

3384 Towne, Ken. Ely, Mark. Parson.
P.O. Box 174
West Linn, Or. 97068

22

3384

STATUS OF APPLICATION

Change in point of diversion
Date filed 4-8-76
Date of hearing _____
Place of hearing _____
Date of order 5-17-76 Vol. 27, page 187
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 43545
APR 30 1979 41 47883

DESCRIPTION OF WATER RIGHT

Name of stream Willamette R.
Trib. of _____ County of Clackamas
Use irrigation
Quantity of water _____ No. of acres 8⁵
Name of ditch _____
Date of priority July 14, 1949
In name of Carleton Parish Pym, M.D.
_____ Adjudication, Vol. _____, page _____
App. No. 23920 Per. No. 18840 Cert. No. 20505
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-8-76</u>	<u>35.00</u>	<u>52402</u>
TOTAL . . .		
<u>4-8-76</u>	<u>\$2 Cert. Fee</u>	<u>52403</u>
<u>4-4-79</u>	<u>\$2 cert. fee</u>	<u>10073</u>

FEES REFUNDED

Date	Amount	Check No.

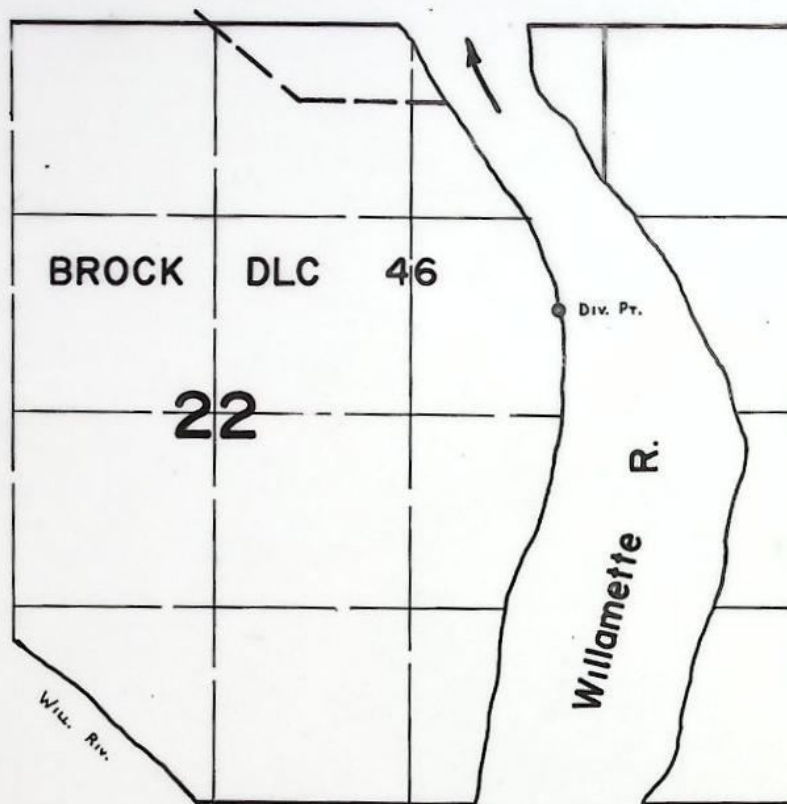
REMARKS

23920
to survey 2/78
4-16-79 TES

INDEX CARDS:		Entered	Checked
<u>WA</u>	Name	<u>✓</u>	<u> </u>
<u>WA</u>	Stream	<u>✓</u>	<u> </u>
<u>WA</u>	Pt. of Div.	<u> </u>	<u> </u>
<u>WA</u>	Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:			
<u>✓</u>	Twp. & Rge.	<u>NO</u>	<u> </u>
<u> </u>	Decree-vault	<u> </u>	<u> </u>
<u> </u>	Decree-safe	<u> </u>	<u> </u>
<u>✓</u>	Cert. of W/E	<u>CC</u>	<u> </u>
<u>✓</u>	Per. Folder	<u>CC</u>	<u> </u>
<u> </u>	Chainindex	<u> </u>	<u> </u>
<u> </u>	Cross Ref.	<u> </u>	<u> </u>
<u> </u>	Power Claim	<u> </u>	<u> </u>
<u> </u>	Abstracts	<u> </u>	<u> </u>

157

T3S. R1E. WM.



Div. Pt. Loc: 3340'N, $\frac{1}{2}$ 2325'E. fr. S. $\frac{1}{4}$ Cor. Sec. 22.

**FINAL PROOF SURVEY
UNDER**

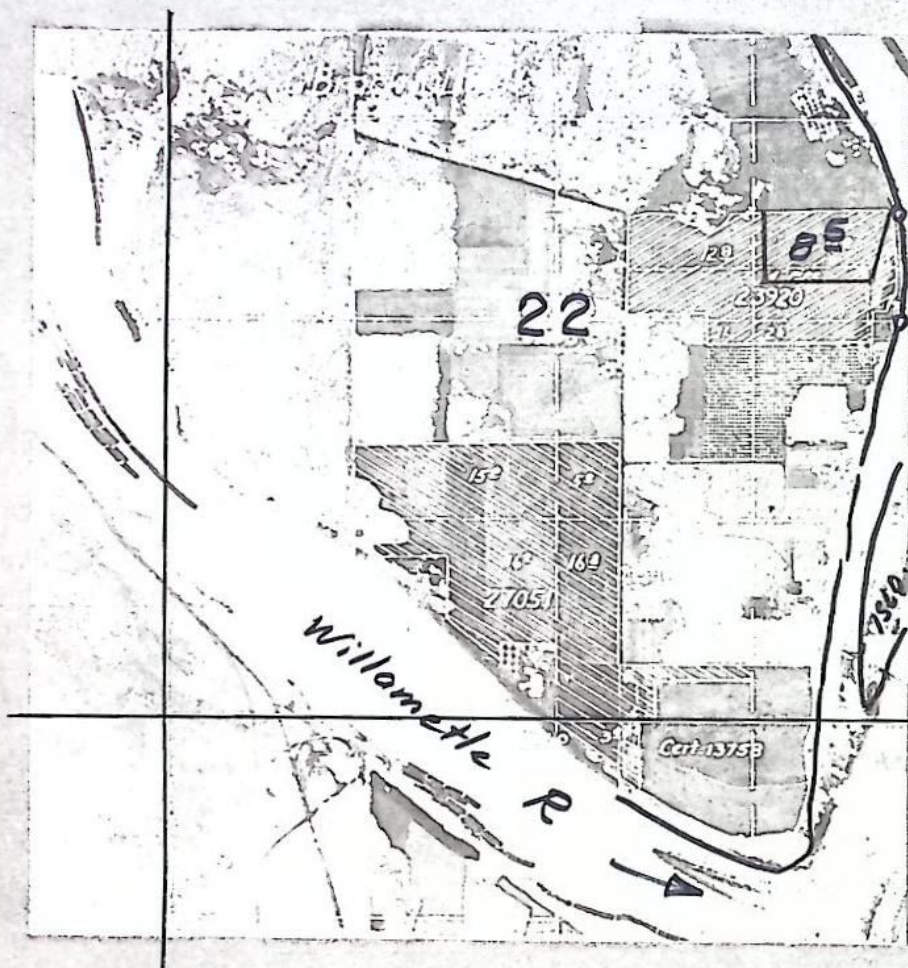
TRANSFER NO. T-3384

Application No. _____ Permit No. _____
IN NAME OF

LOWEN K. & ELYNOR K. PANKEY

Surveyed SEPT. 26 1978, by C. L. HUGHES

T. S. R. E. W. M.



NEW DIV. PT.
230' N. & 2310' E.
from C/4 Sec. 22

OLD DIV. PT.
2310' E. from
C/4 Sec. 22

FINAL PROOF SURVEY

UNDER

Application No. 23920 16840
27051 Permit No. 21220

IN NAME OF

CARLETON PARISH ESTATE, M. D.

DR. SAMUEL A. & MARGARET M. BRANDON

Surveyed July 29 1953, by H. L. Coffman

DFK-3D-54

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION
OF LOWEN K. AND ELYNOR K. PANKEY
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
WILLAMETTE RIVER

ORDER APPROVING
TRANSFER NO. 3384

On April 8, 1976, Lowen K. and Elynor K. Pankey filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Carleton Parish Pynn, M.D., and recorded at Page 20505, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.38 cubic foot per second of water from Willamette River for the irrigation of, among other lands, 8.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 3 South, Range 1 East, W.M., with a date of priority of July 14, 1949. These lands are irrigated from a point of diversion located 2310 feet East from the center quarter-corner of Section 22, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 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 830 feet North and 2310 feet East from the center quarter-corner of Section 22, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 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 is no intervening diversion.

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 Willamette River, to wit:

From a point located 2310 feet East from the center quarter-corner of Section 22, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, W.M.

To a point to be located 830 feet North and 2310 feet East from the center quarter-corner of Section 22, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, W.M.

for the irrigation of 8.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 3 South, Range 1 East, W.M., with a date of priority of July 14, 1949, 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 0.11 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 certificate of water right heretofore issued to Carleton Parish Pym, M.D., and recorded at Page 20505, Volume 15, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate 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, a certificate of water right shall be issued to Lowen K. and Elynor K. Pankey confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of May, 1976.

/s/ JAMES E. SEXSON
Director

New P.O.D for the
82 acre S.W. 1/4 of
MAP.

2LL-178
BD-54

80-54

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN POINT OF DIVERSION FROM WILLAMETTE RIVER

New Pankey

656-2334

Transfer No. 3384

County Clackamas

1. Name Lowen K. & Elynor K. Pankey Address ~~P. O. Box 174~~; West Linn, Oregon 97068
2. Source of Supply Willamette River, Trib. of 30754 Pete Mtn Rd.
3. Amount of Water _____ Priority Date July 14, 1949
4. Use irrigation
5. Proposed Point of Diversion ³³⁴⁰ 830 ft. N. and ²³²⁵ 2310 ft. E. from the ^S center quarter-
corner of Sec. 22, within the SE 1/4 NE 1/4 of S. 22, T. 3 S., R. 1 E., W. M.
(WITHIN BROCK DLE 46)
6. Place of Use C = 10-1-77

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	

T-3847
23920

DFK-2LL-178
9/26/78 CLH

Info: Mr. Ken Pankey, father of Lowen Pankey. Land is irrigated as applied. He also said that Lowen Pankey just bought more property and will transfer right to that from old water right by next spring.

Source: Willamette Riv. Div is direct through a 4" pvc and a 2" pvc to two pumps.

pump #1 - Gould Century 10 HP @ 3500 RPM CDD 2" x 1 3/4"
2" suction

pump #2 - GE 15 HP @ 3480 RPM

Cornell 3" x 2" CDD 4" suction

pump simultaneously through 4" white pvc mainline. 15 HP sys irrigates East 8 ± ac. 10 HP sys irrigates West ac. (not quite completed - ^(Lowen) he said he would file on this area) (excess acreage)

Use: Irrigation of L + G, nursery

Equip: pipe - #1 - 2" white pvc to top of bank

3" white pvc (buried) mainline - 1000+ ft

#2 - 4" white pvc to top of bank

2 - 4" white pvc (buried) mainlines - 2,000+ ft

heads - Buckner 170's 1/8 x 0 60 max

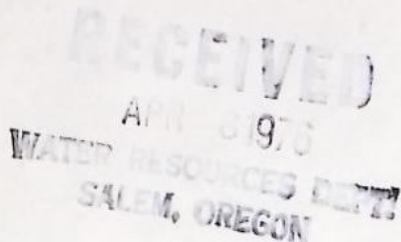
Lift: zero @ pump to +18 ft to top of bank.

Tie: DFK-2LL-178

Chris Hughes

FE

9/26/78



T. 3384 35⁰⁰ fees

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Lowen K. Elyor K. Ponkey
(Name of applicant)

of P.O. Box 174 West Linn, County of Clackamas
(Postoffice)

State of Oregon 97068, do hereby make application for change in point of
diversion (~~additional Point~~)
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Willamette River
(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 _____ ft. _____ and 2310' ft. E from the C/4
(N. or S.) (E. or W.)

corner of Section 22 being within the NE 1/4 SE 1/4
(Section or subdivision)

of Section 22 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	22				8 ⁵												

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? yes
(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? July 14, 1949

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

of permit 18840

10. Do you hold a water right certificate? Yes If so, give number of certificate 20505
(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? No - Carleton Parish Pynn M.O.
(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 830 ft. N and 2310 ft. E from the C $\frac{1}{4}$
corner of Sec. 22 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 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 (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.

By easement (see L.O.)

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

20. Reasons for the proposed changes are Land subdivided therefore we need this additional diversion point to be located within our easement

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Marion

ss.

I, Lowen K & Elynor K Pankey, 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 24th day of March, 1976.

x Lowen K Pankey
x Elynor K Pankey
(Name of applicant)

Subscribed and sworn to before me this 24th day of March, 1976.

[Notarial Seal]

Cristal R. James
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.



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

January 12, 1978

Mr. & Mrs. Lowen K. Pankey
P.O. Box 174
West Linn, OR 97068

RE: File No. T- 3384

Dear Mr. and Mrs. Pankey:

The time allowed for the completion of the change in point of diversion of water from Willamette River, proposed by your water right transfer application No. 3384, expired on October 1, 1977.

If the authorized change was accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were dilligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

James W. Carver Jr.
James W. Carver, Jr.
Engineer

JWC:lcj

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. 3384 was accomplished by 4-1, 1976.

1-16-78
Date

Lowen K. Pankey
Signature



Please send form for application for extension of time limit.

RECEIVED

JAN 19 1978

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JAN 25 1978
WATER RESOURCES DEPT
SALEM, OREGON

OK
JWC



WATER RESOURCES DEPARTMENT

T-3384

WASHINGTON COUNTY COURTHOUSE • HILLSBORO, OR • 97123 • Phone 648-8791

ROBERT W. STRAUB
GOVERNOR

April 21, 1976

JAMES E. SEXSON
Director

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

Attention: Mr. Trevor Jones

Dear Mr. Jones:

On April 20, 1976, I made an inspection of the proposed change in point of diversion filed for by Lowen K. and Elynor Pankey for use of water from the Willamette River under Permit No. 18840.

I do not believe that this change will injure any existing water rights and that provision No. 2 should be used in the order.

Yours truly,

Clayton J. Gardner
Watermaster District No. 1

CJG:fl

RECEIVED
APR 28 1976
WATER RESOURCES DEPT
SALEM, OREGON

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That BOYD K. GRAYBILL and GAYLE E. GRAYBILL, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by LOWEN K. PANKEY and ELYNOR K. PANKEY, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

A parcel of land in Section 22, T.3S., R.1E., of the W.M., and being a part of the George Brock D.L.C. in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point 35.97 feet North of the Northwest corner of that parcel of property described in Deed to Allen B. Pynn, et al, recorded January 3, 1975 as Recorder's Fee No. 75-143, Film Records; thence South a distance of 20 feet; thence East parallel with the South line of former tract 99, PEACH COVE (now vacated) a distance of 910.00 feet; thence South 0°03'20" West parallel with the East line of County Road No. 689, a distance of 475.97 feet; thence South 89°50'30" East parallel with the South lines of vacated tracts 67, 79 and 86 of said PEACH COVE, (now vacated) a distance of 714.00 feet, more or less, to a point on the westerly line of the tract conveyed to the State of Oregon by deed recorded under Recorder's Fee No. 73-20321, Film Records; thence North 16° East along the Westerly line of said Oregon tract, a distance of 470.00 feet, more or less, to the Northwest corner thereof, thence North and parallel with the east line of said County Road No. 689, a distance of 50 feet to a point on the South line of Tract 99, PEACH COVE (now vacated) thence West along said South line of said Tract 99, a distance of 1753.00 feet, more or less, to the East line of said County Road No. 689, and the true point of beginning.

SUBJECT TO a non-exclusive easement for ingress and egress over the Northerly 20 feet thereof.

TOGETHER WITH an undivided one-quarter interest in the following described property:

A parcel of land in Section 22, T.3S., R.1E., of the W.M., being a part of the George Brock D.L.C., in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northwest corner of that parcel of property conveyed to the State of Oregon by deed recorded as Recorder's Fee No. 73-20321; Film Records; thence North and parallel with the East line of the Albert G. Leavitt County Road No. 689, a distance of 50 feet to a point on the South line of Tract 99, PEACH COVE, (now vacated); thence East along said South line of vacated Tract 99, a distance of 70.00 feet, more or less, to the East line of vacated Tract 82; thence South 10° East a distance of 50.77 feet to the Northeast corner of the above mentioned Oregon tract; thence West along the North line of said Oregon tract a distance of 78.20 feet to the point of beginning.

TOGETHER WITH an easement for ingress and egress, described as follows:

Beginning at a point 35.97 feet North of the Northwest corner to that parcel of property described in Deed to Allen B. Pynn, et al, recorded January 3, 1975 under Recorder's Fee No. 75-143, Film Records; thence South a distance of 20 feet; thence East parallel with the South line of former Tract 99, PEACH COVE (now vacated) a distance of 1753.00 feet more or less, to a point 30 feet North of the Northwest corner of that parcel of property conveyed to the State of Oregon, by Deed recorded under Recorder's Fee No. 73-20321, Film Records; thence North 20 feet to a point on the South line of the above mentioned vacated Tract 99; thence West along said South line of said vacated Tract 99, a distance of 1783.00 feet, more or less, to the point of beginning. 76 1160

Lowen K. Pankey
3940 Ridge Lane
West Linn, Oregon 97068
NAME, ADDRESS, ZIP

STAT - Rec'd the and 76

W 1 RE

T-3384

Title Insurance Company
No. 424597