

3898

Name John J. Grimes \*

By \_\_\_\_\_

Address Rt 1, Box 390  
Nehalem, OR 97131Change in UseDate filed March 13, 1978Date of hearing June 13, 1978Place of hearing TillamookDate of order 7-27-78 Vol. 31, page 75Date for application of water completedProof mailed JAN 30 1979

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

Certificate issued FEB 28 1979 Vol. 40, page 47534

Ok Cert

to survey 7/78

## DESCRIPTION OF WATER RIGHT

Name of stream Peterson CreekTrib. of \_\_\_\_\_ County of Tillamook

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

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

Date of priority \_\_\_\_\_

In name of Hammond Tillamook Lumber Co.

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

App. No. 11499 Per. No. 7951 Cert. No. 7746

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

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

## FEES PAID

Date	Amount	Receipt No.
<u>3-13-78</u>	<u>85-</u>	<u>1554</u>
<u>6-19-78</u>	<u>10.20</u>	<u>4081</u>
TOTAL . . .		
<u>2-8-79</u>	<u>22.00</u> No Cert. Fee	<u>9034</u>
<u>Headlight Herald \$35.20 paid 5/18/78 check no. 2246</u>		

## FEES REFUNDED

Date	Amount	Check No.
Exam	2.00	
Chg Use:		
Dam	15.00	
Drain	15.00	
irrig	10.00	
	<u>60.00</u>	
POM	35.20	
	<u>25.20</u>	

## REMARKS

\* 9-20-78 Bob Forster 22095 Jan Rd, Nehalem, OR 97131 vol 40 page 435

W.R.I.S.

Assembled 5-9-85 by SCB

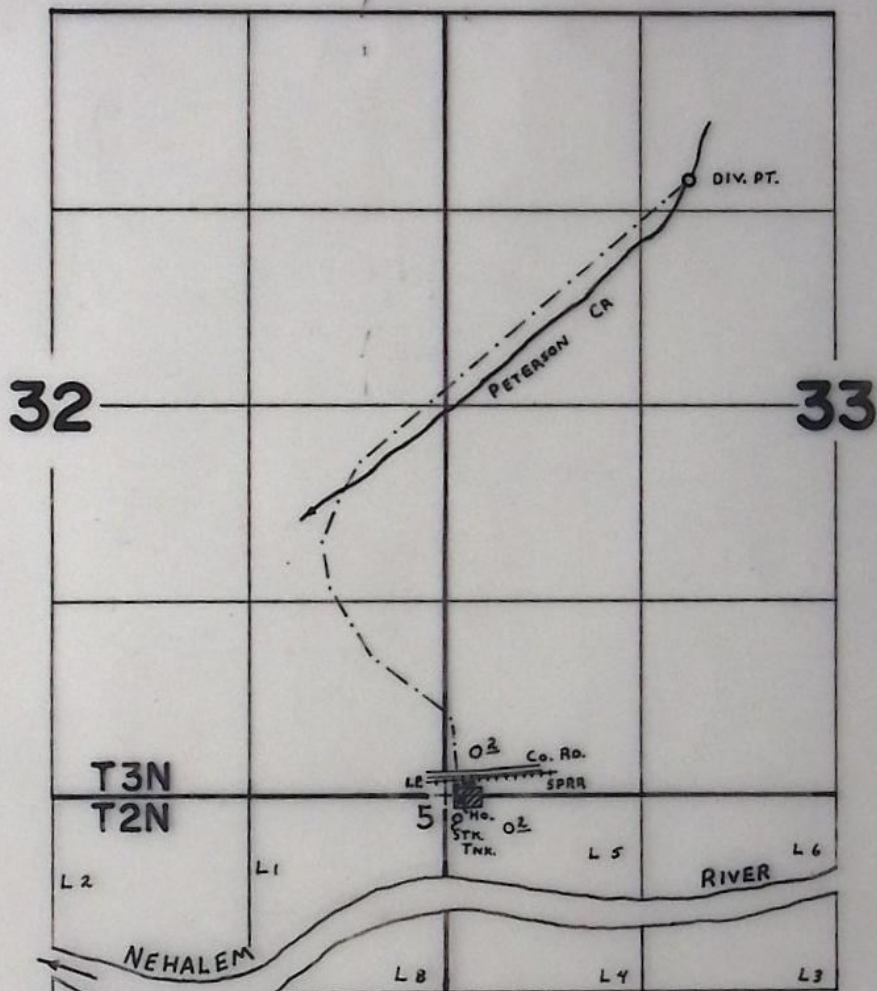
Entered \_\_\_\_\_ by \_\_\_\_\_

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

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Pl. or Div.	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Checked to Records:	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Decree-vault	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Decree-sale	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Per. folder	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Chainindex	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>	<u>   </u>
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	<u>   </u>



T3N. R9W. WM.



Div. PT. Loc: 1130' S. 980' W. fr. N.  $\frac{1}{4}$  COR. SEC. 33.

# FINAL PROOF SURVEY

## UNDER

TRANSFER 3898  
Application No. .... Permit No. ....  
IN NAME OF  
**BOB FORSTER**

Surveyed SEPT. 13. 1978, by C. L. HUGHES



## STATE OF OREGON

COUNTY OF TILLAMOOK

## CERTIFICATE OF WATER RIGHT

*Handwritten: JES*

This is to Certify, That BOB FORSTER  
22095 Foster Rd. NEHALEM ~~Hammond Tillamook Lumber Company~~  
 of ~~Portland~~, State of Oregon 97131, has made proof  
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Peterson Creek  
 a tributary of South Fork of Nehalem River for the purpose of  
~~Logging Camp Supply~~ Domestic for one family, the irrigation of 0.2 acre, & operation of a dairy.  
 under Permit No. 7951 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 23, 1927;

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  
0.25 cubic foot per second;

The point of diversion is located in the NW 1/4 of Section 33, Township 3N, Range 9W, W.M.,  
 The use hereunder for irrigation shall conform to such reasonable rotation system as may be  
 ordered by the proper state officer.

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 in case of rotation. *Handwritten: 2 1/2 a.f.*

A description of the lands irrigated under the right hereby confirmed, and to which such  
 right is appurtenant (if for irrigation or any other purpose), is as follows: SW 1/4, Section 33,  
Township 3 North, Range 9 West of the Willamette Meridian, in Tillamook County,  
Oregon.

*Handwritten: 17*  
 DAIRY OPERATION 5 0.2 acre - SW 1/4 SW 1/4  
 Sec 33

T 3 N R 9 W W M Tillamook Co

Domestic, Dairy Operation, 5 0.2 acre Lot 5 (NW 1/4 NW 1/4) 26  
 Sec 4

T 2 N R 9 W W M

The right to the use of the water for any purpose is restricted to the lands or place of use  
 herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of  
 any federal certificate is issued to confirm a change in place of use and point  
 notice in ~~is~~ is approved by an order of the WRD entered July 27 1978 and supersedes  
 the right to the use of water right recorded at page 7746, Volume 7, SRWRC.

condition that before taking possession the State or municipality shall pay  
 value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and  
 dependable property of the holder of this certificate, not taken over, as may be caused by the  
 severance therefrom of the property taken in accordance with the provisions of section 5728,  
 Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 8th day

of October, 19 28

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7746.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

TILLAMOOK COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JOHN J. GRIMES FOR APPROVAL OF)  
A CHANGE IN USE OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3898

On March 13, 1978, an application was filed in the office of the Water Resources Director by John J. Grimes for approval of a change in use heretofore made of water from Peterson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7746, Volume 7, State Record of Water Right Certificates, in the name of Hammond Tillamook Lumber Company, describes a right for the use of not to exceed 0.2 cubic foot per second from Peterson Creek for logging camp supply in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, Township 3 North, Range 9 West, W.M., with a date of priority of May 23, 1927.

Water for the said right is diverted from a point located 1100 feet South and 985 feet West from the North Quarter Corner of Section 33, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 33, Township 3 North, Range 9 West, W.M.

The applicant herein, owner of the logging camp site, proposes to sever the water right therefrom and, to the extent of 0.135 cubic foot per second, change the authorized use heretofore made of water, without loss of priority, to existing uses of 0.015 cubic foot per second for domestic for three families, 0.02 cubic foot per second for irrigation of 1.0 acre and 0.1 cubic foot per second for operation of a dairy, all in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, Township 3 North, Range 9 West, W.M., and Lot 5 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 4, Township 2 North, Range 9 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Headlight Herald, a newspaper printed and having general circulation in Tillamook County, Oregon, for a period of three weeks in the issues of April 19 and 26; and May 3, 1978.

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

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

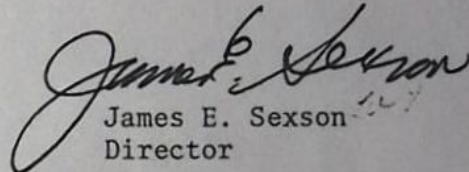


NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made of water, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in use heretofore made of water is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Hammond Tillamook Lumber Company and recorded at page 7746, Volume 4, State Record of Water Right Certificates, is canceled; 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 27th day of July, 1978.

  
James E. Sexson  
Director



# Affidavit of Publication

RECEIVED

MAY 11 1978

(Copy of notice to be pasted here)

State of Oregon, County of Tillamook,—ss.

WATER RESOURCES DEPT.  
SALEM, OREGON

I, Edith Robideau being first duly

sworn, depose and say that I am the Office Manager  
of the Headlight-Herald, a newspaper of general circulation as defined  
by Section 58, Oregon Laws, published in the aforesaid county and

state; that Water Resources Department

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:

April 19 - 26

May 3

*Edith Robideau*

Subscribed and sworn to before me this 3rd day of

May, 19 78

*Lawrence B. Seaborn*  
Notary Public for Oregon

(My Commission expires Aug 6, 1981)

Price Charged for this notice \$ 35.20

## NOTICE OF WATER RIGHT TRANSFER

APPLICATION NO. 3898

Notice is given hereby that an application has been filed in the office of the Water Resources Director by John J. Grimes for approval of a change in use heretofore made of water from Peterson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7746, Volume 7, State Record of Water Right Certificates, in the name of Hammond Tillamook Lumber Company, describes a right for the use of not to exceed 0.2 cubic foot per second from Peterson Creek for logging camp supply in SW1/4 SW1/4 of Sec 33, T 3 N, R 9 W, WM, with a date of priority of May 23, 1927.

Water for the said right is diverted from a point located 1100 ft S & 985 ft W from the NE1/4 Corner of Sec 33, being within the NE1/4 NW1/4 of Sec 33, T 3 N, R 9 W, WM.

The applicant herein, owner of the logging camp (abandoned) site, proposes to change the authorized use heretofore made of water, without loss of priority, to existing uses of domestic for one family, irrigation of 1.0 ac & operation of a dairy, all in SW1/4 SW1/4 of Sec 33, T 3 N, R 9 W, WM and Lot 5 (NW1/4 NW1/4) of Sec 4, T 2 N, R 9 W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Tillamook, Oregon, on June 13, 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 John J. Grimes, Rt. 1, Box 390, Nehalem, OR 97131; 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 11th day of April, 1978.  
James E. Sexson  
Director 16-18

