

Name Ellis Hester

By \_\_\_\_\_

Address Route 3, Box 435Aurora Or 97002Change in P O ADate filed March 2, 1978Date of hearing July 25, 1978 Sept. 28, 1978Place of hearing Oregon CityDate of order 9-29-78 Vol. 31, page 281Date for application of water 10-1-80

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued NOV 2 1978 Vol. 39, page 46756  
JAN 30 1987 51 55511

3896

## DESCRIPTION OF WATER RIGHT

Name of stream a wellTrib. of \_\_\_\_\_ County of ClackamasUse irrigationQuantity of water \_\_\_\_\_ No. of acres 28.3

Name of ditch \_\_\_\_\_

Date of priority May 21, 1962In name of Clyde C. Backsen

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. G-2330 Per. No. G-2153 Cert. No. 31738

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## REMARKS

CARD FOR C NOV 4 1980

W.R.I.S.

Assembled 5-9-85 by SM

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
3-9-78	85.00 2.00	1479
TOTAL . . .		
10-11-78	\$2 Cert. Fee	Trnf fr 1479
The Canby Herald \$20.00 pd 10/11/78 ck # 2682		

## FEES REFUNDED

Date	Amount	Check No.
10/11/78	\$28-	2681
EX	20-	
POA	15-	
Cert	2-	
PON	20-	
	57-	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lij</u>
<input checked="" type="checkbox"/>	Stream	<u>lij</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lij</u>
<input checked="" type="checkbox"/>	Calendar	<u>lij</u>
<input checked="" type="checkbox"/>	CHECKED TO RECORD:	
<input checked="" type="checkbox"/>	Twp. & Rgn.	<u>lij</u>
<input checked="" type="checkbox"/>	Decree-vault	<u>lij</u>
<input checked="" type="checkbox"/>	Decree-safe	<u>lij</u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lij</u>
<input checked="" type="checkbox"/>	Per. Feeder	<u>lij</u>
<input checked="" type="checkbox"/>	Chaindex	<u>lij</u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>lij</u>
<input checked="" type="checkbox"/>	Power Claim	<u>lij</u>
<input checked="" type="checkbox"/>	Abstracts	<u>lij</u>



STATE OF OREGON

COUNTY OF

CLACKAMAS

CERTIFICATE OF WATER RIGHT

**This is to certify, That** ELLIS HESTER

of Route 3, Box 435, Aurora, State of OR 97002, has made  
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of  
a well

a tributary of Gribble Creek (Molalla River) for the purpose of  
irrigation of 28.2 acres

under Permit No. G-2153 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  
May 21, 1962

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  
0.24 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is  
located in the NE 1/4 NW 1/4, as projected within A. Gribble  
DLC 41, Section 28, T4S, R1E, WM; 510 feet North and 1610 feet East from the  
SE corner Fish DLC 40.

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 2.5 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



page two

17.6 acres SW 1/4 NW 1/4  
0.4 acre SE 1/4 NW 1/4  
0.2 acre NE 1/4 SW 1/4  
10.0 acres NW 1/4 SW 1/4  
all as projected within Shirley DLC 45  
Section 28  
Township 4 South, Range 1 East, WM

This certificate is issued to confirm a change in point of appropriation approved by an order of the Water Resources Director entered September 29, 1978, and together with certificate of water right recorded at page 46756, Volume 39, State Record of Water Right Certificates, supersedes certificate 31738.

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.

*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.* January 30, 1987

*/s/ William H. Young*  
.....  
*Water Resources Director*

*Recorded in State Record of Water Right Certificates, Volume 51 , page 55511*

8063D/SB  
T-3896



## STATE OF OREGON

COUNTY OF

CLACKAMAS

## CERTIFICATE OF WATER RIGHT

*This Is to Certify, That* CLYDE C. BACKSEN

of Rt. 2, Box 328, Canby, State of Oregon, 97013, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Gribble Creek  
irrigation of 56.7 acres

for the purpose of

under Permit No. G-2153 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 May 21, 1962

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 0.47 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Shirley DLC 45, Section 28, T. 4 S., R. 1 E., W. M., 10  $\frac{3}{4}$  chains South and  $\frac{1}{2}$  chain West from the NW Corner, Whealdon DLC 43

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



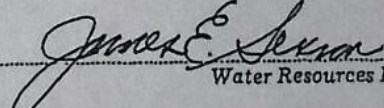
4.9 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
20.6 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
8.8 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
2.1 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
All as projected within Whealdon DLC 43  
5.2 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
7.0 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
3.5 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
4.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
All as projected within Shirley DLC 45  
Section 28  
T. 4 S., R. 1 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 31738, Volume 23, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 29, 1978, approving transfer application No. 3896.

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. November 2, 1978

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume . 39 , page 46756



STATE OF OREGON  
COUNTY OF CLACKAMAS  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** CLYDE C. BACKSEN

of Route 2, Box 328, Canby, 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 a well

a tributary of Gribble Creek (~~Molalla River~~)  
irrigation of ~~84.9~~ <sup>56.7</sup> acres

for the purpose of

under Permit No. G-2153 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 May 21, 1962

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 ~~0.71~~ cubic foot per second  
0.47

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , as projected within Shirley DLC #45, Section 28, T. 4 S., R. 1 E., W. M. Well is located 10  $\frac{3}{4}$  chains S. and 1/2 chain W. from NW corner of Whealdon DLC #43

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:

- T-3896
- ① 4.9 acres SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
As projected within Whealdon DLC #43
  - ② 5.2 22.8 acres SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  17.6
  - ③ 7.0 7.4 acres SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  0.4
  - Both as projected within Shirley DLC #45
  - ④ 20.6 acres SE  $\frac{1}{4}$  NW  $\frac{1}{4}$
  - ⑤ 8.3 acres NE  $\frac{1}{4}$  SW  $\frac{1}{4}$
  - Both as projected within Whealdon DLC #43
  - ⑥ 3.5 3.7 acres NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  0.2
  - ⑦ 4.6 14.6 acres NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  10.0
  - Both as projected within Shirley DLC #45
  - ⑧ 2.1 acres NW  $\frac{1}{4}$  SE  $\frac{1}{4}$
  - As projected within Whealdon DLC #43
  - Section 28
  - 56.7 T. 4 S., R. 1 E., W. M. 28.2

0.47 cfs

0.29 cfs

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 31738, Volume 23, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Sept 29, 1978, approving transfer application No. 3896.

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



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ELLIS HESTER FOR APPROVAL OF )  
A CHANGE IN POINT OF APPROPRIATION )  
FROM GROUND WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3896

On March 9, 1978, an application was filed in the office of the Water Resources Director by Ellis Hester for approval of a change in point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 31738, Volume 23, State Record of Water Right Certificates, in the name of Clyde C. Backsen, describes a right which includes the use of not to exceed 0.24 cubic foot per second from a certain ground water aquifer for irrigation of a certain 17.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.2 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 28, Township 4 South, Range 1 East, W.M., with a date of priority of May 21, 1962.

Water for the said right is diverted from a well located 10.75 chains South and 0.5 chain West from the Northwest Corner of Whealdon D.L.C. No. 43, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Township 4 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom, without loss of priority, to a well located 510 feet North and 1610 feet East from the Southeast Corner of Fish D.L.C. No. 40, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Township 4 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Canby Herald, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of August 9, 16 and 23, 1978.

Mr. Robert B. Almy, Hydrogeologist, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Mr. Clifton R. King, Watermaster, has filed a statement that the proposed change in point of appropriation may be made without injury to existing rights.

No objections 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.

V31, P281



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

It is FURTHER ORDERED that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water available at the old point of appropriation under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install measuring devices:

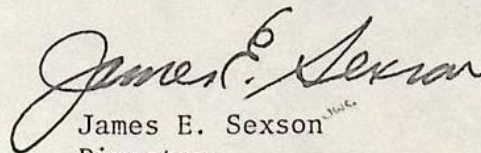
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 from ground water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 31738, Volume 23, 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 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 the applicant herein.

Dated at Salem, Oregon this 29th day of September, 1978.

  
James E. Sexson  
Director



RECEIVED

SEP 27 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

### Affidavit of Publication

STATE OF OREGON

COUNTY OF CLACKAMAS

} ss

I, THOMAS R. DILLON, being  
first duly sworn, depose and say that I am the publisher of the Canby Herald, a  
newspaper of general circulation as defined by ORS 193.010 and 193.020; printed  
and published at Canby in the aforesaid county and state;

that the NOTICE OF WATER RIGHT TRANSFER APPLICATION  
#3896

a printed copy of which is hereto annexed, was published in the entire issue of  
said newspaper for three (3) successive and consecutive weeks in the  
following issues: August 9, 1978; August 16, 1978 and  
August 23, 1978

Thomas R. Dillon

Subscribed and sworn to before me this 26th day of September, 1978

Nancy J. Colvin

Notary Public for Oregon

(My Commission Expires 5/13/80)



**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION**  
No. 3896

**NOTICE IS GIVEN**  
HEREBY that an application has been filed in the office of the Water Resources Director by Ellis Hester for approval of a change in point of appropriation of ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 31738, Volume 23, State Record of Water Right Certificates, in the name of Clyde C. Backsen, describes a right which includes the use of not to exceed 0.24 cubic foot per second from a certain ground water aquifer for irrigation of a certain 17.6 ac in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.4 ac in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.0 ac in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.2 ac in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 28, T 4S, R 1E, WM, with a date of priority of May 21, 1962.

Water for the said right is diverted from a well located 10.75 chains S and 0.5 chain W from the NW corner of Whealdon D.L.C. No. 43, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 28, T 4S, R 1E, WM.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom, without loss of priority, to a well located 510 ft. N & 1610 ft. E from the SE Corner of Fish D.L.C. No. 40, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 28, T 4S, R 1E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Oregon City, Oregon, on September 28, 1978, 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 Ellis Hester, Rt. 3, Box 435, Aurora, OR 97002; and one copy filed with the Water Resources Department.

Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE 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 22nd day of May, 1978.

James E. Sexson  
Director

First publication: August 9, 1978

Third and last publication:  
August 23, 1978

## Affidavit of Publication

STATE OF OREGON

COUNTY OF CLACKAMAS

SS

I, THOMAS R. DILLON, being first duly sworn, depose and say that I am the publisher of the Canby Herald, a newspaper of general circulation as defined by ORS 193.010 and 193.020; printed and published at Canby in the aforesaid county and state;

that the NOTICE OF WATER RIGHT TRANSFER APPLICATION  
#3896

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three (3) successive and consecutive weeks in the following issues: August 9, 1978; August 16, 1978 and  
August 23, 1978

Thomas R. Dillon

Subscribed and sworn to before me this 26th day of September, 1978

Nancy J. Colvin

Notary Public for Oregon

(My Commission Expires 5/13/80)

