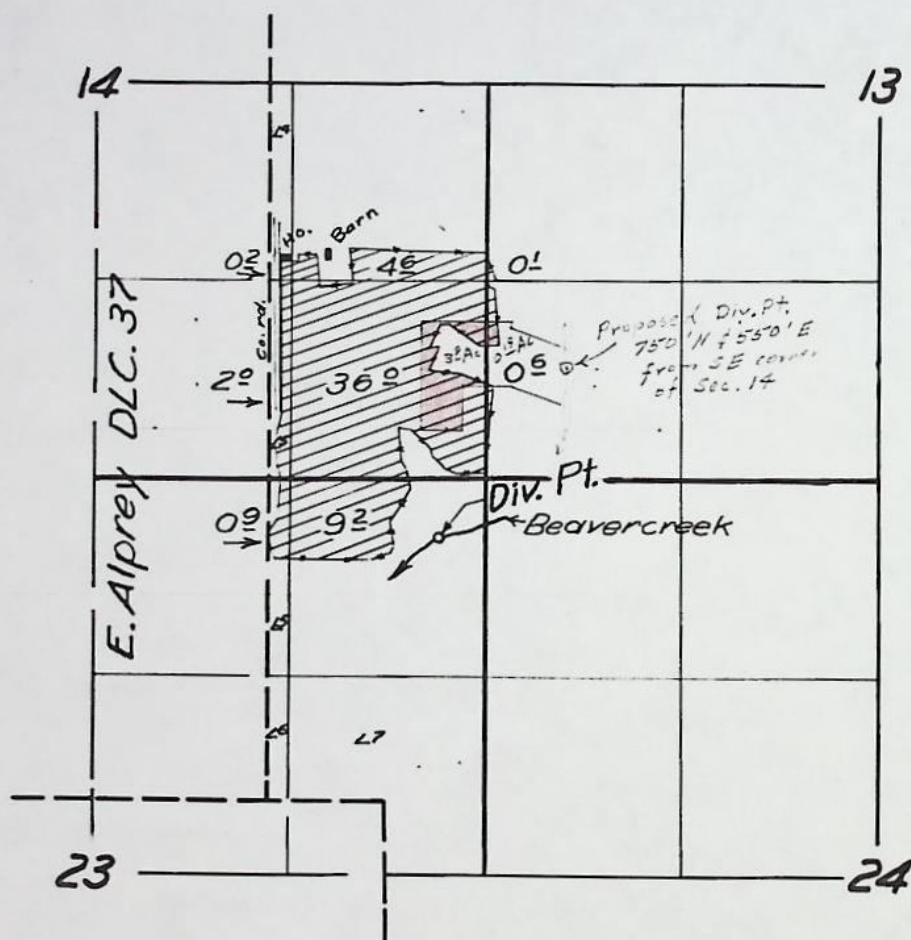
PART II: Liens, encumbrances, defects and other matters affecting title to said land or to which said title is subject, as hereinafter set forth:

1. Rights of the public and of governmental bodies in that portion of the above described property lying below the high water mark of Beaver Creek.

2. Contract, including the terms and provisions thereof, dated November 19, 1968, recorded September 7, 1973, Recorders Fee No. 73-28441, Deed Records of Clackamas County, Oregon, between George F. Gould and Marie A. Gould, husband and wife, vendors, and James W. Watson and Marian A. Watson, husband and wife, vendees. APPROX. BAL. \$12,500-

3. Contract, including the terms and provisions thereof, dated September 19, 1974, recorded October 8, 1974, Recorders Fee No. 74-28403, Deed Records of Clackamas County, Oregon, between James W. Watson and Marian A. Watson, husband and wife, vendors, and Evan N. Hale, vendee. APPROX. BAL. \$27,500-

T. 3 S. R. 1 E. W. M.



FINAL PROOF SURVEY  
UNDER

Application No. 26979... Permit No. 21192...  
IN NAME OF

George F. Gould

Surveyed 3 Aug. 1956, by Tom Bish