File Date 4-12-1979 POD/POU/USE

Vol No. 32 Page 365

ORIGINAL FILE WAS ACCIDENTALLY DESTROYED in 1998.

MEMORANDUM

To: Files T-4197, G-11807, 62946, 62965 and 62966

Date: October 21, 1998

From: Steve Brown



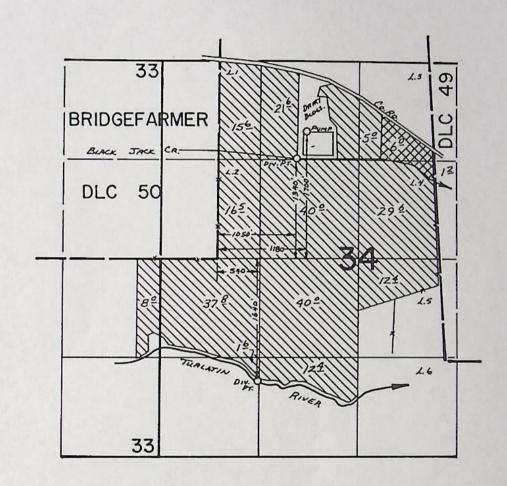
The original files and all their contents were accidently destroyed while final certificates were being prepared. The original files were examined at the time the proposed certificates were approved and the permits/transfer were found to satisfy all requirements necessary to recommend issuance of final certificates to the director.

RECEIVED

OCT 0 8 1998

T.IS.,R.4W.,W.M.

WATER RESOURCES DEPT. SALEM, OREGON



SCALE: I"= 1320'

FINAL PROOF SURVEY

UNDER

Transfer No. 4197 26902 777 R-58799 R-7935 Application No. .58800.. Permit No. ...44405...

JOHN MULHOLLAND

Surveyed .Nov. 2 19.83., by .L...M. TOLL!

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN MULHOLLAND ROUTE 3, BOX 285B GASTON, OREGON 97119

confirms the right to use the waters of BLACK JACK CREEK AND TUALATIN RIVER, tributaries of THE WILLAMETTE RIVER, for STOCK AND DAIRY BARN USE AND IRRIGATION OF 7.2 ACRES.

This right was perfected under Permit 26902. The date of priority is JULY 19, 1960. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 CUBIC FOOT PER SECOND(CFS); BEING 0.09 CFS FROM BLACK JACK CREEK AND 0.03 CFS FROM TUALATIN RIVER, or its equivalent in case of rotation, measured at the point of diversion from the source. THE USE OF WATER FOR STOCK AND DAIRY BARN USE. UNDER THIS RIGHT, IS LIMITED TO THE NORMAL IRRIGATION SEASON (MAY 1 THROUGH SEPTEMBER 30 OF EACH YEAR).

The points of diversion are located as follows:

BLACK JACK CREEK - NE 1/4 NW 1/4, SECTION 34, T 1 S, R 4 W, W.M.; 1340 FEET NORTH AND 1050 FEET EAST FROM THE SE CORNER OF DLC 50; AND

TUALATIN RIVER - NE 1/4 NW 1/4, SECTION 34, T 1 S, R 4 W, W.M.; 1640 FEET SOUTH AND 540 FEET EAST FROM THE SE CORNER OF DLC 50.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 ½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

BLACK JACK CREEK
NE 1/4 NW 1/4 DAIRY BARN USE AND STOCK

TUALATIN RIVER

LOT 3 (NW 1/4 NE 1/4) 6.0 ACRES LOT 4 (SW 1/4 NE 1/4) 1.2 ACRES SECTION 34 TOWNSHIP 1 SOUTH, RANGE 4 WEST, W.M.

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

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.

SEE NEXT PAGE

T-4197.SB

PAGE TWO

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE REFERENCED ASSOCIATED DOCUMENTS AND SUPERSEDES CERTIFICATE 75791

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered AUGUST 31, 1979, along with Certificate 48695, supersedes Certificate 32026, 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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed SEPTEMBER 28, 1998.

Rufure Dr Sneley Martha O. Pagel - 4- -4

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN MULHOLLAND FOR APPROVAL OF)
CHANGES IN PLACE OF USE, POINT OF)
DIVERSION & USE OF WATER)

ORDER APPROVING TRANSFER NO. 4197

On April 12, 1979, an application was filed in the office of the Water Resources Director by John Mulholland for approval of changes in place of use, point of diversion and use heretofore made of water from Black Jack Creek and change in place of use of water from Tualatin River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32026, Volume 24, State Record of Water Right Certificates, in the name of Oberg Brothers, describes a right which includes the use of not to exceed 0.09 cubic foot per second from Black Jack Creek for irrigation of a certain 6.0 acres in Lot 3 (NW½ NE½) and 1.2 acres in Lot 4 (SW¾ NE½) of Section 34, Township 1 South, Range 4 West, W.M., and 0.03 cubic foot per second from Tualatin River for irrigation of a certain 7.2 acres in NE½ NW¼ of Section 34, Township 1 South, Range 4 West, W.M., with a date of priority of July 19, 1960.

Water for the said right from Black Jack Creek is diverted from a point located 1280 feet North and 2520 feet East from the Southeast Corner of D.L.C. No. 50, being within the SW_4^1 NE $_4^1$ of Section 34, Township 1 South, Range 4 West, W.M.

The applicant herein proposes to change the place of use and use heretofore made of the aforesaid 0.09 cubic foot per second from Black Jack Creek, without loss of priority, to hereafter use said 0.09 cubic foot per second, during the irrigation season only, for stock supplies and operation of a dairy barn located in the NE¼ NW¼ of Section 34, and to change the point of diversion to a point on Black Jack Creek located 1360 feet North and 1050 feet East from the Southeast Corner of D.L.C. No. 50, being within the NE¼ NW¼ of Section 34, Township 1 South, Range 4 West, W.M.

Said applicant also proposes to change the place of use of the aforesaid 7.2 acres in the NE¼ NW¼ of Section 34 irrigated from Tualatin River and, without loss of priority, to irrigate a certain 6.0 acres in Lot 3 (NW¼ NE¾) and 1.2 acres in Lot 4 (SW¼ NE¾) of Section 34, Township 1 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Hillsboro Argus, a newspaper printed and having general circulation in Washington

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County, Oregon, for a period of three weeks in the issues of June 28; July 5 and 12, 1979.

Mr. Clayton Gardner, Watermaster, has filed a statement to the effect that the proposed changes in place of use, point of diversion and use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use, point of diversion and 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 changes in place of use, point of diversion and use heretofore made of water, as described herein, without loss of priority, are 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 under the subject right.

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 the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 32026, Volume 24, 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 31st day of August, 1979.

ames E. Sexson

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

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following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS: If the applicant is a corporation, give date and place of incorporation 1. The source of the proposed appropriation is Klack Stack Crook 9 traditional trial of Stream o	cubic fe	et per secondf1.	om bloce	els fact o	2.73 CP	5 pm	tudatin sin
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS: If the applicant is a corporation, give date and place of incorporation 1. The source of the proposed appropriation is Klack Stack Cross of Inchalance of the proposed appropriation is Klack Stack Cross of Inchalance of the proposed appropriation is The Stack Stack Cross of Inchalance of the proposed appropriation is The Stack Stack Cross of Inchalance of the proposed appropriation is The Stack Stack Cross of Inchalance of the proposed appropriation is the stack of the proposed appropriation in the stack of the proposed appropriation is the stack of the proposed appropriation in the stack of the proposed appropriation is the stack of the proposed appropriation in the stack of the proposed appropriation is the stack of the proposed appropriation	2.	The amount of	f water whicl	the applicant in	itends to apply to	beneficial u	se is 0 . 625
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following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS: If the applicant is a corporation, give date and place of incorporation	L. 1.	The source of t		n .		// _(Name of st	renm)
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:	***************************************				4.0	,	
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:	I	the applicant is	s a corporati	on, give date and	l place of incorpo	ration	
/ Propriete t				f the State of O	regon, SUBJECT	TO EXISTI	NG RIGHTS:
(Mailing address)			/		reby make applic	ation for a p	ermit to appropriate
		VIII					

A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of mainleignities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

cadgate. At he	adgate: width o	n top (at wate	er line)	feet; width on botton
housand feet.	feet; depth of	fect fall per on		
(U) At		miles from	headgate: width on top (at w	ater line)
				f water feet
	feet fo			
				in.; size at f
				difference in elevation betwee
ntake and place	e of use,	ft.	Is grade uniform? ges	Estimated capacity
8. Location	sec. ft. on of area to be	irrigated, or	place of use	
Township	Range E. or W. of	Section	T	
North or South	Williamette Meridian		Forty-acre Tract	Number Acres To Be Irrigated
72	4 W	34	nwa nwa	15.6
17	4W	34	NET NWA	25.6
13	4W	34	SWANEY	36.2
12	4 W_	34	8247W4	40.0
18	14W	34_	SW/4nwy	16.5
15	4W	33 33	1184384	10.5-
13	14W	34	NW SW4	38.5
15	14W	34_	ne swy	39.5
18	HW_	34_	NW 3523	18.3
13	HW	34	SW4SW4	2.7
ገ ያ	4W	34	SE4SW4	16.5
18	14W	3 44	ce required, affach separate theet)	8.2
(a) C	haracter of soil .		,	268.1
(b) K	ind of crops rais	ed		
Power or Minin				
				theoretical horsepower
			r power	sec. ft.
			(Head)	
(d) T	he nature of the	works by me	ans of which the power is to l	be developed
			(Legal subdivision)	of Sec.
Tp(No N or	, R(No	E. or W.)	М.	
(f) Is	water to be ret	urned to any	stream?(Yes or No.)	
(g) If	so, name stream	n and locate	point of return	
		, Sec	, Tp, No. N. or S	, R, W. I
			e applied is	
(i) T	he nature of the	mines to be s	erved	

	ly—	THE RESERVE OF THE PARTY OF THE	26902
10. (a) To supply the	city of		
(Name bf)	County, having a pres	ent population of	
d an estimated population	of	in 19	
(b) If for domesti	c use state number o	of families to be supplied	
_	(Answer questions I	1, 12, 13, and 14 in all cases)	
11. Estimated cost of p			
		ore * 1961	
13. Construction work	will be completed on	or before Oct 1	P9 02 ::
		the proposed use on or befo	re Oct 11963
		Clauch	Obera
		nolde O	Kerg:
		H AMEU	alter Berg
Remarks:			·
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TATE OF OREGON)			
TATE OF OREGON, Solution,	ıs.		
TATE OF OREGON, County of Marion, This is to certify tha	s. It I have examined th		ether with the accompany
TATE OF OREGON, County of Marion, This is to certify tha	s. It I have examined th	e foregoing application, tog	ether with the accompany
TATE OF OREGON, County of Marion, This is to certify that haps and data, and return	s. It I have examined th	e foregoing application, tog	other with the accompany
TATE OF OREGON, County of Marion, This is to certify that aps and data, and return In order to retain its	s. It I have examined the same for	e foregoing application, tog tion must be returned to the	cther with the accompany
TATE OF OREGON, County of Marion, This is to certify that haps and data, and return	s. It I have examined the same for	e foregoing application, tog tion must be returned to the	other with the accompany
TATE OF OREGON, County of Marion, This is to certify the caps and data, and return In order to retain its cons on or before	s. It I have examined the same for	e foregoing application, tog tion must be returned to the	ether with the accompanyi
TATE OF OREGON, County of Marion, This is to certify the caps and data, and return In order to retain its cons on or before	s. It I have examined the same for	e foregoing application, tog tion must be returned to the	ether with the accompanyi
TATE OF OREGON, County of Marion, This is to certify the caps and data, and return In order to retain its cons on or before	s. It I have examined the same for	e foregoing application, tog tion must be returned to the	ether with the accompanyi

By

44.

vi.

-v. 7

STATE OF OREGON, County of Marion,

This is to certify that I have examined the foregoing

PORIECI	TO EXISTING	RIGHTS and the follow	wing limitat	ions and condi	tions:	grant the sam	и,
		nted is limited to the o				to beneficial u	se
and shall	not exceed3	.35 cubic feet p	per second n	reasured at the	point of d	iversion from t	he
stream, or	r its equivalent in	case of rotation with	other water	users, from B	lack Jack	Creek and	
		0.63 c.f.s. from B					
<u> Pualatin</u>	River.						
The	use to which this	water is to be applied					***
		and to be applied	13				
							•••
If fo	or irrigation, this o	appropriation shall be	limited to	-/80 <u>11</u>	of a	one cubic foot n	···
		each acre irrigated					
		cre feet per acre					
							on
							•••
							•••
		reasonable rotation sy				state officer.	
		his permit is					
		vork shall begin on or					u
		ith reasonable diligenc					
		of the water to the pro					3.
WI	TNESS my hand t	hisday	of	September)	, 19.60	1. 1.	
				isewi	00.6	STATE ENGINEER	
						: 411	
		on,			of .	g 19	
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u 2	UBL	eived em, (E 23 .	STATE ENGIN	
1 8	HE PUB	trec tt Sal		096	. 06		
26.	RMIT LATE TH OF THE OREGON	first Leer o		o, 1	32	A. STANLEY No. Z	
No.	PERI	: was Ingin y of	ınt:	3r 2(ok No	ST	-
tion No.	PI KOPFERS OF	ment ate I. day	plice	ешре	n boi 1ge	S. A.	
Application No	PERIM APPROPRIATE WATERS OF THE	nstru he St 7 tk	to a	ved: September 20,	ded i on po	LEMIS	10
AF Pe	TO A	This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 19th day of the 19th of 19th o	Returned to applicant:	Approved:	Recorded in book No.	LEMIS A. Drainage Basin No	S
		T offic on th	Retu	Арр	Fern	Dra	Fees
	TOTAL STREET, ST. ST.						119-10