

John Mulholland
Route 3, Box 285B
Carter CT 06110

T-4197

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

Order Date 8-31-1979
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

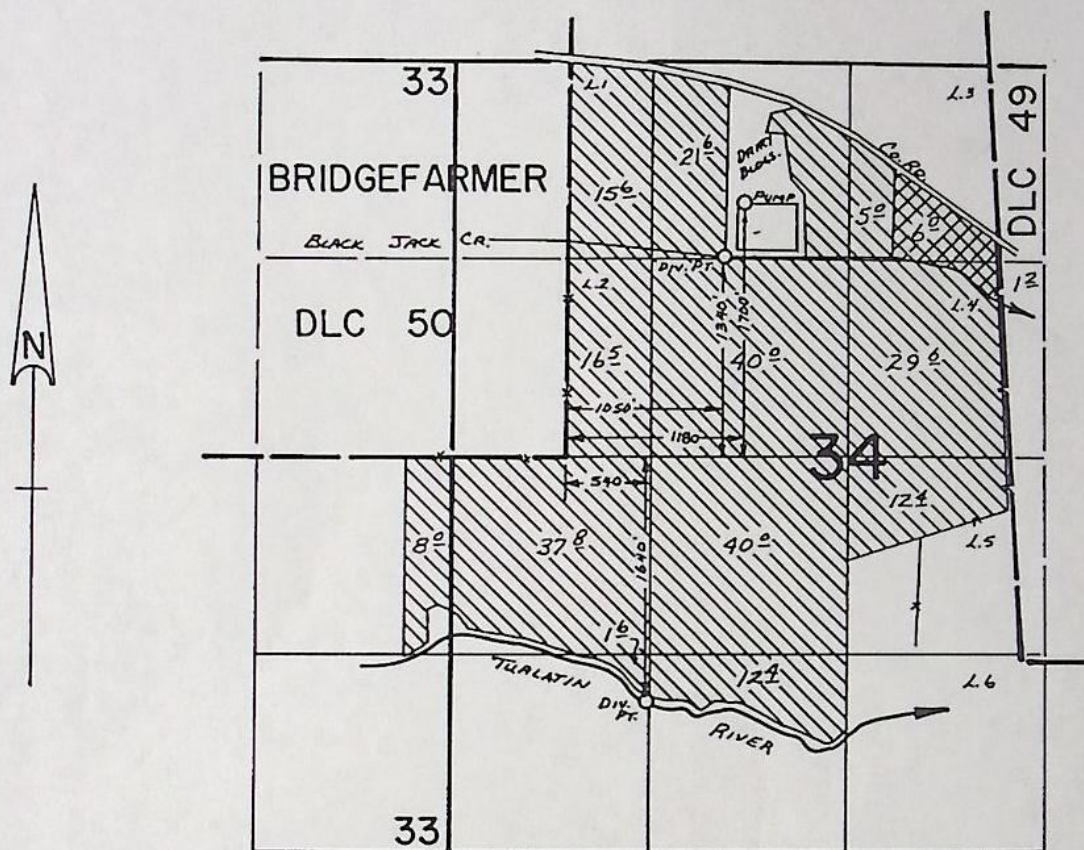


The original files and all their contents were accidentally destroyed while final certificates were being prepared. The original files were examined at the time the proposed certificates were approved and the permits/transfer were found to satisfy all requirements necessary to recommend issuance of final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

OCT 08 1998

WATER RESOURCES DEPT.
SALEM, OREGON

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



SCALE: 1" = 1320'

FINAL PROOF SURVEY

UNDER

Transfer No. 4197 R-58799 R-7935
Application No. 58800 Permit No. 44405
IN NAME OF

JOHN MULHOLLAND

Surveyed Nov. 2, 1983, by L. M. TOLL

PTS 1963-1-A 40T
PTS 1983-Y

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 1/2 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

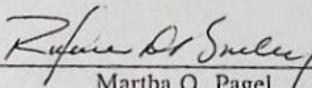
THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE REFERENCED ASSOCIATED DOCUMENTS AND SUPERSEDES CERTIFICATE 75791

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.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75818.

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 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 1.2 acres in Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 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 $\frac{1}{4}$ NE $\frac{1}{4}$ 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 irrigated from Tualatin River and, without loss of priority, to irrigate a certain 6.0 acres in Lot 3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 1.2 acres in Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 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

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:

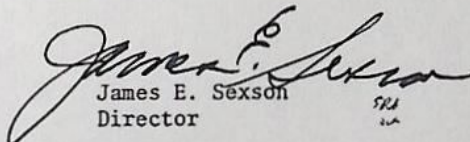
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.


James E. Sexson
Director

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, W. A. Oberg Bros. (Name of applicant)
 of P.O. Box 1, Carlton, Oregon (Mailing address)
 State of Oregon, do hereby make application for a permit to appropriate the
 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 Black Jack Creek a tributary of Tualatin River (Name of stream)
Black Jack Creek tributary of Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is 0.625
 cubic feet per second from Black Jack 2.73 C.F.S. from Tualatin River
 (If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Irrigation
 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. and ft. from the
 corner of P.L. of Division "A" 1573.6 ft. from the SE corner
of Christian Bridge Farm, D.L.C. #50 in T1S. R4W. W.M. (Section or subdivision)
of Division "B" is for portable pumping along Black Jack Creek and the
Reverend Monument "B" bears N20°24'E 1505.2 ft. from the SE corner of Christian Bridge Farm
D.L.C. #50 in T1S. R4W. W.M. (If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary) both in Sec. 34 of
 being within the Mon. "A" is in SW 1/4 of Sec. 34 of T1S. R4W. W.M. (Give smallest legal subdivision) both in Sec. 34 of
R. 4W. W.M., in the county of Washington Mon. "B" is in NW 1/4 NW 1/4
 (E. or W.) (N. or S.)

5. The Pipeline (Main ditch, canal or pipe line) to be (Miles or feet)
 in length, terminating in the of Sec. 34, Tp. 35,
 (Smallest legal subdivision) (N. or S.)
R. 4W. W.M., the proposed location being shown throughout on the accompanying map.
 (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom
 feet; material to be used and character of construction
 (Loose rock, concrete, masonry,
 rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate
 (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description 40 H.P. pump centrifugal
 (Size and type of pump)
 (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*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 municipalities, 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.

#5675 7511
 75818

25902

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? *yes* Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
25	4W	34	NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.6
19	4W	34	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25.6
19	4W	34	SW $\frac{1}{4}$ NE $\frac{1}{4}$	36.2
19	4W	34	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
19	4W	34	SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.5
19	4W	34 33	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.5
19	4W	34	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.5
19	4W	34	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.5
19	4W	34	NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.3
19	4W	34	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.7
19	4W	34	SE $\frac{1}{4}$ SW $\frac{1}{4}$	16.5
19	4W	34	NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.2

(If more space required, attach separate sheet)

(a) Character of soil *Loam* 268.1

(b) Kind of crops raised

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.
(Legal subdivision)

Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

Municipal or Domestic Supply—

26902

10. (a) To supply the city of
..... County, having a present population of
(Name of)
and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$.....

12. Construction work will begin on or before * 1961

13. Construction work will be completed on or before Oct 1, 1962

14. The water will be completely applied to the proposed use on or before Oct 1, 1963

Clarence Ober
Noble Ober
(Signature of applicant)
by ~~Walter~~ Walter Ober

Remarks:

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

By ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 3.35 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Black Jack Creek and Tualatin River; being 0.63 c.f.s. from Black Jack Creek and 2.72 c.f.s. from Tualatin River.

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is July 19, 1960

Actual construction work shall begin on or before September 20, 1961 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1962.

Complete application of the water to the proposed use shall be made on or before October 1, 1963.

WITNESS my hand this 20th day of September, 1960

Lewis A. Stanley

STATE ENGINEER

Application No. 34142

Permit No. 26902

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 19th day of July,
1960, at 5:45 o'clock P. M.

Returned to applicant:

Approved:

September 20, 1960

Recorded in book No. 73 of

Permits on page 26902

LEWIS A. STANLEY
STATE ENGINEER

Drainage Basin No. 2 page 544662A17

Fees