

3614

STATUS OF APPLICATION

Change in place of use
Date filed 4-6-77
Date of hearing _____
Place of hearing _____
Date of order 6-15-77 Vol. 29, page 88
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued FEB 9 1989 Vol. _____, page 59991

Surveyed 9/25/84

REMARKS

CARD FOR C DEC 26 1979

— finish —

DESCRIPTION OF WATER RIGHT

Name of stream Invalatin Rand Babes Creek
Trib. of _____ County of Washington
Use irrigation
Quantity of water _____ No. of acres 26²
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 19257 Per. No. 14836 Cert. No. 17149
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

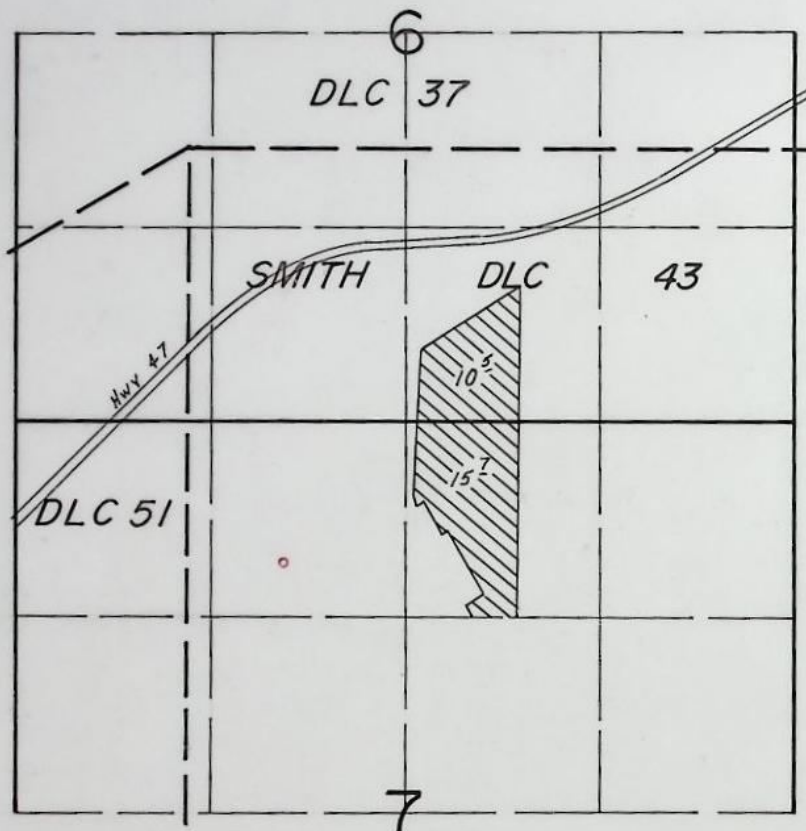
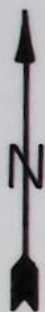
Date	Amount	Receipt No.
<u>4-6-77</u>	<u>30.00</u>	<u>59537</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<i>lg</i>	
	Stream	<i>lg</i>	
	Pl. of Div.		
	Calendar	<i>lg</i>	
	CHECKED TO RECORD		
	Trp. & Rec.	<i>lg</i>	
	Deed-vault		
	Deed-safe		
	Cert. of W/R		
	Per. Folder	<i>✓</i>	
	Chetindex	<i>✓</i>	
	Cross Ref.		
	Power Claim		
	Abstracts	<i>lg</i>	

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



SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

TRANSFER No. 3614
IN NAME OF

.....GLENN W. ZURCHER.....

Surveyed Sept. 25, 1984, by B.W. BISHOP.....

OK Cont
AE

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GLENN W. ZURCHER

of P.O. Box 266 Forest Grove, State of Oregon 97116, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Gales Creek and the Tualatin River

q tributary of ~~200,000 acres~~ for the purpose of Irrigation under Permit No. 14836 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 April 10, 1941

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 1.50 cubic foot per second, being 0.25 cubic foot per second from Tualatin River, and 1.25 cubic foot per second from Gales Creek.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the from Gales Creek: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 1 South, Range 3 West, W.M., as projected on Alvin T. Smith D.L.C. No. 43, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 1 South, Range 3 West, W.M., as projected on Andrew Harper D.L.C. No. 51, from Tualatin River: Lot 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 7, Township 1 South, Range 3 West, 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 1/80th 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:

10.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6
18.3 3.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43
18.7 38.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43 - 20.3
20.1 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43
0.2 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43
35.6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43
18.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43
7.7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Andrew Harper D.L.C. No. 51
0.4 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Andrew Harper D.L.C. No. 51
0.1 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Andrew Harper D.L.C. No. 51
0.3 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43
1.2 2.7 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43 - 1.7
36.4 39.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43 - 2.7
25.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43
6.1 7.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Alvin T. Smith D.L.C. No. 43 - 1.6
all 0.3 acre in Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
0.5 acre in Lot 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 7

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

Land on which water is to be used is a part of the property more explicitly de-

3 Clause

This certificate is issued to confirm a change in place of use approved by an order of the Water Resources Director entered June 15, 1977 and supersedes certificate 17149, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

east 174.5 feet; north 71° 37' east 166.7 feet; north 88° 10' east 83.2 feet; and south 45° 16' east 71.1 feet to the intersection of the said west line of the A. T. Smith Claim with the low water mark on the left bank of said creek; thence south 28° 54' west 158.6 feet to an iron pipe; thence south 29° 25' east 73.9 feet to an iron pipe; thence north 71° 01' east along the northerly line of the Jack W. Allen tract as described on page 503 of Book 161, Deed Records for Washington County, Oregon; 168.3 feet to an iron pipe marking the northeast corner thereof, said iron pipe being on the west line of the said A. T. Smith Claim; thence south 38° 42' east along said west line 1756.8 feet to a stone in place at the southerly southwest corner of the said A. T. Smith Claim; thence south 0° 39' east 300.0 feet to a point in the center of the channel of the Tualatin River, from which point an iron pipe bears north 0° 39' west 88.9 feet; thence down said river in the center of the main channel north 39° 07' east 378.0 feet; north 60° 05' east 172.0 feet; north 75° 52' east 740.0 feet; north 46° 17' east 114.2 feet; north 19° 55' west 210.0 feet; north 67° 16' west 205.0 feet; north 5° 06' west 77.0 feet; north 79° 08' east 444.2 feet; south 81° 05' east 200.0 feet; south 60° 30' east 527.8 feet; north 5° 15' east 150 feet; north 39° 45' east 154.0 feet; north 34° 55' west 265.0 feet; north 24° 22' west 358.7 feet; north 16° 26' west 172.4 feet and north 50° 11' west 498.9 feet to a point on the southeasterly line of the said A. T. Smith Claim, from which point an iron pipe bears south 38° 53' west 78.9 feet; thence north 38° 53' east along the recognized southeasterly line of the said A. T. Smith Claim 2451.5 feet to the most easterly corner thereof, which corner falls in the center of the Tualatin River; thence north 18° 45' west along the recognized east line of the said A. T. Smith claim 650.5 feet to a point on the center line of County Road No. 1205; thence continuing north 18° 45' west on said center line 1306.8 feet to the intersection of the center line tangents of said road; thence north 0° 57' east along the recognized west line of the Wm. Yates D.L.C. No. 44, 1297.2 feet to a point which bears south 0° 57' west 410.0 feet from the southeast corner of the Harvey Clarke D.L.C. No. 37, said point being the southeast corner of that certain tract of land conveyed to the City of Forest Grove by deed recorded at page 233 of volume 132 of Deed Records for said County and State; thence north 89° 45' west 212.5 feet to an iron pipe at the southwest corner of the City of Forest Grove tract; thence north 0° 57' east along the west line of the said City of Forest Grove tract 410.0 feet to an iron pipe marking the northwest corner thereof on the south line of the said Clarke Claim; thence north 89° 45' west along said south line 543.0 feet to an iron pipe set at the intersection of said south line with the southerly boundary of the right of way of the Southern Pacific Railroad; thence south 59° 45' west along said southerly boundary line 2654.6 feet to an iron pipe set for the northeast corner of that certain 5 acre tract of land conveyed to the Pacific Coast Condensed Milk Co. by deed recorded at page 292 of volume 62 of said Deed Records; thence south 3° 30' west 510.58 feet to an iron pipe set for the southeast corner of the said 5 acre tract; west along the south line of said 5 acre tract, and said south line extended, 842.7 feet to an iron pipe on the southerly boundary line of said Railroad; thence south 59° 45' west 1052.8 feet to an iron pipe at the intersection of said southerly boundary line with the west line of the said A. T. Smith Claim; thence south 0° 03' west along said west line 2280.4 feet to the place of beginning, SUBJECT to the rights of the public in that portion thereof within the boundaries of County Roads.

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 31st day of March, 1950.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17149-59991

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF GLEN W. ZURCHER FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM TUALATIN RIVER AND)
GALES CREEK)

ORDER APPROVING
TRANSFER NO. 3614

On April 6, 1977, an application was filed in the office of the Water Resources Director by Glen W. Zurcher for a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 17149, Volume 14, State Record of Water Right certificates, in the name of Glen W. Zurcher, describes a right which includes the use of not to exceed 0.25 cubic foot per second from the Tualatin River and the use of not to exceed 1.25 cubic foot per second from Gales Creek for irrigation of, among other lands, a certain 20.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 1 South, Range 3 West, W.M., with a date of priority of April 10, 1941.

The point of diversion from the Tualatin River is located 750 feet North and 1675 feet East from the South quarter-corner of Section 7, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 1 South, Range 3 West, W.M.

The point of diversion from Gales Creek is located 970 feet South and 800 feet West from the North quarter-corner of Section 7, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 8.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6; and 18.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 1 South, Range 3 West, W.M.

Mr. Clayton J. Gardner, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, the certificate of water right heretofore issued to Glen W. Zurcher and recorded at Page 17149, Volume 14, State Record of Water Right Certificates, is canceled, and in lieu thereof a new confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 15th day of June, 1977.

/s/ JAMES E. SEXSON
Director