

3427 J. J. Schmitt & Sons
P.O. Box 327-Que
Bellingham, WA 98209

3427

STATUS OF APPLICATION

Change in point of diversion
Date filed 6-18-76
Date of hearing 3-16-77
Place of hearing Oregon City
Date of order 3-22-77 Vol. 208, page 394
Date for application of water 10-1-78

Proof mailed _____
Proof received _____
Certificate issued MAR 16 1979 Vol. 40, page 17579

Survey 5/77
4-16-79 TES

REMARKS

fine

DESCRIPTION OF WATER RIGHT

Name of stream ground water
Trib. of _____ County of Clatsop
Use irrigation and supplemental irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
Adjudication, Vol. _____, page _____
App. No. 63223 Per. No. G 2921 Cert. No. 36259
Certificate cancelled _____
Notation made on record by _____

FEE PAID

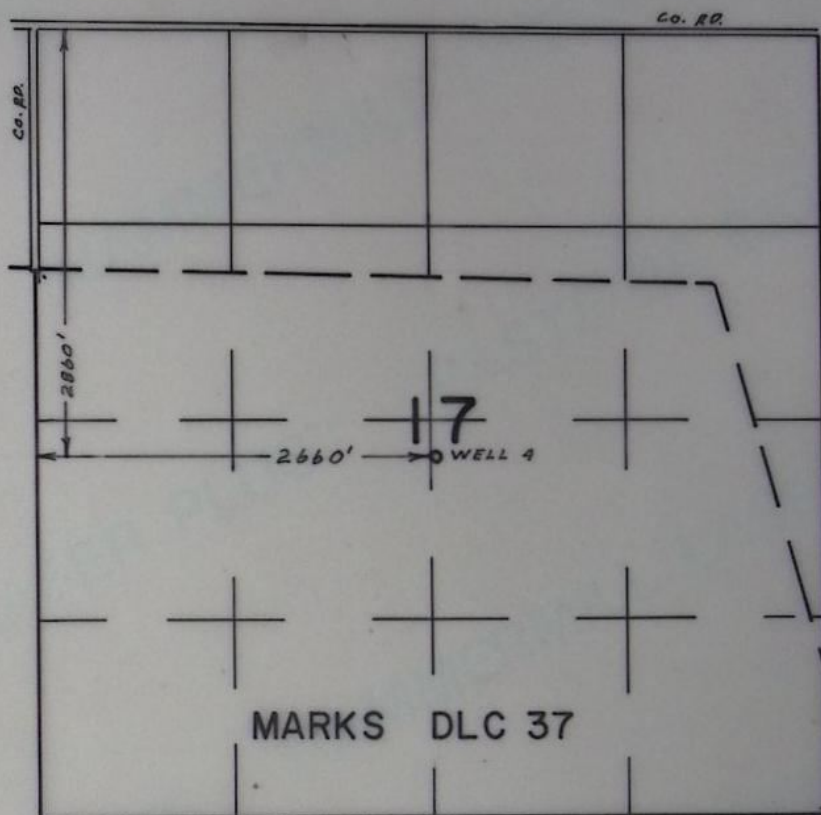
Date	Amount	Receipt No.
<u>6-18-76</u>	<u>45.00 P.O.</u>	<u>53729</u>
<u>6-18-76</u>	<u>35.00</u>	<u>53730</u> <u>OK</u>
TOTAL . . .	<u>2.00</u>	<u>9418</u>
<u>3-1-79</u>	Cert. Fee	
Enterprise-Courier	<u>\$ 37 18</u>	ck. # <u>1154</u> <u>2/17/77</u>

FEE REFUNDED

Date	Amount	Check No.
<u>2/17/77</u>	<u>\$ 7 82</u>	<u>1155</u>

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<u>WA</u>	<u>WA</u>		
	Name		<u>✓</u>	
	Stream		<u>✓</u>	
	Pt. of Div.		<u>✓</u>	
	Calendar		<u>✓</u>	
CHECKED TO RECORDS:				
	<u>0</u> Twp. & Rge.			
	Decree-vault			
	Decree-safe			
<u>✓</u>	Cert. of W/R		<u>✓</u>	
<u>✓</u>	Per. Folder		<u>Dec</u>	
	Chainindex			
	Cross Ref.			
<u>✓</u>	Power Claim		<u>✓</u>	
<u>✓</u>	Abstracts		<u>✓</u>	

T.4S. R.1E. W.M.



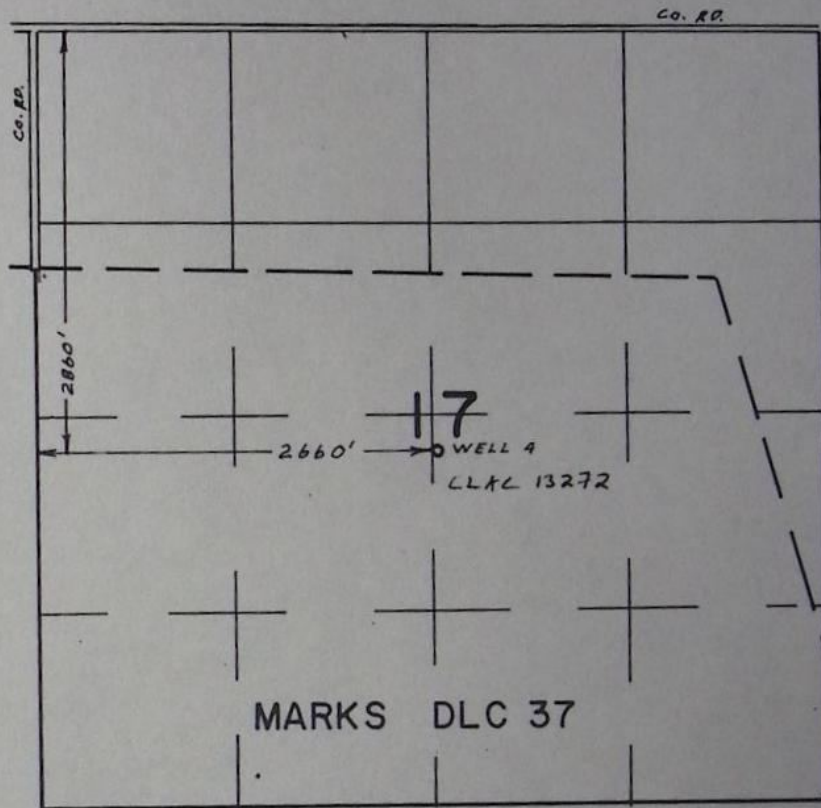
FINAL PROOF SURVEY
UNDER

TRANSFER 3427
Application No. Permit No.
IN NAME OF

J. FRANK SCHMIDT & SON CO.

Surveyed NOV. 10. 1977, by L.H. NUNN

T.4S. R.1E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER 3427
Application No. _____ Permit No. _____
IN NAME OF

J. FRANK SCHMIDT & SON CO.

Surveyed NOV. 10. 1977. by L.H. NUNN



STATE OF OREGON

INTEROFFICE MEMO

TO: File 3427

DATE: December 16, 1976

FROM: *DLB* David Beach

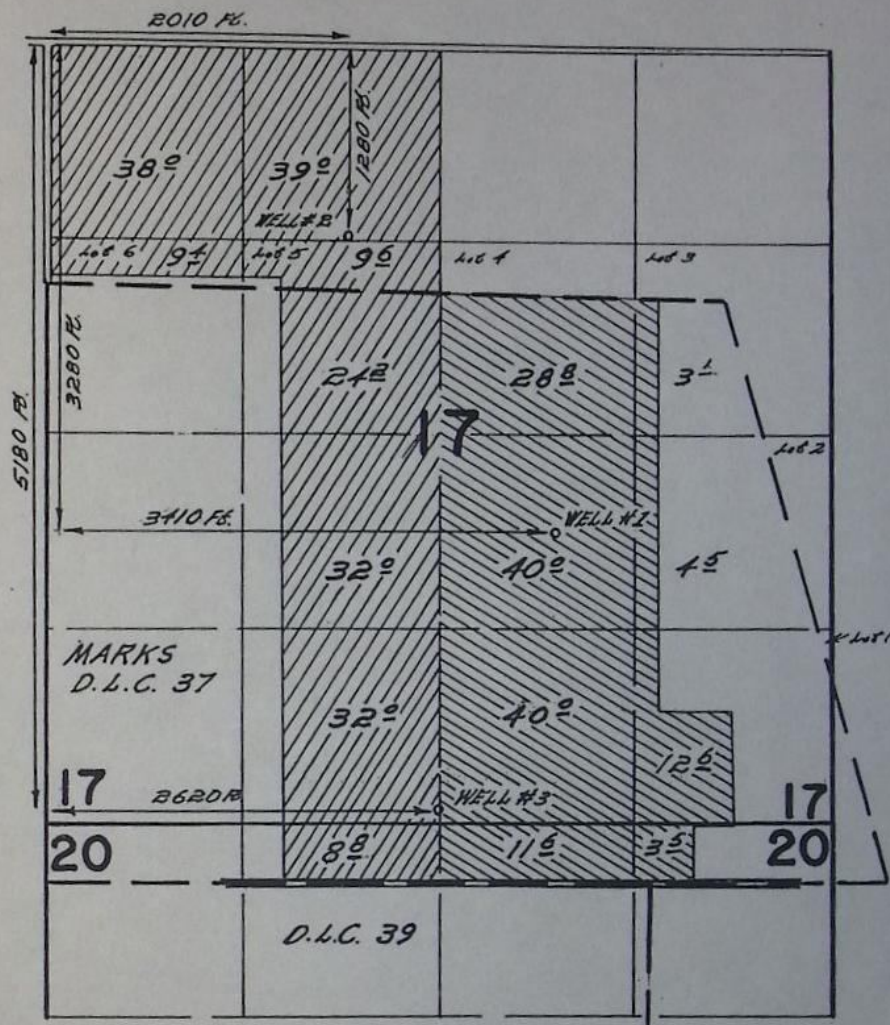
SUBJECT: Notice of water right transfer (application 3427) of the water right in the name of J. Frank Schmidt and Son Company well #2 to Agriculture Sciences, Inc. well #4.



The application requested the transfer of 0.78 cfs. from well #2 in the name of Agricultural Sciences, Inc. to well #4 in the name of J. Frank Schmidt & Son. Well #2 as described on the drillers reports is 180 feet deep and tested at a rate of 250 gpm. Well #4 is a new well drilled to a depth of 402 feet. A pump test shows a yield of 1,200+ gallons per minute. Both wells obtain ground water from the Troutdale formation. The new well produces greater quantities of water because of its greater depth, and diameter, design and development. Each of the subject wells produce water from a common ground water system. Approval of the requested transfer is recommended.

Well 2: CLAC 13296

Well 4: CLAC 13272

T.4S. R.1E. W.M.



 G-2921 PRIMARY WELLS #1,2,&3
  G-2864 PRIMARY WELL #1
 G-2921 SUPPL. WELLS #2&3

FINAL PROOF SURVEY

Revised UNDER
 Per Donn Miller (see T-7042 } K.L.W.
 Also agrees w/ order drilled.

Application No. G-3077 G-2864
 G-3223 Permit No. G-2921
 IN NAME OF

OECO CORPORATION
AGRICULTURAL SCIENCES, INC.
 Surveyed July 3, 1968, by W. S. Ruppert

STATE OF OREGON

COUNTY OF

CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. FRANK SCHMIDT & SON CO.

of 9500 S.E. 327th Avenue, Boring, State of Oregon, 97009, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of three wells

a tributary of Molalla River for the purpose of irrigation of 193.0 acres and supplemental irrigation of 144.1 acres

under Permit No. G-2921 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 September 3, 1965

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 2.03 cubic feet per second; being 0.78 cfs from Well No. 1, 0.47 cfs from Well No. 3 and 0.78 cfs from Well No. 4

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, both as projected within Marks DLC 37, Section 17, T. 4 S., R. 1 E., W. M.; No. 1 - 3280 feet South and 3410 feet East; No. 3 - 5180 feet South and 2620 feet East; No. 4 - 2860 feet South and 2660 feet East; all from NW Corner of Section 17

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:

SEE NEXT PAGE

PRIMARY

Wells No. 1, No. 3 & No. 4

39.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
38.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
9.4 acres Lot 6 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
9.6 acres Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
24.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
32.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
32.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
all as projected within Marks DLC 37
Section 17

8.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
as projected within Marks DLC 37
Section 20
T. 4 S., R. 1 E., W. M.

SUPPLEMENTAL

Wells No. 3 & No. 4

28.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
3.1 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
4.5 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
12.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
all as projected within Marks DLC 37
Section 17

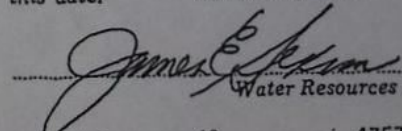
3.5 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
11.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
both as projected within Marks DLC 37
Section 20
T. 4 S., R. 1 E., W. M.

This certificate is issued to confirm a change in point of appropriation of ground water approved by an order of the Water Resources Director entered March 22, 1977 and supersedes certificate of water right recorded on Page 36259, Volume 28, State Record of Water Right Certificates.

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

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 Water Resources Director, affixed
this date. March 16, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 40, page 47579

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION)
OF J. FRANK SCHMIDT & SON CO. FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF APPROPRIATION OF GROUND WATER)

ORDER APPROVING
TRANSFER NO. 3427

On June 18, 1976, J. Frank Schmidt & Son Company filed an application in the office of the Water Resources Director for the approval of a change in point of appropriation of ground water from a certain aquifer pursuant to the provisions of ORS 537.705.

Certificate of water right recorded at Page 36259, Volume 28, State Record of Water Right Certificates, in the name of Agricultural Sciences, Inc., describes an existing right of record which includes the use of not to exceed 0.78 cubic foot per second from Well No. 2 with a date of priority of September 3, 1965, for irrigation of:

Supplemental	Primary
Wells 2 & 3	Wells 1, 2 & 3

28.8 acres
3.1 acres

39.0 acres
38.0 acres
9.4 acres
9.6 acres
24.2 acres
32.0 acres
32.0 acres

4.5 acres
40.0 acres
40.0 acres
12.6 acres

3.5 acres
11.6 acres

8.8 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Marks DLC 37
SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Marks DLC 37
NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
Lot 6 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Marks DLC 37
NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Marks DLC 37
SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Marks DLC 37
NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Marks DLC 37
NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Marks DLC 37
SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Marks DLC 37
SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Marks DLC 37
Section 17
T. 4 S., R. 1 E., W. M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Marks DLC 37
NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Marks DLC 37
NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Marks DLC 37
Section 20
T. 4 S., R. 1 E., W. M.

Water for the said right is diverted from a well located 1280 feet South and 2010 feet East from the Northwest corner of Section 17, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 4 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 appropriation from said Well No. 2 to Well No. 4 located 2885 feet South and 2695 feet East from the Northwest corner of Section 17, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 4 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Enterprise-Courier, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of January 21 and 28, and February 4, 1977.

Mr. Keith Palmer, Watermaster of District No. 16, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Mr. David Beach, Hydrogeologist for the Water Resources Department, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of appropriation 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 appropriation of ground water from a certain aquifer 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 0.78 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;

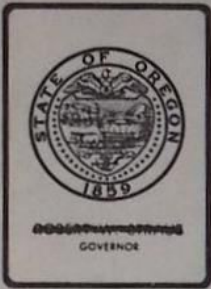
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of appropriation of water made on or before October 1, 1978.

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 Agricultural Sciences, Inc., and recorded at Page 36259, Volume 28, State Record of Water Right Certificates, is canceled, and in lieu thereof a new confirming certificate of water right shall be issued to J. Frank Schmidt & Son Company.

Dated at Salem, Oregon, this 22nd day of March, 1977.

/s/ JAMES E. SEXSON
Director



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

T-3427

February 15, 1979

J. Frank Schmidt & Son Co.
9500 SE 327th Avenue
Boring, Oregon 97009

Gentlemen:

We are prepared as this time to issue the confirming certificate of water right in regard to your transfer numbered 3427, which is for a change in point of appropriation of ground water from Well No. 2.

Before the certificate can be issued, we must request a certificate recording fee of \$2.00. If you would please submit the money to the address along with a note referring to transfer No. 3427, we will proceed with the issuance of your certificate.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES:slm

378-3066

T-3427

May 5, 1977

J. Frank Schmidt and Son Company
9500 S.E. 327th Avenue
Boring, Oregon 97009

Gentlemen:

I have your notice advising that construction work has been completed as required in our order approving your application for a change in point of diversion of water from ground water.

In line with the general practice of this office, a survey will be made at a later date.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:whh

Transfer No. 3427

NOTICE OF COMPLETION OF CONSTRUCTION

I, J. Frank Schmidt & Son Company 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 March 22nd 1977, approving an application
for a change in point of diversion of water from Well No. 2
to Well No. 4.

March 28, 1977

Date

J. Frank Schmidt, Jr.
Name

J. Frank Schmidt, Jr., President

RECEIVED

MAR 30 1977

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-3427

Water Resources Director
To the STATE ENGINEER OF OREGON:

I, J. Frank Schmidt and Son Company

(Name of applicant)

of 9500 S. E. 327th Ave., Boring, Ore.

(Postoffice)

County of Clackamas

State of Oregon

, do hereby make application for change in point of

diversion of ground water from Well #2 to Well #4

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

1. The source of present water right is Well #2

(Name of stream)

2. The use to which the water is applied is Irrigation and supplemental irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

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

4. The point of diversion is located 1280 ft. S. and 2010 ft. E. from the N.W.

(N. or S.)

(E. or W.)

corner of Section 17

(Section or subdivision)

being within the NE 1/4 NW 1/4

of Section 17 Tp. 4S 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
Supplemental Irr.	4S	1E	17		28 ⁸	3 ¹									4 ⁵	40 ⁰	40 ⁰	12 ⁶
		20		3 ⁵	11 ⁶													
Primary Irr.	4S	1E	17				39 ⁰	38 ⁰	9 ⁴	33 ⁸	32 ⁰			32 ⁰				
		20					8 ⁸											

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)

All Lands

1 of 3 sources

0.78 cfs from Well #2

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? September 3, 1965

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number

(Yes or No)

of permit G-2921

Appl. No. 3223

RECEIVED

JUN 18 1976

WATER RESOURCES DEPT
SALEM, OREGON

10. Do you hold a water right certificate? Yes If so, give number of certificate 36259
(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? Agricultural Sciences, Inc.
(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.

(Well #4)

14. The proposed point of diversion is located 2885 ft. S and 2695 ft. E from the N W.
(N. or S.) (E. or W.)
corner of Sec. 17 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17 Tp. 4S R. 1E W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Clackamas. The name of the ditch to be used is

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.

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 Well No. 2 has sanded up and been abandoned for irrigation purposes. A small pump has been installed for domestic purposes.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Multnomah

ss.

I, J. Frank Schmidt Jr., President J. Frank Schmidt & Son Co., 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 15th day of June, 19 76.
J. Frank Schmidt & Son Co.

President

(Name of applicant)

Subscribed and sworn to before me this 15th day of June, 19 76.

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

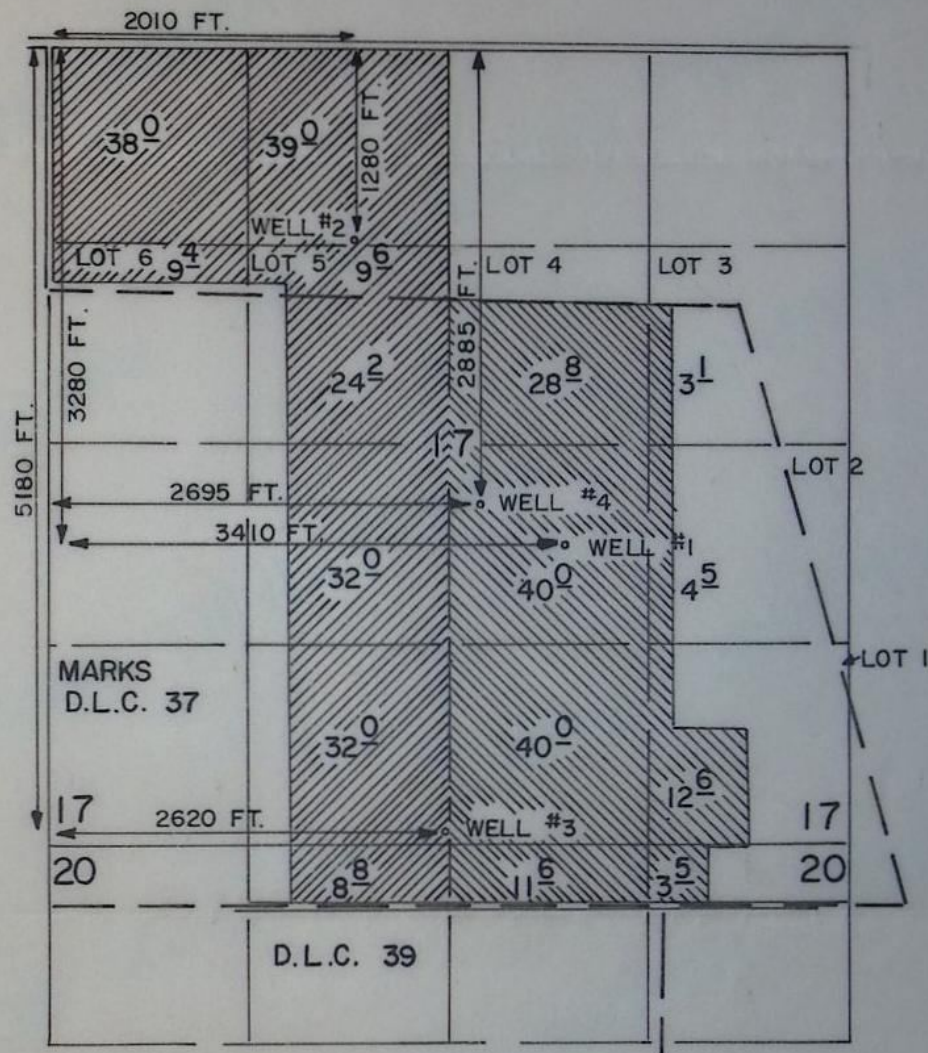
My commission expires August 27, 1979


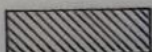
Remarks

Publish in the: Enterprise Courier
at Oregon City

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.

TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.



-  G-2921
 PRIMARY WELLS #1, 2, & 3
-  G-2864 PRIMARY WELL #1
 G-2921 SUPPL. WELLS #2 & 3

RECEIVED
 JUN 18 1976
 WATER RESOURCES DEPT
 SALEM, OREGON

T-3427

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 3427
FOR CHANGE IN
POINT OF
APPROPRIATION

Notice is given hereby that J. Frank Schmidt and Son Company has filed an application in the office of the Water Resources Director for the approval of a change in point of appropriation of ground water.

Certificate of water right recorded at Page 36259, Vol. 28, State Record of Water Right Certificates, in the name of Agricultural Sciences, Inc., describes an existing right of record which includes the use of not to exceed 0.78 cubic foot per second from Well No. 2 for irrigation purposes on a certain 331.1 acres of land located within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 4 S., R. 1 E., W.M., with a date of priority of Sept. 3, 1965.

Water for the said right is diverted from a well located 1280 ft. S. and 2010 ft. E. from the NW corner of Sec. 17, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 17, T. 4 S., R. 1 E., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of appropriation to Well No. 4, located 2885 ft. S. and 2695 ft. E. from the NW corner of Sec. 17, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T. 4 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 March 16, 1977, 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 J. Frank Schmidt and Son Company, 9500 S.E. 327th Ave., Boring, Oregon 97009, 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 10th day of January, 1977.

JAMES E. SEXSON

Director

(1/21, 28; 2/4, 1977)

Legal No. 035

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,
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:

January 21, 28, and February 4, 1977

Kathy Smith

Subscribed and sworn to before me this 21st

day of January, 19 77

Dwain Dued

Notary Public of Oregon.

My commission expires 4th day of

February, 19 77



STATE OF OREGON

INTEROFFICE MEMO

TO: James W. Carver

DATE: January 17, 1977

FROM: Keith Palmer, Watermaster Dist. 16

SUBJECT: Transfer No. 3427

I have completed my investigation of the transfer application by J. Frank Schmidt and Son Company. 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.

378-3066

T-3427

January 10, 1977

Enterprise-Courier
P. O. Box 478
Oregon City, Oregon 97045

Gentlemen:

Enclosed is a notice for publication in the January 21, 28
and February 4, 1977, issues of your newspaper.

If, for any reason, you cannot publish this notice on the dates
specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and
statement for this service to this office.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:whh
Enc: P.O.N.
cc: J. Frank Schmidt and Son Company
cc: Keith Palmer, Watermaster, Dist. No. 16

Need Watermaster's report, please.

378-3066

June 28, 1976

File 3427
G-3223

J. Frank Schmidt and Son Co.
9500 SE 327th Avenue
Boring, OR 97009

Gentlemen:

Your application for a change in point of diversion of ground water from Well No. 2 to Well No. 4 has been filed as transfer No. 3427. The map and fees of \$80.00 were also received.

The application is in satisfactory form. We will prepare the notice of your proposed change for publication in the Enterprise Courier.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:cc

Encl. Receipt No. 53729 and 53730

DEF-2LL-1415
11-10-77
LHN

Kieth Warren
Blue P.U.

County Clackamas

- See Copy Attached

[illegible]

Info: Keith Warren - manager

Source: Well #4, 16" case, about 400' dp

Pump: GE 150 HP @ 1770
Layne & Bowler Turb - 8" out

Pipe: Buried 10", 8" & 5" main, 3" lat $\frac{1}{2}$ 2" solid set pvc

Heads: RB30 $11\frac{1}{4}$ (more than 250) (about 240 max)

Mr. Warren claimed pumps put out 1200 gpm

Crop: nursery stock

Land: land as shown of app map. The Entire place watered
from Well #4 in conjunction with wells #1 & #3

Fall: ± 20

Ties DFK - 2LL - 145

11-10-77
Larry B. Furrer
Field Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION)
OF J. FRANK SCHMIDT & SON CO. FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF APPROPRIATION OF GROUND WATER)

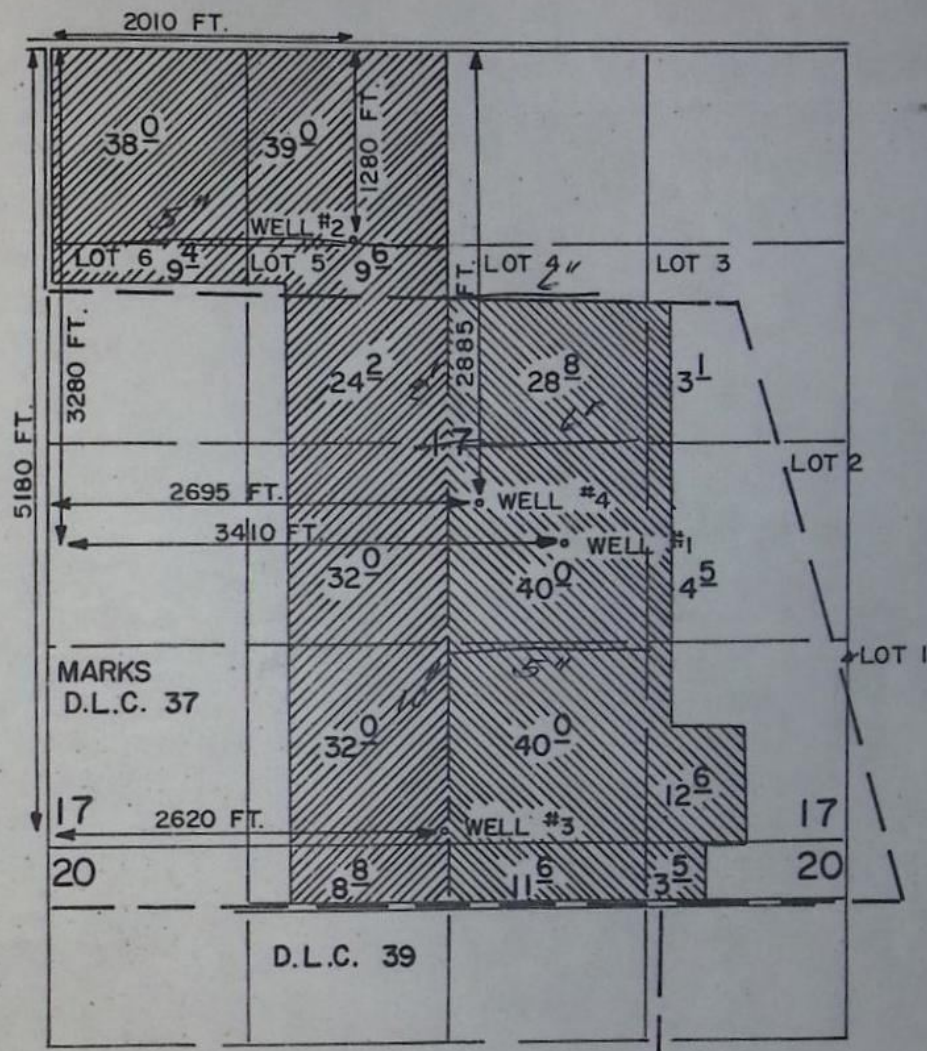
ORDER APPROVING
TRANSFER NO. 3427


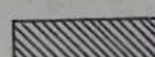
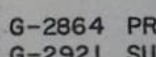
On June 18, 1976, J. Frank Schmidt & Son Company filed an application in the office of the Water Resources Director for the approval of a change in point of appropriation of ground water from a certain aquifer pursuant to the provisions of ORS 537.705.

Certificate of water right recorded at Page 36259, Volume 28, State Record of Water Right Certificates, in the name of Agricultural Sciences, Inc., describes an existing right of record which includes the use of not to exceed 0.78 cubic foot per second from Well No. 2 with a date of priority of September 3, 1965, for irrigation of:

Supplemental Wells 2 & 3	Primary Wells 1, 2 & 3	
28.8 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Marks DIC 37
3.1 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Marks DIC 37
	39.0 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
	38.0 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$
	9.4 acres	Lot 6 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
	9.6 acres	Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
	24.2 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Marks DIC 37
	32.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Marks DIC 37
	32.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Marks DIC 37
4.5 acres		NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Marks DIC 37
40.0 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Marks DIC 37
40.0 acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Marks DIC 37
12.6 acres		SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Marks DIC 37
		Section 17
		T. 4 S., R. 1 E., W. M.
3.5 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Marks DIC 37
11.6 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Marks DIC 37
	8.8 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Marks DIC 37
		Section 20
		T. 4 S., R. 1 E., W. M.

TOWNSHIP 4 SOUTH, RANGE 1 EAST, W. M.



 G-2921 PRIMARY WELLS #1, 2, & 3
 G-2864 PRIMARY WELL #1
 G-2921 SUPPL. WELLS #2 & 3

RECEIVED

JUN 18 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3427



STATE OF OREGON

INTEROFFICE MEMO

TO: File 3427

DATE: December 16, 1976

FROM: *DB* David Beach

SUBJECT: Notice of water right transfer (application 3427) of the water right in the name of J. Frank Schmidt and Son Company well #2 to Agriculture Sciences, Inc. well #4.

The application requested the transfer of 0.78 cfs. from well #2 in the name of Agricultural Sciences, Inc. to well #4 in the name of J. Frank Schmidt & Son. Well #2 as described on the drillers reports is 180 feet deep and tested at a rate of 250 gpm. Well #4 is a new well drilled to a depth of 402 feet. A pump test shows a yield of 1,200+ gallons per minute. Both wells obtain ground water from the Troutdale formation. The new well produces greater quantities of water because of its greater depth, and diameter, design and development. Each of the subject wells produce water from a common ground water system. Approval of the requested transfer is recommended.

#7312

J. Frank Schmidt & Son

RECEIVED
AUG 3 1973**STATE ENGINEER**
SALEM OREGON

	From	To
top soil	0	12
black sand	12	16
brown coarse sand	16	36
blue clay & brown sand layers	36	40
black sand	40	58
coarse black sand & gravel (3")	58	63
bone at 63½'		
gray clay & gravel (2")	63	64
gravel (8")	64	96
brown clay	96	98
blue clay	98	103
black sand & gravel	103	106
blue clay	106	125
brown clay	125	138
blue clay	138	170
brown sandy clay	170	177
blue clay	177	183
blue sandy clay	183	189
black sandy clay	189	196
blue clay	196	221
brown sandy clay	221	236
brown silty clay	236	254
brown clay	254	259
black sand cemented	259	269
black clay	269	298
blue clay	298	317
conglomeration	317	330
gray clay	330	346
blue sandy clay	346	348
gray clay	348	402

RECEIVED
AUG 3 1973
STATE ENGINEER
SALEM OREGON

WELL TEST

J. FRANK SCHMIDT & SON 7/02/73

Sunset Farm - new well
by: Milo Schneider

18" casing 356' --- 2' above ground
Perforations: 156' to 196'
216' to 276'
296' to 336'

0' Surface
- 25' 5" 7273

100' Recovery Test
2:12 pm Shutdown 192'
2:14 110'
2:25 102' 2"
2:27 97' 2"
2:30 93' 10"
2:40 91' 3"
2:45 88' 7"

7:00 pm 4:00 pm 10'

12:00 pm 10:00 am 20'

1:00 pm 10:00 am 20'

150 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900 950 1000 1050 1100 1150 1200

NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

RECEIVED

FEB 21 1966

State Well No.

State Permit No.

4/1-17 C

(1) OWNER:

Name Agricultural Sciences Inc.
Address RT 3 Box 221 Conby Ore.

(2) LOCATION OF WELL:

County Clackamas Driller's well number #2
NE 1/4 NW 1/4 Section 17 T. 48 R. 1E W.M.
Bearing and distance from section or subdivision corner
H300 FT S 1975E of NW corner
of sec 17

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐ Rotary ☐ Driven ☐
Irrigation ☒ Test Well ☐ Other ☐ Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(5) TYPE OF WELL:

(6) CASING INSTALLED:

Threaded ☐ Welded ☐
20" Diam. from 0 ft. to 19 1/2 ft. Gage 250
16" Diam. from 0 ft. to 123 ft. Gage 250
12" Diam. from 0 ft. to 180 ft. Gage 250

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Type of perforator used Star
Size of perforations 1/8 in. by 1 1/2 in.
2640 perforations from 26 ft. to 112 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:

Well screen installed? ☐ Yes ☒ No
Manufacturer's Name Model No.
Type Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Dry Cement
Depth of seal 18 ft. Was a packer used? NO
Diameter of well bore to bottom of seal Approx 30 in.
Were any loose strata cemented off? ☐ Yes ☒ No Depth
Was a drive shoe used? ☒ Yes ☐ No
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8 x 1/4
Gravel placed from 0 ft. to 7 1/2 ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off

(10) WATER LEVELS:

Static level 19 ft. below land surface Date 2/14/66
Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is
lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Driller
Yield: 170 gal./min. with 93 ft. drawdown after Days
Well Developed by end of 90 Days as follows
" 250 GPM. " 85 " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m. Date
Temperature of water 53 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing 16
Depth drilled 150 ft. Depth of completed well 180 ft.
Formation: Describe by color, character, size of material and structure, and
show thickness of aquifers and the kind and nature of the material in each
stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
TOP Soil & sand	0	6
Brown silt & sand	6	34
Clay & silt (Brown)	34	46
Sand (Dark Brown)	46	74
Cement Gravel	74	112
Clay (Green)	112	116
Clay (Gray)	116	136
Clay (Light Blue)	136	163
Dark silt	163	167
Fine sand	167	178
Blue clay	178	180

12" Pipe was placed in Hole
to 180 FT. Slotted from 26 FT to
bottom with Torch & Gravel placed
around & between 16" Pipe. As 16"
was moved back to 113 FT it parted
at 40 FT level. 12" Pipe was removed
and 16" put back together at 40 FT
level. Gravel was left in bottom part
of well up to 16" Pipe. 16" was perforated
and 38 yards of gravel packed around
same. 20" Pipe was placed around
16" & Air was used to spread cement.
Work started March 1965 Completed Feb 16 1966
Date well drilling machine moved off of well Feb 16 1966

(13) PUMP:

Manufacturer's Name H.P.
Type:

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

NAME JW Beck Well Drilling
(Person, firm or corporation) (Type or print)
Address RT 3 Box 45 Conby Ore
Drilling Machine Operator's License No. 437
[Signed] John W Beck
(Water Well Contractor)
Contractor's License No. NH9 Date Feb 17, 1966

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3427

FOR CHANGE IN PO Appropriation

Notice is given hereby that J. Frank Schmidt and Son Company has filed an application in the office of the Water Resources Director for the approval of a change in PO Appropriation of ^{ground water} ~~from~~ _____.

Certificate of water right recorded at page 36259, Volume 28 State Record of Water Right Certificates, in the name of Agricultural Sciences, Inc., describes an existing right of record ~~for~~ which includes the use of not to exceed 0.78 cubic foot per second from Well No 2 for irrigation purposes on a certain 331¹/₂ ac of land located within the S¹/₂ NE¹/₄, NW¹/₄, E¹/₂ SW¹/₄ and SE¹/₄ of Sec 17, N¹/₂ NE¹/₄ and NE NW of Sec 20 Sec. , T 4 S, R 1 E, WM, with a date of priority of Sept. 3, 1965.

Water for the said right is diverted, ~~through the~~ ditch, from a ^{well} ~~point~~ located 1280' S & 2010' E from the NW Cor of Sec 17, being within the NE NW of Sec. 17, T 4 S, R 1 E, WM.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of appropriation ~~and to~~ Well No 4, located 2885' S & 2695' E from the NW Cor of Sec 17

being within the NW SE of Sec. 17, T 4 S, R 1 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Oregon City, Oregon, on Mar 16, 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 J. Frank Schmidt and Son Company 9500 S.E. 327th Ave., Boring, Or 97009 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 OBJECTIONS ARE FILE, 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 _____ day of _____, 197 .

JAMES E. SEXSON
Director

Publish in Oregon City Enterprise Courier

Jan 21
28
Feb 4