

3155 Michael T. Pakisty
1052 NE 125th
Portland, OR

3133

STATUS OF APPLICATION

Change in point of diversion
Date filed 9-30-74
Date of hearing _____
Place of hearing _____
Date of order 10-8-74 Vol. 25, page 128
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued AUG 10 1978 Vol. 38, page 46238

SEP 4 1980 43

49471

to survey 6/78

DESCRIPTION OF WATER RIGHT

Name of stream Well of Clatus Rupp
Trib. of _____ County of _____
Use irrigation
Quantity of water _____ No. of acres 33¹/₂
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. G-2529 Per. No. G-2344 Cert. No. 34709
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-30-74</u>	<u>30.00</u>	<u>From P-6</u>
TOTAL . . .	1.50 <u>Cert. Fee</u>	<u>43384</u>
<u>10-17-74</u>	<u>6.00</u>	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

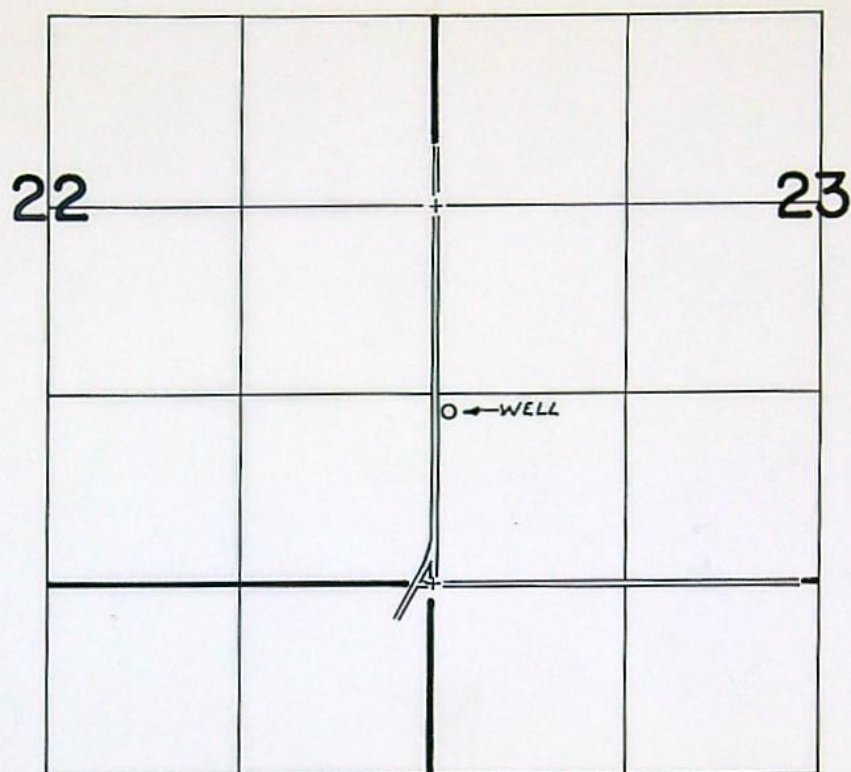
TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
☒	Name		<u>leg</u>	
☒	Stream		<u>leg</u>	
☒	Pt. of Div.		<u>leg</u>	
☒	Calendar		<u>leg</u>	
☒	CHECKED TO RECORD:			
☒	Twp. & Rge.		<u>leg</u>	
☒	Decree-vault			
☒	Decree-sale			
☒	Cert. of W/R		<u>leg</u>	
☒	Per. Folder		<u>leg</u>	
☒	Chainindex			
☒	Cross Ref.			
☒	Power Claim			
☒	Abstracts			

10/8/74

Old well and new pt. of diversion both develop water from the same aquifer system within the Trust Lake formation. There are no wells of record within $\frac{3}{4}$ mile. Should not interfere with existing rights. Approval is recommended.

WJF

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



WELL LOC: 1190' N. & 90' E. FROM S.W. COR. SEC. 23

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3133

Application No. Permit No.

IN NAME OF

.....CHARLES DANNAR.....

Surveyed DEC. 4. 1979., by R. MUCKEN..

STATE OF OREGON

COUNTY OF MULTNOMAH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

~~CLETUS J. RUPP~~ CHARLES DANNAR

8102 S.E. 242ND
 of ~~Route 3, Box 271~~, Gresham, State of Oregon ⁷⁷⁰³⁰, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
~~Cletus Rupp~~ Well

a tributary of Johnson Creek (~~Willamette River~~) for the purpose of
 irrigation of ~~37.7~~ acres

^{33.0}
 under Permit No. G-2344 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 17, 1963

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
~~0.31~~ cubic foot per second
 0.27

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T. 1 S., R. 3 E., W. M.
~~Well located 550 feet North and 170 feet East from the SW Corner Section 23.~~
¹¹⁹⁰ ⁹⁰

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:

33.0
~~37.7~~ acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 23
 T. 1 S., R. 3 E., W. M.

This certificate is issued to confirm a change in point of ^{appropriation} diversion approved
 by an order of the WRD entered Oct. 8, 1974 and together with certificate of water
 right recorded on Page 46238, Volume 38, SRWRC supersedes certificate
 of water right recorded on Page 34709, Volume 26, SRWRC.

The issuance of this superseding certificate does not confirm the status of
 the water right in reference to ORS 540.610.

STATE OF OREGON

COUNTY OF MULTNOMAH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CLETUS J. RUPP

of Route 3, Box 271, Gresham, 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 Cletus Rupp Well

a tributary of Johnson Creek (~~Willamette River~~) for the purpose of irrigation of ~~37.7~~ acres
4.7

under Permit No. G-2344 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 17, 1963

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 ~~0.31~~ cubic foot per second
0.04

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T. 1 S., R. 3 E., W. M. Well located 550 feet North and 170 feet East from the SW Corner Section 23.

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:

4⁷ ~~37.7~~ acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 23
T. 1 S., R. 3 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 34709, Volume 26, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct 8, 1974, approving transfer application No. 3133.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

WITNESS the signature of the State Engineer, approved

this date. March 29, 1968

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34709

46238

T-#3133

BEFORE THE STATE ENGINEER OF OREGON

Multnomah County

IN THE MATTER OF THE APPLICATION }
OF MICHAEL T. DOHERTY FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM A WELL }

ORDER APPROVING
TRANSFER NO. 3133

On August 28, 1974, Michael T. Doherty filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from a well, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Cletus J. Rupp and recorded at page 34709, Volume 26, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.27 cubic foot per second of water from a well for the irrigation of, among other lands, 33.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 3 East, W.M., with a date of priority of January 17, 1963. These lands are irrigated from a point of diversion located 550 feet North and 170 feet East from the Southwest corner of Section 23, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 1 South, Range 3 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1240 feet North and 65 feet East from the Southwest corner of Section 23, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 1 South, Range 3 East, 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. William B. McCall, geologist for the State Engineer's office, 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. Both the old and new wells develop water from the same aquifers within the Troutdale formation and

there is no well of record within three-fourths of a mile of the new well.

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 proposed change in point of diversion of water from a well, to wit:

From a point located 550 feet North and 170 feet East from the Southwest corner of Section 23, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 East, W.M.

To a point to be located 1240 feet North and 65 feet East from the Southwest corner of Section 23, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 1 South, Range 3 East, W.M.

for the irrigation of 33.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 3 East, W.M., with a date of priority of January 17, 1963, 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, 1975.

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 0.27 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 new well shall be so constructed that water will be withdrawn only from the ground water reservoir which supplied the old well.

It is FURTHER ORDERED that certificate of water right heretofore issued to Cletus J. Rupp and recorded at page 34709, Volume 26, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued to Cletus J. Rupp covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Michael T. Doherty confirming the change in point of diversion.

Dated at Salem, Oregon, this 8th day of October, 1974.

/s/ CHRIS L. WHEELER
State Engineer