

4271 Fisher

Name J.O. Fisher, Sr

By \_\_\_\_\_

Address West Lane Rd.Scappoose, OR 97056Change in UseDate filed August 7, 1979Date of hearing Nov 20, 1979Place of hearing St. HelensDate of order 8-22-80 Vol. 33, page 620Date for application of water complete

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

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

Certificate issued 9/8/2006 Vol. \_\_\_\_\_, page \_\_\_\_\_back to survey 4-25-88to survey 8/80

## REMARKS

Hold until G/W reports on well contamination complaint.

4271

## DESCRIPTION OF WATER RIGHT

Name of stream Scappoose CreekTrib. of \_\_\_\_\_ County of ColumbiaUse irrigation to industrial

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

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

Date of priority Oct 5, 1934In name of Scappoose Dairy

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

App. No. 15565 Per. No. 11460 Cert. No. 11975

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

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

## FEES PAID

Date	Amount	Receipt No.
<u>8-8-79</u>	<u>85-</u>	<u>13295</u>
TOTAL . . .		
	Cert. Fee	

The Chronicle #30-74 pd 11/14/79 CA #3864

## FEES REFUNDED

Date	Amount	Check No.
<u>11-14-79</u>	<u>19.26</u>	<u>3865</u>

Ex 20-  
USE 15-  
PON 3074  
6574

Amended

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lgj</u>	_____
<input checked="" type="checkbox"/>	Str.	<u>lgj</u>	_____
<input checked="" type="checkbox"/>	Pl. & div.	<u>lgj</u>	_____
<input checked="" type="checkbox"/>	Cate.	<u>lgj</u>	_____
<input checked="" type="checkbox"/>	CR	<u>5120</u>	_____
<input type="checkbox"/>	Decree-vest	_____	_____
<input type="checkbox"/>	Decree-sale	_____	_____
<input checked="" type="checkbox"/>	Cert. of W.R.	<u>526</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	<u>lgj</u>	_____
<input type="checkbox"/>	Chainindex	_____	_____
<input type="checkbox"/>	Cross Ref.	_____	_____
<input type="checkbox"/>	Power Claim	_____	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lgj</u>	_____

4273



8/15/80 -

The DFQ 1495



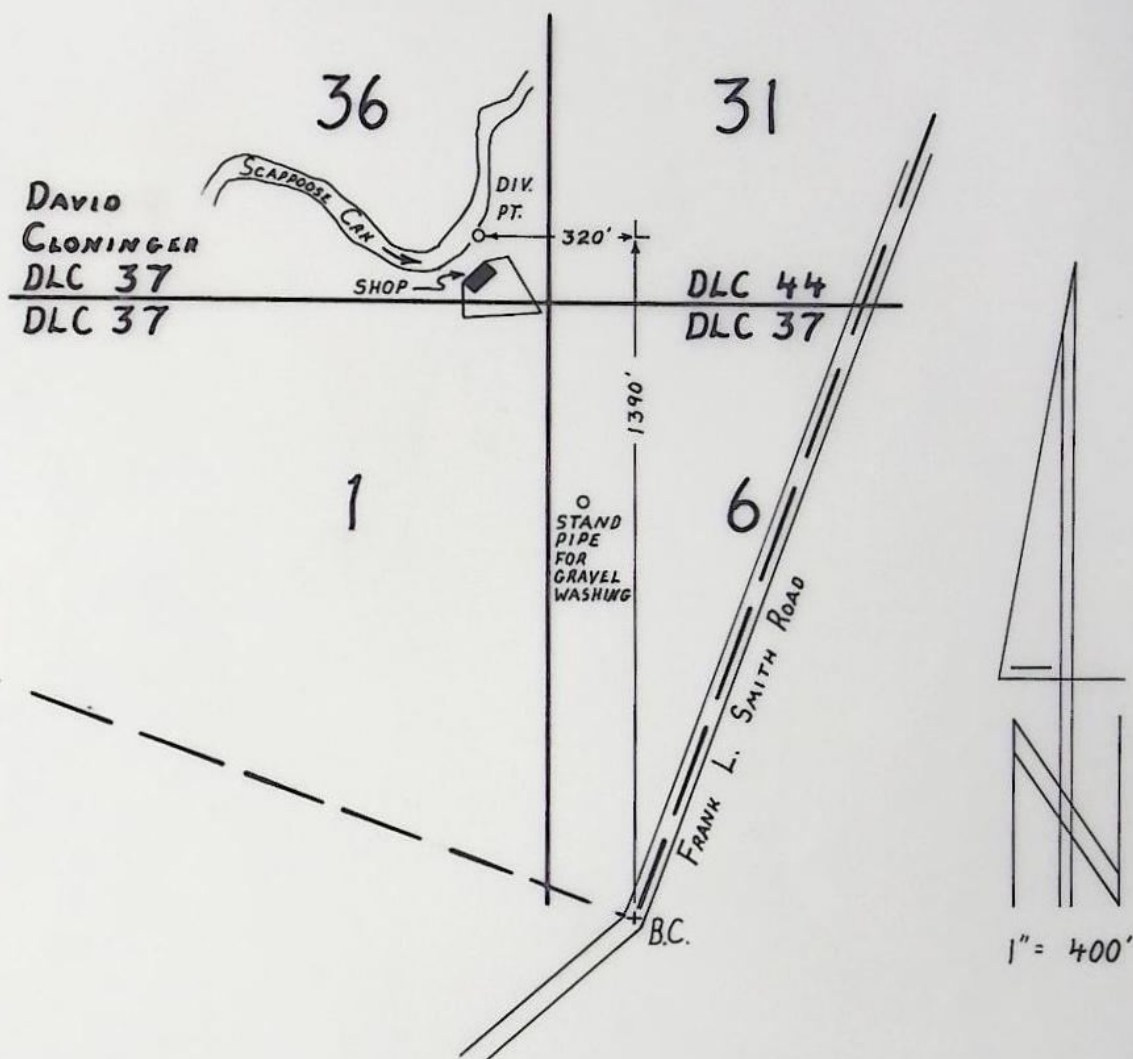
8/15/80-

THE ORIGINAL PROBLEMS OF G.W. TURBIDITY RESULTING FROM THIS GRAVEL OPERATION HAVE BEEN ADDRESSED, AND THE D.E.Q HAS BEEN ADVISED OF THE POTENTIAL FOR FUTURE PROBLEMS IF THE SITE IS NOT OPERATED PROPERLY. OUR DEPTS. REPORTS ON THIS MATTER ARE ON FILE IN THE WELLS AND DAM SAFETY DIVISION (G.W. QUALITY FILES), AND THE D.E.Q HAS BEEN REQUESTED TO SEND COPIES TO US OF ANY CORRESPONDENCE THEY HAVE WITH THE SITE OPERATORS.

Let Rethief

4271 Fisher

T. 3 & 4 N., R. 1 & 2 W., W.M.



## FINAL PROOF SURVEY

UNDER

Transfer No. 4271

In Name Of

J.O. FISHER, SR. & WARREN SAND & GRAVEL CO.

Surveyed October 2, 1991, by R.W. Klassen



## STATE OF OREGON

COUNTY OF COLUMBIA

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That SCAPPOOSE DAIRY

of Scappoose, 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  
Scappoose Creek

a tributary of for the purpose of  
Irrigation

under Permit No. 11460 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 October 5, 1954;

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  
0.16 cubic foot per second measured at the point of diversion from the stream,

or its equivalent in case of rotation.  
The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 1, Township 3 North, Range  
2 West, W. M.

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,

NO DUTY

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:

11.4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Section 1,  
Township 3 North, Range 2 West, W. M.

1 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 36,  
Township 4 North, Range 2 West, W. M.

The right to the use of the water for the purposes aforesaid 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 power license issued in connection with this right, and after not less than two years' notice in  
writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to  
take over the dams, plants and other structures and all appurtenances thereto which have been con-  
structed for the purpose of devoting to beneficial use the water rights specified herein, upon condition  
that before taking possession the State or municipality shall pay not to exceed the fair value of the  
property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable prop-  
erty 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 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 8th day of March, 1938.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 11975

T-4271



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

COLUMBIA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF J. O. FISHER, SR., FOR APPROVAL )  
OF CHANGES IN POINT OF DIVERSION )  
AND USE HERETOFORE MADE OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4271

On August 7, 1979, an application was filed in the office of the Water Resources Director by J. O. Fisher, Sr., and Warren Sand and Gravel Company for approval of changes in point of diversion and use heretofore made of water from Scappoose Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 11975, Volume 11, State Record of Water Right Certificates, in the name of Scappoose Dairy, describes a right for the use of not to exceed 0.16 cubic foot per second from Scappoose Creek for irrigation of a certain 11.4 acres in NE 1/4 NE 1/4, Section 1, Township 3 North, Range 2 West, W.M., and 1.0 acre in SE 1/4 SE 1/4, Section 36, Township 4 North, Range 2 West, W.M., with a date of priority of October 5, 1934.

The authorized point of diversion is located 940 feet South and 1000 feet West from the Northeast Corner of Section 1, being within the NE 1/4 NE 1/4 of Section 1, Township 3 North, Range 2 West, W.M.

The applicant herein proposes to change the point of diversion therefrom and to change the use heretofore made to washing of sand and gravel during the irrigation season, from a point located 50 feet North and 200 feet West from the Southeast Corner of Section 36, being within the SE 1/4 SE 1/4 of Section 36, Township 4 North, Range 2 West, W.M. The proposed place of use is located within NW 1/4 NW 1/4, Section 6, Township 3 North, Range 1 West; NE 1/4 NE 1/4, Section 1, Township 3 North, Range 2 West; SW 1/4 SW 1/4, Section 32, Township 4 North, Range 1 West and SE 1/4 SE 1/4, Section 36, Township 4 North, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Chronicle, a newspaper printed and having general circulation in Columbia County, Oregon, for a period of three weeks in the issues of September 27, October 4 and 11, 1979.

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



No objections having been filed and it appearing that the proposed changes in point of diversion and use 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 point of diversion and use 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, and shall not exceed 0.16 cubic foot per second, and shall be used during the irrigation season only.

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:

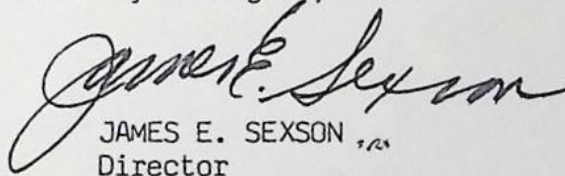
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in point of diversion and use of water are completed.

It is FURTHER ORDERED that the certificate recorded at page 11975, Volume 11, 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 Warren Sand and Gravel Company.

Dated at Salem, Oregon this 22nd day of August, 1980.

  
JAMES E. SEXSON  
Director



Redo: See attached information

REPORT ON INSPECTION UNDER TRANSFER  
OF WATER RIGHT FOR CHANGE IN:

POD  
POU  
USE  
Add'l POD

POISSOT ENT  
543 7463  
10/19/91

666-5577

10/9/91  
10:30

Transfer NO. 4271

Old Certificate NO. 11975

1. Name J.O. Fisher, Sr & Warren Sand & Gravel Co.

Address West Lane Rd, Scappoose, OR 97056

2. Source of Supply Scappoose Creek

3. Use from irrigation to industrial

4. Amount of Water 0.16 cfs

Priority Date Oct 5, 1934

5. Proposed Point of Diversion 50' N & 200 ft W from SE Corner, Sec 36, within SE $\frac{1}{4}$  SE $\frac{1}{4}$ ,  
Sec 36, T4N, R2W, WM.

6. Completion Date 1980 COMPLETED

7. Place of Use:

TRUCK WASHING  
FIRE PROTECTION  
DUST ABATEMENT

JET pump 1 1/2" x 1"  
HONDA 5 HP GAS 2 X 2

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
3N	1W	6	NW NW	sand & gravel washing (irr season only)
3N	2W	14	NE NE	
4N	1W	32	SW SW	
4N	2W	36	SE SE	
4"	4"	main line	50 LBS ON 4" line	GRAVEL WASHING
	2 1/2"	3 CORRIDOR	60 LBS ON 1 1/2" line	MAINT AROUND SHOP
	30 HP	3530		

Permit to transfer use? no

NCR  
RWK  
2/9/93

From Columbia Co Assessors office 24 Nov 87  
Western Bank & Barbara Fisher  
5/6 Eckstrom & Heckman  
1927 NE 22nd Ave  
Portland, OR 97212

SEE NOTE  
5/22/94 EWS  
5/1/95 TRW

RWK, 10/9/91  
Assessors Map

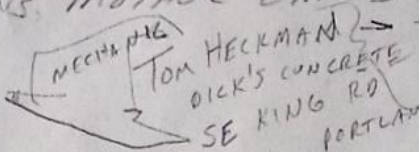
POISSOT ENTERPRISES  
54000 WEST LANE  
REPAIR & MAINT.

County COLUMBIA  
TOM HECKMAN GRESHAM SEC.  
543 7467  
DISCONNECTED

DOROTHY JONES 1927 NE 22ND  
TOM HECKMAN PORTLAND 97212



INFO: MAN WHO LEASES SHOP ON PROPERTY SAID WARREN SAND & GRAVEL IS NO LONGER IN BUSINESS AND MR. FISHER IS DECEASED. HE SAID THAT TOM & AMY HECKMAN NOW OPERATE BUSINESS SPORADICALLY AS NORTH CREEK SAND & GRAVEL. HE DIDN'T KNOW ADDRESS OR PHONE # OF HECKMAN BUT HECKMAN'S MOTHER OWNED BRESHAM SAND & GRAVEL.

OREGON  
  
 HECKMAN  
 DICK'S CONCRETE  
 SE KING RD  
 PORTLAND  
 666-5577  
 ROGER [EXSTROM]

5/22/84  
 BUB

TRIED TO PHONE A P.J. HECKMAN LISTED IN SCAPPOOSE DIRECTORY AT 53829 W. LANE RD, BUT IT HAS BEEN DISCONNECTED.

5/23/84  
 BUB

MAN WHO OWNS <sup>JIM</sup> ~~DICK'S~~  
 774-3235 ← DICK'S CONCRETE  
 was a manager of <sup>Warren</sup> ~~SAND & GRAVEL~~

POISSOT Enterprises pays rental to Heckman and runs a repair shop there. Mr. Poissot says he believes Heckman still intends to use water for gravel operation. No equipment visible at present.

Jim  
 6/9/86

INFO: DOROTHY JONES, LAND IS NOW OWNED BY DOROTHY JONES & TOM HECKMAN USE HAS BEEN ON & OFF OVER THE YEARS SINCE 1980 BUT HAS NEVER GONE FOR A PERIOD OF LONGER THAN 5 YEARS. GRAVEL IS NO LONGER MINED FROM THIS SITE BUT IS HAULED IN AND WASHED. OTHER USES INCLUDE DUST ABATEMENT, TRUCK WASHING, & FIRE PROTECTION  
 1027 NE 22ND PORTLAND 97212

SOURCE: SCAPPOOSE CRK

Div Pt: 2 PUMPS SUCTION DIRECTLY INTO CREEK

MOTOR:	A (GRAVEL WASH.)	B (AROUND SHIP)
	30 HP ELEC UNKNOWN 3530	HONDA 5 HP GAS
PUMP:	2 1/2 x 3 CORNELL	2 x 2
PIPE:	BURIED 4" → STAND PIPE FOR GRAVEL WASHING	300 FT OF 3" FIRE HOSE

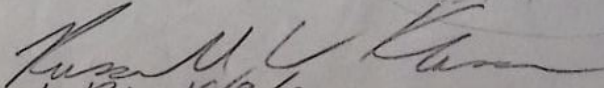
USE: DUST ABATEMENT, TRUCK WASHING, FIRE PROTECTION, GRAVEL WASHING

LIFT: 15 FT SUCTION	+ 10 SUCTION
	+ 5 DISCHARGE

TIE: SW COR McPHERSON DLC

30 x 6.6  
 127 + 15 1.39  
 5 x 6.6 .232  
 127 + 15

LEFT ASSIGNMENT: WAS IMPROVED SURVEYED @ 1" = 200  
 SENT IN 2/9/93 DRAFTED @ 1" = 400

  
 LRI 10/9/91



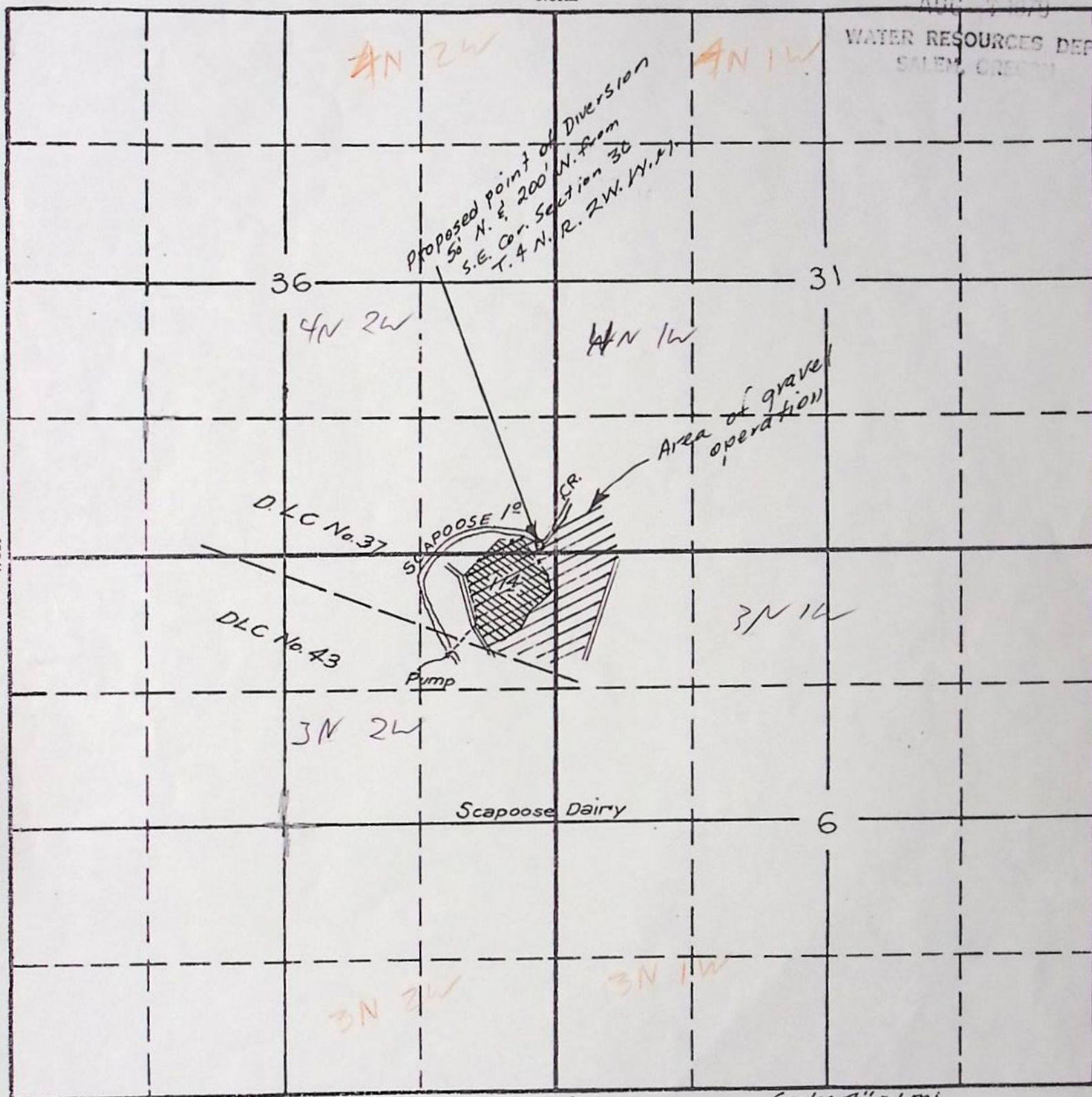
TOWNSHIP 3N, RANGE 2W, W. M.

RECEIVED

AUG 7 1937

WATER RESOURCES DEPT.  
SALEM, OREGON

North



South

Aug 24 1937

APPLICATION No. 15565

PERMIT No. 17460



RECEIVED

APR 15 1988

ROGER C. GERMUNDSON  
LAWYER  
1300 LINDEN BUILDING

WATER RESOURCES DEPT.  
SALEM, OREGON

1300 N.E. LINDEN AVENUE  
P.O. Box 594  
GRESHAM, OREGON 97030

TELEPHONE  
(503) 667-6173

April 14, 1988

Mr. Bruce A. Estes, PLS  
Senior Water Right Specialist  
Water Resources Department  
3850 Portland Road, N.E.  
Salem, Oregon 97310

Re: File T-4271

Dear Mr. Estes:

Thank you for your letter of March 4. I'm sorry for the delay in answering you, but my client had to gather some information before I could reply to your letter.

The following is a breakdown of the usage from 1981 through the present period:

- 1981 Mining gravel and washing gravel.
- 1982 Hauling, mining and washing gravel.
- 1983 Poissot Enterprises commenced work 8/20/83 using a 1" pump which has been continuously used since that time and is the only source of water, as there is no other water. Washing and mining of gravel continued.
- 1984 to Early 1985 Poissot Enterprises continued to use water as well as some washing into early 1985.
- 1985 to 1988 Poissot Enterprises were the prime users, though the washing 5" pump is still in place and can be activated.
- 1988 My client obtained a new gravel mining permit in June of 1987, and is in the process of reactivating the pit, which will require washing of material.



5437423

RECEIVED

Poissot Enterprises  
P.O.Box 654  
Scappoose Ore. 97056

APR 15 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

Dorthy M Jones,

In our conversation on the phone 4/6/88 you asked me how long and how much water we were using out of the creek.

We started using water out of the creek 8/20/83 using a one inch pump.

And other a brief pperiod in the winter of 1987 when high water washed our pump out we have used water continuously till now 4/10/88

Poissot Enterprises

(by)

*Keith Poissot*

STATE OF OREGON,

County of Columbia } ss.

FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 12 day of April, 1988, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Keith Poissot

known to me to be the identical individual— described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

*Donald E. Emerson*

Notary Public for Oregon.

My Commission expires 03/29/92



RECEIVED

BEFORE THE COUNTY PLANNING COMMISSION  
OF COLUMBIA COUNTY, STATE OF OREGON

APR 15 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

In the Matter of the Application)  
of F. Ekstrom/Tom & Pam Heckman )  
for a Conditional Use Permit to )  
Surface Mine in the Forest )  
Agriculture - 19 Zone )

FINAL ORDER 30-87

This matter came before the Columbia County Planning Commission on the application of Ekstrom/Heckman for a Conditional Use Permit to surface mine property described as Township 3 North, Range 2 West, Section 1, Tax Lot #010-00200.

The hearing was held on July 6, 1987. Testimony was submitted on behalf of the applicant. The Planning Commission having heard the arguments of the parties and having considered its testimony and the report of the Planning Commission Staff Report, it is

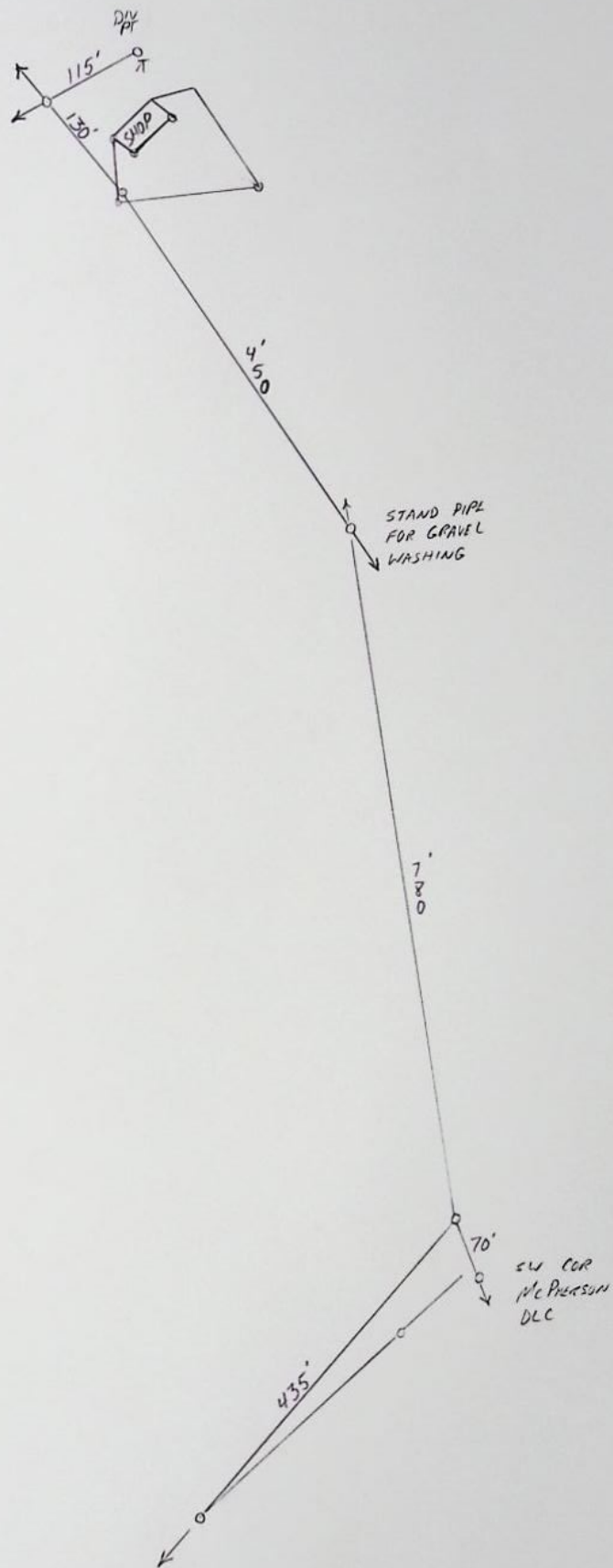
Hereby ordered this application for a Conditional Use Permit be issued to F. Ekstrom and Tom and Pam Heckman to allow the property to be developed for a surface mining operation by the applicant in the Forest Agriculture-19 zoned area in Columbia County, specifically permitting such activities for the site identified in the Findings of Fact and Conclusions of Law attached to this Order. The Findings of Fact and Conclusions of Law are hereby adopted, except for the following changes and/or comments:

Date July 9, 1987

COLUMBIA COUNTY PLANNING COMMISSION

Voris Probst  
Vorís Probst, Chairman







T-4271

RECEIVED

AUG 8 1979

## Application for Transfer of Water Right

WATER RESOURCES DEPT.  
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

PO Box 1026 Scappoose OR 97056

J.R. Hockmeyer  
J.P. McNassar  
GRAVEL CO

I, J. O Fisher SR. WARREN SAND & GRAVEL CO  
 (Name of applicant)  
 of West Lane Rd. PO Box 1026, Scappoose  
 (Mailing address) (City)  
 State of Oregon, 97056, 543-7135  
 (Zip Code) (Phone number) do hereby make application for change  
IN USE HERETOFORE MADE OF THE WATER - a point of DIVERSION  
 (In point of diversion; place of use; use heretofore made of the water)

Scappoose Dairy

1. Is the water right recorded in your name? Scappoose Dairy  
 (If not, give name)  
 2. Was your water right determined by Decree of Court? No If so, give title of proceedings  
 (Yes or No)  
 number of certificate  
 3. Was your water right acquired by Water Right Permit? Yes If so, give number  
 (Yes or No)  
 of permit 11460 Number of certificate 11975  
A#15565

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Scappoose Creek  
 5. What is the date of priority of your water right? OCT. 5, 1934  
 6. The authorized point of diversion is located 940 ft. S and 1,000 ft. W from the NE  
 (N. or S.) (E. or W.)  
 corner of Sec. 1 being within the NE 1/4 NE 1/4 of Section 1 Tp. 3N R. 2W W. M.,  
 (No. N. or S.) (No. E. or W.)  
 in the county of Columbia The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 50 ft. N and 200 ft. W from the SE  
 (N. or S.) (E. or W.)  
 corner of Sec 36 being within the SE 1/4 SE 1/4 of Section 36 Tp. 4N R. 2W W. M.,  
 (No. N. or S.) (No. E. or W.)  
 in the county of Columbia The name of the ditch to be used is



8. The use to which the water is applied is IRRIGATION

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

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
3N	2W	36	SESE SESE	1.0 1.0
4N	2W	11	NENE NENE	11.4 11.4

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is INDUSTRIAL OPERATION OF GRAVEL PLANT  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
3N	1W	6	NW NW	
3N	2W	1	NENE	
4N	1W	32	SW SW	
4N	2W	36	SESE	

(If more space required, attach separate sheet)



14. Reasons for the proposed changes are .....

*To WASH & CRUSH GRAVEL*

15. Construction work will be completed on or before *COMPLETED*

16. The water will be completely applied to the proposed use on or before .....

Remarks .....

**NOTE:** THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

#### AFFIDAVIT OF APPLICANT

I, *J.O. Fisher Sr.*, 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 *7* day of *SEPT*, 19*79*

*J.O. Fisher Sr.*  
(Name of applicant)

Subscribed and sworn to before me this *7th* day of *August*, 19*79*

*Janet C. Beale*  
NOTARY PUBLIC FOR OREGON

My commission expires *12-12-80*





BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

COLUMBIA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF J.O. FISHER, SR., FOR APPROVAL )  
OF CHANGES IN POINT OF DIVERSION )  
AND USE HERETOFORE MADE OF WATER )  
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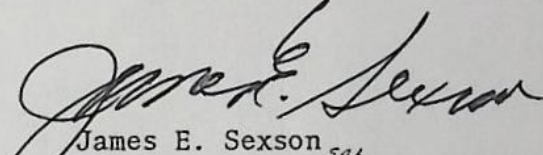
ORDER AMENDING  
ORDER APPROVING  
TRANSFER NO. 4271

The order of the Water Resources Director entered on August 22, 1980, on page 620, Volume 33, Special Order Record of the Water Resources Director, approving transfer application No. 4271, contained an error in line 8, paragraph 4, in denoting a portion of the proposed place of use as being in Section 32, Township 4 North, Range 1 West, W.M.

The correct place of use should be in Section 31.

THEREFORE, it hereby is ORDERED that line 8, paragraph 4, page 620, of said order be amended to read: "... Section 31, ...".

Dated at Salem, Oregon this 5th day of September, 1980.

  
James E. Sexson <sup>SJA</sup>  
Director



NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4271

The Water Resources Director of Oregon has received and filed an application by J.O. Fisher, Sr. & Warren Sand & Gravel Co., for approval, without loss of priority, of changes in point of diversion & use heretofore made of water under a certain water right.

The affected water right is described by the certificate recorded at page 11975, Volume 11, State Record of Water Right Certificates, in the name of Scappoose Dairy and is for the use of not to exceed 0.16 cubic foot per second from Scappoose Cr., under a priority date of Oct. 5, 1934, for irrigation of a certain 11.4 ac in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 1, T 3N, R 2W, WM; and 1.0 ac in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 36, T 4N, R 2W, WM.

The authorized point of diversion is located 940 ft S & 1000 ft W from the NE Corner of Sec 1, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 1, T 3N, R 2W, WM.

The applicant proposes to change the point of diversion therefrom and to change the use heretofore made to washing of sand & gravel during the irrigation season, from a point located 50 ft N & 200 ft W from the SE Corner of Sec 36, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec 36, T 4N, R 2W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Tuesday, November 20, 1979, at the Columbia County Courthouse, St. Helens, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at P.O. Box 1026, Scappoose, OR 97056; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 21st day of September, 1979.

James E. Sexson, Director



RECEIVED

APR 15 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

ROGER C. GERMUNDSON  
LAWYER  
1300 LINDEN BUILDING

1300 N.E. LINDEN AVENUE  
P.O. Box 594  
GRESHAM, OREGON 97030

TELEPHONE  
(503) 667-6173

April 14, 1988

Mr. Bruce A. Estes, PLS  
Senior Water Right Specialist  
Water Resources Department  
3850 Portland Road, N.E.  
Salem, Oregon 97310

Re: File T-4271

Dear Mr. Estes:

Thank you for your letter of March 4. I'm sorry for the delay in answering you, but my client had to gather some information before I could reply to your letter.

The following is a breakdown of the usage from 1981 through the present period:

- 1981 Mining gravel and washing gravel.
- 1982 Hauling, mining and washing gravel.
- 1983 Poissot Enterprises commenced work 8/20/83 using a 1" pump which has been continuously used since that time and is the only source of water, as there is no other water. Washing and mining of gravel continued.
- 1984 to Early 1985 Poissot Enterprises continued to use water as well as some washing into early 1985.
- 1985 to 1988 Poissot Enterprises were the prime users, though the washing 5" pump is still in place and can be activated.
- 1988 My client obtained a new gravel mining permit in June of 1987, and is in the process of reactivating the pit, which will require washing of material.

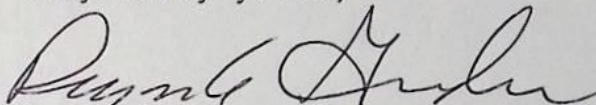


Mr. Bruce A. Estes, PLS  
April 14, 1988  
Page 2

I am enclosing a sworn statement from Keith Poissot of Poissot Enterprises, and a copy of the Final Order of the Planning Commission of Columbia County authorizing a Conditional Use Permit.

If you need any further information, please do not hesitate to contact me.

Very truly yours,



Roger C. Germundson

RCG:ph  
Enclosures  
cc: Mrs. Dorothy M. Jones

25 Apr 88  
sent back to survey  
with the additional information,  
called Germundson. *AE*





## STATE OF OREGON

## INTEROFFICE MEMO

DEPT.

TELEPHONE

TO: Transfer 4271 Warren Sand & Gravel,  
J. O. Fisher

DATE: August 17, 1979

FROM: Chris Wheeler *[Signature]*

SUBJECT: Elmer Duren's complaint

Elmer Duren complained that two domestic wells are muddy from Warren Sand and Gravel operations. Clayton Gardner's deputy shut them off for no water right. I suggested that he stay away until he heard further from the office. Kent Mathiot took a quick look and will contact DEQ. Kent will set up for further investigation and determine facts.

The transfer can't be approved for six weeks or so because of mandatory notice. Clayton doesn't know pit depth or if any ground water is in the pit or not. No one from his office has actually checked the well water to see if it is muddy.

The 0.14 cfs involved in the irrigation right is not very much to wash gravel with, but Clayton doesn't know how much they were pumping.

cc: Newt Perry



SECTION

T-4271

TOWNSHIP 3N, RANGE 2W, W. M.

RECEIVED

AUG 7 1937

WATER RESOURCES DEPT.  
SALEM, OREGON

North

36

31

Proposed point of Diversion  
50' N. & 200' W. from  
S.E. Cor. Section 36  
T. 4 N. R. 2W. W. M.

Area of gravel  
operation

D.L.C. No. 37

D.L.C. No. 43

Pump

Scapoose Dairy

6

South

Scale: 4" = 1 mi.

Aug 24 1937

APPLICATION No. 15565

PERMIT No. 11460



# PUBLIC NOTICE

## NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4271

The Water Resources Director of Oregon has received and filed an application by J. O. Fisher, Sr. & Warren Sand & Gravel Co., for approval, without loss of priority, of changes in point of diversion & use heretofore made of water under a certain water right.

The affected water right is described by the certificate recorded at page 11975, Volume 11, State Record of Water Right Certificates, in the name of Scappoose Dairy and is for the use of not to exceed 0.16 cubic foot per second from Scappoose Cr., under priority date of Oct. 5, 1934, for irrigation of a certain 11.4 ac. in NE 1/4 NE 1/4, Sec. 1, T 3N, R 2W, WM; and 1.0 ac in SE 1/4 SE 1/4, Sec. 36, T 4N, R 2W, WM.

The authorized point of diversion is located 940 ft S & 1000 ft W from the NE Corner of Sec. 1, being within the NE 1/4 NE 1/4, Sec. 1, T 3N, R 2W, WM.

The applicant proposes to change the point of diversion therefrom and to change the use heretofore made to washing of sand & gravel during the irrigation season, from a point located 50 ft N & 200 ft W from SE Corner of Sec. 36, being within the SE 1/4 SE 1/4 of Sec. 36, T 4N, R 2W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Tuesday, November 20, 1979, at the Columbia County Courthouse, St. Helens, Oregon. Any objection to the proposed changes must be prepared in writing; one copy to be served on the applicant at P.O. Box 1026, Scappoose, OR 97056; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 21st day of September, 1979.

James E. Sexson, Director

Date of first publication  
Sept. 27, 1979

Final publication Oct. 11, 1979

RECEIVED

NOV 13 1979

WATER RESOURCES DEPT  
SALEM, OREGON

## Affidavit of Publication



COUNTY OF COLUMBIA } ss.  
STATE OF OREGON

I, Gilbert J. Crouse being first  
duly sworn, depose and say that  
I am the editor and publisher

of SENTINEL-MIST CHRONICLE,  
a newspaper of general circulation,  
as defined by sections ORS  
193.010 and 193.020, printed and  
published at St. Helens, in the  
aforesaid county and state; that  
the Notice of Water Right  
Transfer Application

NO. 4271  
a printed copy of which is hereby  
annexed, was published in the  
entire issue of said newspaper for  
Three successive and  
consecutive weeks in the following  
issues:

September 27, 1979

October 4, 1979

October 11, 1979

Subscribed and sworn to before  
me this 30 day of October,  
1979.

Carol A. Gaylor  
Notary Public of Oregon

My commission expires  
10 day of March

1983.

ok  
SEA





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 11-30, 1979

FROM: \*\* Clayton Gardner, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4271IN THE NAME OF J.O. Fisher Sr. & Warren Sand & Gravel Co.

RECEIVED

DEC - 31 1979

WATER RESOURCES DEPT  
SALEM, OREGON

In my opinion the proposed changes in point of diversion & use of water from Scappoose Cr.  
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY\*~~ to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which  
serves this right.

If for change in point of diversion, is there any intervening point of diversion  
between the authorized and the proposed points of diversion? No  
(yes or no)

In my opinion, the order approving the subject transfer application should include  
the following in regard to the appropriator installing suitable measuring devices  
in the diversion works:

- X (1) PRIOR to the diverting of water at the new point of diversion . . .  
\_\_\_\_\_ (2) When in the judgment of the watermaster it becomes necessary . . .

\* The approval of this transfer application would result in injury to other water  
rights because \_\_\_\_\_

\* Clayton Gardner  
Watermaster's signature or initials



Sam Allison

Sam Allison



## SCAPPOOSE CREEK

WR T-0982-C1

\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*  
 \*\*\* WATER RIGHTS DIVISION \*\*\*  
 \*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

 PAGE 1  
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. 1000042711 PERMIT NO. 011460 CERTIF. NO.  
 ORIG. NO. A000155651 PREV. NO. A000155651 SUPER. NO.

NAME: J. O. FISHER, SR

ADDRESS: WEST LAKE RD

CITY/STATE/ZIP/COUNTY: SCAPPOOSE, OR 97056

STREAM-ID 02 1120 0010 0030

RIV. MI.

WM. DIST. 01 W.R. TYPE SA STATUS V

CANCEL YEAR---&gt;

CONSTR. COMPLT---&gt; 08 22 1980

YR. LAST USED-----&gt;

NEXT ACTION DUE---&gt;

PRIORITY-----&gt;

PUT TO USE-----&gt; 08 22 1980

LAST TRANS. DATE--&gt;

LAST TRANS. TYPE--&gt;

APPLICATION---&gt; 08 07 1979

SURVEYED-----&gt;

EXAM. FEE-----&gt; 20.00

RECORDING FEE-----&gt; 15.00

PERMIT ISSUE---&gt; 08 22 1980

CONCURRENCE-----&gt;

CYCLE STATUS-----&gt;

REPORTED FLAG-----&gt;

CONSTR. STRT.---&gt; 08 22 1980

CERTIFIED-----&gt;

CORRES. INIT.-----&gt;

CORRES. DATE-----&gt;

 POINT-OF-DIVERSION DATA:  
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

040N 020W 36 D D 02 1120 0010 0030

0.160

V P

 \*\* REMARKS;----->  
 \*\* DATED-->

\*\* POD: 50' N &amp; 200' W PM SE COR

\*\* S 36. CHANGES USE &amp; POD

\*\* ALL OF C-11975. ORDER AMENDED

\*\* 9-5-80, SPOR V 33,8646.

 PLACE-OF-USE DATA:  
 TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

030N 010W 06 B B 05 1H 100 - V P

030N 020W 01 A A

040N 010W 31 C C

040N 020W 36 D D

W.R.I.S.

Assembled 3-19-85 by SPA

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

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