

also Akiyama

Name George Akiyama
By _____
Address 5601 Binns Hill Drive
Hood River, OR 97031

Change in POU
Date filed July 25, 1979
Date of hearing _____
Place of hearing _____
Date of order 12-20-79 Vol. 32, page 593
Date for application of water 10-1-81
Proof mailed _____
Proof received _____
Certificate issued FEB 1 1980 Vol. 42, page 48961
Oct 03, 2008 84753
84739

4263

DESCRIPTION OF WATER RIGHT

Name of stream unnamed stream
Trib. of Indian Creek County of Hood River
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1900
In name of Wm. A. + E. A. Miller
Hood River Adjudication, Vol. 6, page 242
App. No. _____ Per. No. _____ Cert. No. 14996
Certificate cancelled _____
Notation made on record by See

FEES PAID

Date	Amount	Receipt No.
<u>7-25-79</u>	<u>30-</u>	<u>13031</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

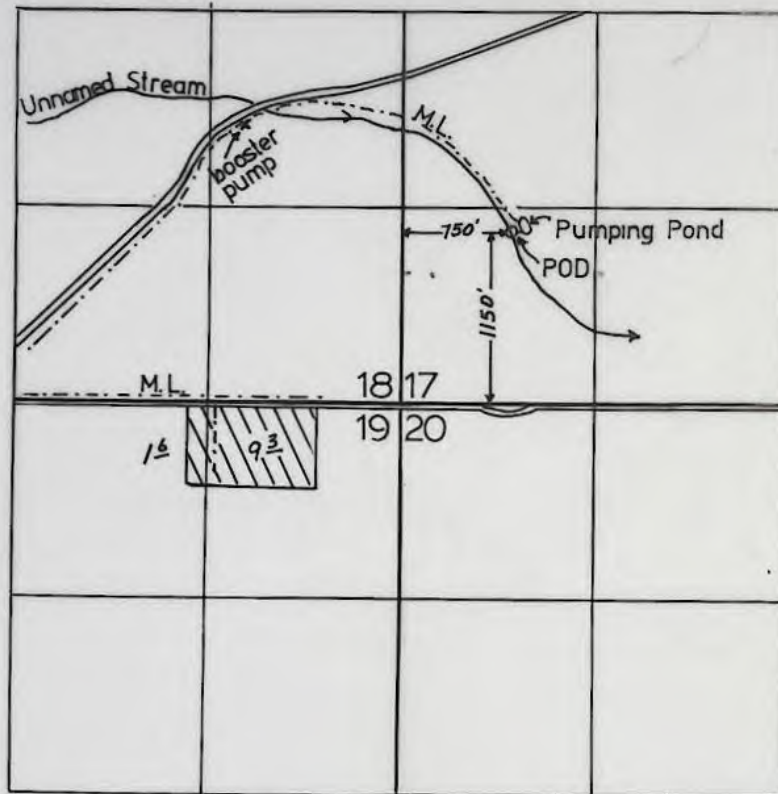
Date	Amount	Check No.

REMARKS

W.D.S.	
Assembled <u>3-11-81</u> by <u>W.D.S.</u>	
Entered _____	by _____
Verified _____	by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
	☒ Name	<u>leg</u>
	☒ Stream	<u>leg</u>
	☒ Pt. of Div.	<u>leg</u>
	☒ Calendar	<u>leg</u>
	CHECKED TO RECORDS:	
	☒ Twp. & Rge.	<u>leg</u>
	☒ Decree-vault	<u>leg</u>
	☒ Decree-safe	<u>leg</u>
	☒ Cert. of W/R	<u>leg</u>
	☒ Per. Folder	<u>leg</u>
	☒ Chainindex	<u>leg</u>
	☒ Cross Ref.	<u>leg</u>
	☒ Power Claim	<u>leg</u>
	☒ Abstracts	<u>leg</u>

T. 2 N., R. 10 E., W.M.



1" = 1320'

FINAL PROOF SURVEY

UNDER

Transfer 4263

IN NAME OF

George Akiyama

Surveyed SEPTEMBER 30, 1993, by L. MILLER

July 7, 2006

TO: File T-4263

FROM: Larry Nunn

SUBJECT: Problems

This transfer allowed a change in POU. The original certificate did not list a POD. The transfer application map showed a point of diversion. The transfer processor used that application POD in the order and on the RR certificate.

June Miller did a FP survey and found a different POD being used. Upon looking at the application map, the quad map (Interactive mapping), the adjudication map, and June's survey, there is a question about the POD and source. What June found is either a wrong POD being used, or the wrong source being used.

It appears to me that it is very possible that the wrong source is being used. This means a certificate can not be issued, and the transfer should be cancelled.

[above copied from original memo]

May 30, 2008

I took another look at this file and final proof survey. I have reached a different conclusion.

June Miller, in a memo dated December 23, 1997, described the original POD and stated the POD shown on the order and remaining right certificate was not the original POD. It now appears that source June mapped is the source described by the original water right, Certificate 14996. This is confirmed by the local Watermaster.

The source shown on the transfer application map appears to be a ditch which diverts water from the source, an unnamed tributary of Indian Creek. The POD shown on the transfer application map appears to be a re-diversion from the ditch. This re-diversion is the POD described in the order and on the remaining right certificate.

It appears that the applicant is using an incorrect POD; but is using the correct source.

Neither the Hood River Decree nor Certificate 14996 described the POD. Nor is a POD apparent on the adjudication map. However, when the POD described in the order is plotted on the adjudication map, it falls well away from any mapped water source. Also when the order POD is plotted on an aerial photo using both interactive mapping and Google Maps, the POD falls within an orchard; again not near any water course.

(added June 2, 2008) The current assessor's map shows the unnamed tributary of Indian Creek on the map. It seems to indicate that the POD on the application map (an earlier version of the assessor's map) was mis-located. The water course on east end of the property matches on both maps. It is on the west end that the two maps disagree.

Therefore, I propose to issue a proposed certificate with no POD listed, the same as the original certificate. I also propose to issue a correcting remaining right certificate which does not show a POD.

The other option is to issue both certificates with June's POD location. But that may be a defacto change in POD. It is possible, or even likely, that the current POD is not the same as the original POD at the time of the adjudication.

July 7, 2006

TO: File T-4263

FROM: Larry Nunn

SUBJECT: Problems

This transfer allowed a change in POU. The original certificate did not list a POD. The transfer application map showed a point of diversion. The transfer processor used that application POD in the order and on the RR certificate.

June Miller did a FP survey and found a different POD being used. Upon looking at the application map, the quad map (Interactive mapping), the adjudication map, and June's survey, there is a question about the POD and source. What June found is either a wrong POD being used, or the wrong source being used.

It appears to me that it is very possible that the wrong source is being used. This means a certificate can not be issued, and the transfer should be cancelled.

*Called Bob Woods to find actual source & Diversion
5/29/08
541-506-2650*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HOOD RIVER COUNTY

IN THE MATTER OF THE APPLICATION)
OF GEORGE AKIYAMA FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM AN UNNAMED STREAM)
- - - - -

ORDER APPROVING
TRANSFER NO. 4263

On July 25, 1979, an application was filed in the office of the Water Resources Director by George Akiyama for approval of a change in place of use of water from an unnamed stream, tributary of Indian Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 14996, Volume 12, State Record of Water Right Certificates, in the names of Wm. A. Miller and E.A. Miller, describes a right which includes the use of not to exceed 1/80th cubic foot per second per acre from an unnamed tributary of Indian Creek for irrigation of a certain 7.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 16.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 2 North, Range 10 East, W.M., with a date of priority of 1900.

Water for the said right is diverted, through an unnamed ditch, from a point located 900 feet North and 200 feet East from the Southwest Corner of Section 17, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 2 North, Range 10 East, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to use said water for primary irrigation of a certain 11.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19 and supplemental irrigation of a certain 12.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, both in Township 2 North, Range 10 East, W.M.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

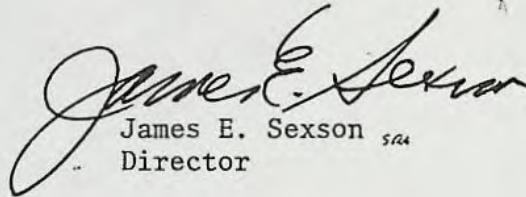
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 14996, Volume 12, 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 20th day of December, 1979.


James E. Sexson *sas*
Director

POD
POLI
USE
Add'l POD

County Hood River

1. Name George Akizama
Address 5601 Binna Hill Dr., Hood River, OR 97031

2. Source of Supply up stream, Trib of Indian Cr.

3. Use irrigation

4. Amount of Water 1/80th cfs/ac Priority Date 1900

5. Proposed Point of Diversion

hi Dick
owner

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
2 N	10 E	17 19	NE NE	11 ^o primary
		18	NE SE	12^o sup'l.

Dick
~~Kobayashi~~
Koba

June Mills F.I 9/30/93
A-12-101 4/1027-180-23C -

1900
Kobayashi, Dick
present owner
5591 Binns Hill Rd

Disck
~~Kontak~~
Kabayashi
HA 380-3497
5591
ims

Hood River
97031

was not
OPK. Good slave
Bought from Y
R on Bony. One
Amb up. One
School was
brought over
to the school
in front of the
school.
grapevine
W. Shop
in house
marked with

7 1/2 HP Pump - PVC.

1540 HP - Booster Pump. - 3 Steel ML

3 1/2" Buried PVC/steel.

peers/demirs

sprinkler heads. 1/8" RB's - All/

2" Alum HL 20'

2nd
for

purchased from Ayle 5/1991

5' x 8' collection tank.

United Industrial
3530 RPM

Backlog pump on

Pnd

7 1/2 HP

35

180 PSI operating pressure

3" in 2 1/2" out

2 1/2
1 1/2 in
out
2 1/2 in

garden hose 3/4" x 500'
lawn sprinklers

5' 6" 1/2

1 1/2" 2
pnd

6' ^{concrete} ~~terrazzo~~ pnd from unattached to N side of
30' : Creek

110' x 90' 10' deep dry pond

spillway for overflow

4' on S side of Pond back out to

pump on NW corner

Transfer 4363 Final Proof Survey

Sept 30, 1993

Information: Dick Kobayashi, present owner, address 5591 Binns Hill Road, Hood River, OR 97031

Source: Unnamed stream, a trib of Indian Cr.

Diversion: The diversion is with a 6 inch concrete pipe diverting water from the North side of the unnamed. The concrete pipe is tee'd with another 6 inch pipe. From here the water is transported through about 25 feet of pipe to the Southwest end of a pumping pond. The pumping pond is about 110 feet long and 90 feet wide, with a max. depth of 10 feet. The pond has a 4 foot wide spillway on the south end to carry the overflow back to the stream channel.

There is a 7 1/2 HP General Electric motor with a CDD Berkley pump, 2 1/2" intake and a 1 1/2" out, that sets on the NW corner of the pond. This is feed with a 10 foot piece of 3" alum., suction pipe. From here the water is pumped up (about 1900-2000) feet through 3" buried main line, some PVC and some steel, to a 5 X 8 foot collection box. AT the collection box, there is a 15 HP United Industrial motor, rated at 3530 RPM, with a CDD booster pump. The booster pump has a 3 inch intake and a 2 inch out to 3 inch ML. The main line continues another 5000 feet to the place of use.

At the place of use, the irrigation is through 20 foot section of 2 inch aluminum hand line. There are 30 sections of HL with rain bird 1/8 inch sprinkler heads attached.

Mr. Kobayashi stated all 30 heads could be used at one time.

Use: Orchard, pears and cherries

Lift: 30' lift from the pump on the pond to the booster then another 40 foot lift to the place of use.

tie: section lines between section 18 and 17 identified on aerial and on the ground, also west side of the orchard irrigated under P #44720 and county road.

survey type: aerial 41027-180-23L

The supplemental for the 12 acres in section 18 is not being applied.

Mr. Kobayashi stated an assignment was submitted upon sale. He purchased this place is 1991.

The aerial surveyed from is a 1988-1989 series and the orchard shows up on this aerial. Mr. Kobayashi stated this has been irrigated a long time. (Unknown when started).

June Miller, Field Inspector, (see attached memo on POD)

INTEROFFICE MEMO
WATERMASTER DISTRICT # 4
Water Resources Department

TO: Don Knauer and Larry Nunn DATE: December 23, 1997
FROM: June Miller
SUBJECT: Transfer 4263

This is a place of use transfer from a decreed water right. The adjudication map does not identify the location of the POD for the decreed right. This transfer did not change the POD, just the place of use. The transfer order and the remaining rights cert. describe the location of the POD as being 900 feet North and 200 feet East from the SW corner of Sec. 17.

I did the FPS for this transfer in the fall of 1993. The land owner showed me the POD, which is not as described on the transfer order, or the remaining rights cert. This description does not place the POD on the channel of the unnamed stream.

The original POD is still in place. The original POD is a 6" concrete pipe, out of the unnamed, to a concrete structure headgate, and then into a ditch system. This same concrete pipe is tee'd into with a 6" pipe, before the headgate structure, to feed the pumping pond for T # 4263.

Should there be a correction on the remaining rights certificate and the transfer order describing the POD?

I mapped the POD on the proof map for the transfer as I located it on the ground. Should this be changed to be in agreement with the order?

June Miller
Field Inspector

A F F I D A V I T

RECEIVED

JUN 24 1992

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON)
)
County of Hood River) ss

We, George and Ruth Akiyama, being first duly sworn, hereby depose and say that we are the legal owners of the property described by the deed and legal description attached and made a part hereto, and the water right that is appurtenant to said lands; that the water right is described in an order of the Water Resources Director entered December 20, 1979, approving transfer 4263, with priority date of 1900, for the use of water from an Unnamed Tributary of Indian Creek for supplemental irrigation of 12.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 2 North, Range 10 East, W.M.; that we have abandoned any and all interest in this water right and request that said right be cancelled that is appurtenant to our land.

IN WITNESS WHEREOF, We hereunto set our hands this day ^{22nd} of June 1992.

George Akiyama
George Akiyama

Ruth Akiyama
Ruth Akiyama

Barbara A. Martz
Notary Public for Oregon

My Commission Expires: 11-16-93

ANNALA, CAREY, VANKOTEN & SCHAFFER, P.C.

WAYNE C. ANNALA
WILFORD K. CAREY
VICTOR W. VANKOTEN
LINDA SCHAFFER

ATTORNEYS AT LAW
305 CASCADE
HOOD RIVER, OREGON 97031

TELEPHONE 386-1811
FAX 503-386-6242
P.O. BOX 325

January 29, 1992

Water Resources Department
State of Oregon
3850 Portland Road N. E.
Salem, Oregon 97310

Gentlemen:

The undersigned George Akiyama and his wife, Ruth Akiyama, hereby make the following application. This application is in the form of this letter based upon the advice of Mr. Larry Toll, Water Master in The Dalles, Oregon, who suggested to the undersigned attorney for the Akiyamas, that a standard application form would not really fit the subject matter and it could best be addressed in the form of a letter outlining the request.

By application for transfer of water letter T-4263 dated July 21, 1979, the undersigned George Akiyama made reference to 23 acres of water in Section 17, Township 2 North, Range 10 East of the Willamette Meridian with a priority date of 1900 based upon the Miller certificate, Volume 12, page 14996 State Record of Water Right Certificates. He requested transfer of that water from that land which he owned to two tracts which he owned, one being located in Section 18 and one being located in Section 19.

Thereafter, the Director issued his order approving that transfer which is Order No. 4263, Volume 32, pages 593 and 594. Enclosed herewith find photocopy of both the application and the order.

In order to reduce this present application to a layman's understanding, as well as the English language, there is attached hereto a map. The three tracts involved in transfer No. 4263 are highlighted on the attached map and the common section corner of Sections 17, 18, 19 and 20 is obviously located with those sections being identified at the common corner by circled numbers. It should be easier to follow this application by references hereafter to the tract in Section 17 from which the water was transferred by

FEB - 5 1992

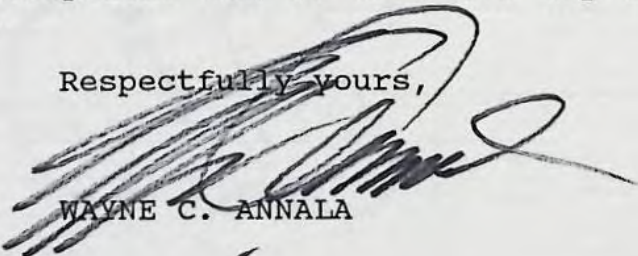
WATER RESOURCES DEPT.
EAL

transfer No. 4263 to the Akiyama tract in Section 18 which is highlighted and the Akiyama tract in Section 19 which is highlighted. In accordance with the order, 11 acres of water was transferred as primary irrigation water to the tract in Section 19 and 12 acres of supplemental irrigation water was transferred to the tract in Section 18. The Akiyama tract in Section 17 had originally 23 acres of primary irrigation water. It appears that the effect of Order No. 4263 was to convert primary irrigation water to supplemental irrigation water as to the Section 18 tract and to transfer primary irrigation water to become primary irrigation water on the Section 19 tract. In view of the fact that the transfer order transferred 23 acres of water, it would appear to have transferred all of the water from the Section 17 tract.

As an actual fact, there seldom is anything approaching 23 acres of water available to be acted upon under transfer Order No. 4263. Therefore the applicants wish to abandon the 12 acres of supplemental irrigation water transferred to their tract in Section 18. The impetus to abandon 12 acres of transferred supplemental irrigation water is a companion application enclosed herewith wherein the applicants desire to transfer all of their primary irrigation water from the Section 18 tract to a different 35 acre tract in Section 19. Upon condition that the enclosed companion application is allowed, which allowance will transfer all existing primary irrigation water from the Section 18 tract, there then will be no primary water under the supplemental water in the Section 18 tract and it is the applicants' understanding that this creates both present and future difficulties which can be solved by their request herein for abandonment. This abandonment to be effective upon allowance of the enclosed companion application.

In order to provide accurate legal descriptions of the three tracts herein mentioned, there is also attached hereto a description sheet which is keyed to the highlighted portions on the attached map. The attached map does bear tax lot numbers and arrows to the three highlighted tracts, however, the description sheet identifies the highlighted tracts by the sections in which they are located and by tax lot numbers indicated on the map. In this manner, the legal descriptions can be used for any future orders if it is so desired.

Respectfully yours,



WAYNE C. ANNALA

Water Resources Department
January 29, 1992
Page 3

FEB - 5 1992

WATER RESOURCES DEPT.
S. L. C.

APPLICANTS APPROVE THE
FOREGOING APPLICATION

George Akiyama
George Akiyama

Ruth Akiyama
Ruth Akiyama

WCA/bam
Enclosures

DESCRIPTION SHEET

George Akiyama

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FEB - 5 1992

WATER RESOURCES DIV.
SALEM, OREGON

Section 19 Tract (2N-10-19-300):

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 19, Township 2 North, Range 10 East of the Willamette Meridian; thence South along the West line of said quarter-quarter for 595.0 feet to an iron pipe; thence East parallel to the North line of Section 19 for 814.8 feet; thence North $3^{\circ} 45'$ East 595.3 feet, more or less, to the North line of Section 19; thence West along said section line 849.1 feet to the place of beginning, located in Hood River County, Oregon.

Section 18 Tract (2N-10-18-1400):

Beginning at the Southeast corner of the Northeast quarter of the Southeast quarter of Section 18, Township 2 North, Range 10 East of the Willamette Meridian, in the County of Hood River, State of Oregon, and running thence West 1530 feet to the center of the present Parktown County Road; thence in a Northeasterly direction along the center of said County Road, 805 feet; thence West 200 feet; thence North 80 feet; thence East 220 feet to the center of said County Road; thence along the center of said County Road in a Northeasterly and Easterly direction to the intersection of the North and South line on the East boundary of said Northeast quarter of the Southeast quarter of said Section 18, in Township and Range aforesaid; thence South 858 feet to the place of beginning, containing 25 acres, more or less.

Section 17 Tract (2N-10-17-2800):

That portion of the North half of the South half of the Southwest quarter of Section 17, Township 2 North, Range 10 East of the Willamette Meridian, in the County of Hood River, State of Oregon, that is Westerly of the center line of the County Road known as Lover's Lane; EXCEPTING THEREFROM a strip of land 4 feet in width along the South line thereof as described in deed from Ethel Miller to Y. Mori et al., recorded May 23, 1923, in Book 17 at page 292, Deed Records Hood River County; AND ALSO EXCEPTING THEREFROM any portion thereof that may lie within the boundaries of that tract of land conveyed to Lillie Belle Forsberg by deed recorded May 23, 1916, in Book 10 at page 589, Deed Records Hood River County.

Aug. 20, 1979

Water Resources Dept.
Salem, Ore.

RECEIVED

AUG 21 1979

WATER RESOURCES DEPT
SALEM, OREGON

RE File # T-4463

Dear Sir: In returning this application form, I have written the property designation on the property to irrigate so hope you can understand it.

I am also planning to use the water on another 11 acre property with Orchard which at present has no water. This way I will be transferring all 23 acre water to ~~another~~ the other two properties with 12 and 11 acres.

In regards to Cook with the 2 acre parcel, yes, he is using the water for his place.

Yours truly,

George A. Kiyama



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

August 14, 1979

George Akiyama
5601 Binns Hill Drive
Hood River, Oregon 97031

RE: File No. T-4263

Dear Mr. Akiyama:

Your water right transfer application for approval of a change in place of use of water from Indian Creek, together with supporting data and fees in the amount of \$30, was received on July 25, 1979. Our receipt No. 13031 is enclosed.

I am returning your application and supporting data for further information.

The Hood River Decree, Vol. 6, page 226, allows three miners inches for irrigation of the 25 acre parcel (24.14 on the Assessor's map) to which the water is to be transferred. The water is appurtenant to the entire parcel, so the water to be transferred will be supplemental. If this is what you intend, please add "supplemental" to item No. 13.

The land to which the water is to be transferred should be more accurately shown on the map so we can identify which part of the parcel is receiving the water. The "From" map shows 24 acres; shouldn't this be 23 acres (7+16)?

The acreages shown in items Nos. 8 and 13 should be the same; otherwise, we are required to treat the water not transferred as being voluntarily abandoned. This would mean a loss of water for 11 acres. If you want to transfer only the 12 acres shown in item No. 13, please change item No. 8 to agree. You can also transfer the remaining 11 acres to another parcel if practical.

Certificate 14996 shows a right for the use of water for 18 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17. The Hood River County Assessor's map shows Cook as the owner of that 2 acre parcel located east of Kingsley Road. Is this correct, and is it being irrigated?

Upon receipt of the amended application and map, we can proceed with examination of your transfer.

Please refer any correspondence to file No. T-4263.

Sincerely,

Samuel R. Allison

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

cc: Thomas J. Paul, Watermaster

Dec. 5, 1979

RECEIVED

DEC - 6 1979

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Dept.
Salem, Ore.

Samuel R. Allison
Supervisor RE 711116.T-4263

Dear Sir: I am enclosing the Sect. maps with the drawing on the proposed parcels to be irrigated.

In regards to part of the 11 acres having water rights, I can find no such records on the Deed and as long as I had the property there never was any water for it. I talked this over with Mr. Tom Paul today, and he thought ^{maybe} someone got this piece miped up ^{as part of} ~~with~~ my 35 acre piece which has free water rights.

Furthermore, it just don't make sense, since our total of 50" free water is all accounted for in deeded rights to other property in this area.

I hope this will help you understand my application.

Sincerely,
George Akiyama

STATE OF OREGON

COUNTY OF HOOD RIVER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WM. A. AND E. A. MILLER

of Route 3, Box 133, Hood River, State of Oregon 97031, has
a right to the use of the waters of unnamed tributary

a tributary of Indian Creek
irrigation of 2.0 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Hood River County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at page 200; that the priority of the right thereby confirmed dates from 1900

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation, and that the total quantity diverted during the irrigation season shall not exceed three acre feet per acre, measured at the point of diversion

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, T. 2 N., R. 10 E., W.M.; 900 feet North and 200 feet East from the SW Corner, Section 17

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 17
T. 2 N., R. 10 E., W.M.

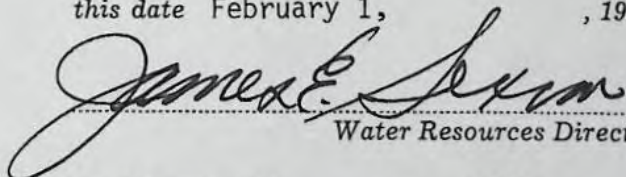
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 14996, Volume 12, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on December 20, 1979, approving transfer application No. 4263.

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

And said right shall be subject to all other conditions and limitations contained in said decree. 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 February 1, , 1980 .


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48961



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: DECEMBER 10, 1977.FROM: ** THOMAS J. PAULSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. T-4263IN THE NAME OF GEORGE AKIYAMA

In my opinion the proposed change in PLACE OF USE
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? _____
(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:

- ____ (1) PRIOR to the diverting of water at the new point of diversion . . .
X (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 _____

** Thomas J. Paul
Watermaster's signature or initials

RECEIVED

DEC-6 1979

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG 21 1979

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JUL 25 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-4263

To the WATER RESOURCES DIRECTOR OF OREGON:

I, GEORGE AKIYAMA (Name of applicant)
 of 5601 BINNS HILL DRIVE, Hood River,
 (Mailing address) (City)
 State of ORE, 97031, 386-1323, do hereby make application for change
 (Zip Code) (Phone number)
PLACE of USE
 (In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No Wm. A. Miller & E. A. Miller
 (If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
 (Yes or No)

Hood River number of certificate 14 996

3. Was your water right acquired by Water Right Permit? No If so, give number
 (Yes or No)

of permit Number of certificate

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 UNN. TRIB. Indian Creek

5. What is the date of priority of your water right? 1900

6. The authorized point of diversion is located 900 ft. N and 200 ft. E from the SW
 (N. or S.) (E. or W.)

corner of Sec. 17 being within the SW 1/4 SW 1/4 of Section 17 Tp. 2N R. 10E W. M.,
 (No. N. or S.) (No. E. or W.)

in the county of Hood River. The name of the ditch used is UNKNOWN

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

7. The proposed point of diversion is located ft. and ft. from the
 (N. or S.) (E. or W.)

corner of being within the 1/4 1/4 of Section Tp. R. W. M.,
 (No. N. or S.) (No. E. or W.)

in the county of 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 1/4-1/4 of Section	Number Acres To Be Irrigated
T2N	R10E	17	SW1/4 SW1/4	7
"	"	"	SE1/4 SW1/4	16

(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 Supplemental Irrigation
(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 1/4-1/4 of Section	Number Acres To Be Irrigated
2N	10E	18	NE1/4 of SE1/4	12 Acres
2N	10E	19	NE1/4 of NE1/4	11 "

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are The Land on this Property has a high mortality rate of Fruit Trees due to poor soil condition (not suitable for orchard) so therefore, I would like to use this water to irrigate my established orchard on the adjacent property which has insufficient water.

15. Construction work will be completed on or before Pump + Pond installed in 1968

16. The water will be completely applied to the proposed use on or before Aug. 1979

Remarks up until now I have been using part of this water for spray and supplementing when there was an oversupply in the holding Pond.

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, George Akiyama, 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 21 day of July, 1979.

George Akiyama
(Name of applicant)

Subscribed and sworn to before me this 21 day of July, 1979.

[Notarial Seal]

Notary Seal

NOTARY PUBLIC FOR OREGON

My commission expires 5-28-81

UNNAMED STREAM TRIB INDIAN CR

W T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***

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

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. 5000042631 PERMIT NO. 006242 CERTIF. NO.

NAME: GEORGE AKIYAMA

ORIG. NO. C000149961 PREV. NO. C000149961 SUPER. NO.

ADDRESS: 5601 BINNS HILL DR

CITY/STATE/ZIP/COUNTY: HOOD RIVER, OR 97031

STREAM-ID 041740 0020 —

RIV. MI.

WM. DIST. 03 W.R. TYPE SC STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 06 161980

YR. LAST USED-----> —

NEXT ACTION DUE---> —

PRIORITY-----> 12 31 1900

PUT TO USE-----> 06 16 1980

LAST TRANS. DATE---> —

LAST TRANS. TYPE---> —

APPLICATION---> 07 25 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 10.00

PERMIT ISSUE---> 12 20 1979

CONCURRENCE----->

CYCLE STATUS-----> —

REPORTED FLAG-----> —

CONSTR. STRT.---> 12 20 1979

CERTIFIED----->

CORRES. INIT.-----> —

CORRES. DATE-----> —

POINT-OF-DIVERSION DATA;
 TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

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

020N 100E 17 C C 041740 0020 —

0.288

V

P

** POD: 900' N & 200' E FM SW COR

** S 17. CHANGES FOR PART OF

** C-14996. R.R. C-48961.

PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

**----->

**----->

**----->

**----->

48961

W.R.I.S.

Assembled 3-17-85 by SDA

Entered by

Verified by



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

September 10, 1979

George Akiyama
5601 Binns Hill Drive
Hood River, Oregon 97031

RE: File No. T-4263

Dear Mr. Akiyama:

The maps you have submitted are not yet sufficiently detailed for us to determine the exact primary/supplemental relationship of the water rights and the transfers.

The only time we can use the county assessor's map is when you supply four copies of the complete page, to scale, with locations of the water rights being transferred shown accurately. Perhaps the Watermaster, Tom Paul, can help you in this respect.

The entire 12 acres of water right being transferred will be supplemental to 12 acres of the 24.14 acres in Section 18. The 11 acre parcel being transferred to Section 19 appears to supplement 6 acres existing under certificate 14993. In order to determine the relationship of the parcels, we will need copies of a map showing the location of the 6 acres and, with different shading, the 5 acres to receive primary water.

Please understand that once the status of water has been changed from primary to supplemental, it cannot be changed back to primary, so the water being transferred, once the order approving the transfer is entered in the records, will become supplemental to water already appurtenant to the parcel receiving the transferred water.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Thomas J. Paul, Watermaster

*app & map to G. Akiyama
w/ this letter*

2N	10	17		2800		5
TWP 5	RGE E	SEC	1/4 1/16	TAX LOT NUMBER	TYPE SPEC INT IN REAL PROP	CODE AREA NUMBER
MAP NUMBER				ACCOUNT NUMBER		

OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
HOOD RIVER COUNTY ASSESSOR'S OFFICE

FORMERLY PART OF T.L. NO. _____

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL	PG	
	T2N R10E WM.				
	Sec 17 All of N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ ly W of Indian Creek;				
	All of S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ ly W of Co Rd.	B&S B&S	58 58	328 405	36.59
	Exc: Co. Rd. 0.48				36.11
	Subject to: Easement		74	117	

RECEIVED

DEC - 6 1979

WATER RESOURCES DEPT
SALEM, OREGON

2N	10	18		1400		5
TWP	RGE	SEC	1/4	TAX LOT	TYPE	SPEC INT IN
MAP NUMBER				NUMBER	REAL PROP	
ACCOUNT NUMBER						

**OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
HOOD RIVER COUNTY ASSESSOR'S OFFICE**

FORMERLY PART OF T.L. NO. _____

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL	PG	
	Bat the SE cor of the NE$\frac{1}{4}$SE$\frac{1}{4}$ of Sec 18 T2N R10E WM; th W 1530 ft to the ctr of the present Parktown Co Rd; th in a NEly direction alg the ctr of sd Co Rd 805 ft; th W 200 ft; th N 80 ft; th E 220 ft to the ctr of sd Co Rd; th alg the ctr of sd Co Rd in a NEly direction to the intersection of the N and S line on the E bndry of sd NE$\frac{1}{4}$SE$\frac{1}{4}$ of sd Sec 18 T2N R10E WM; th S 858 ft to the POB...	Admn. D.	33	142	25.00
Exc:					
Co. Rd.	0.86				24.14

2N	10	19			300		5
TWP S	RGE E	SEC	1/4	1/16	TAX LOT NUMBER	TYPE	SPEC INT IN REAL PROP
MAP NUMBER					ACCOUNT NUMBER	CODE AREA NUMBER	

OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
HOOD RIVER COUNTY ASSESSOR'S OFFICE

FORMERLY PART OF T.L. NO. _____

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL	PG	
	Bat the NW cor of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 19 T2N R10E WM; th S alg the W line of sd $\frac{11}{44}$ for the 595.0 ft to an iron pipe; th E P11 to the N line of Sec 19 814.8 ft; th N 3° 45' E 595.3 ft M/L to the N line of Sec 19; th W alg sd Sec line 849.1 ft to the POB.	B&S	48	96	11.38
Exc:					
Co. Rd.	0.38				11.00

Section 17 T2N R10E WM
Hood River County

1"=400'

2N 10 17

RECEIVED

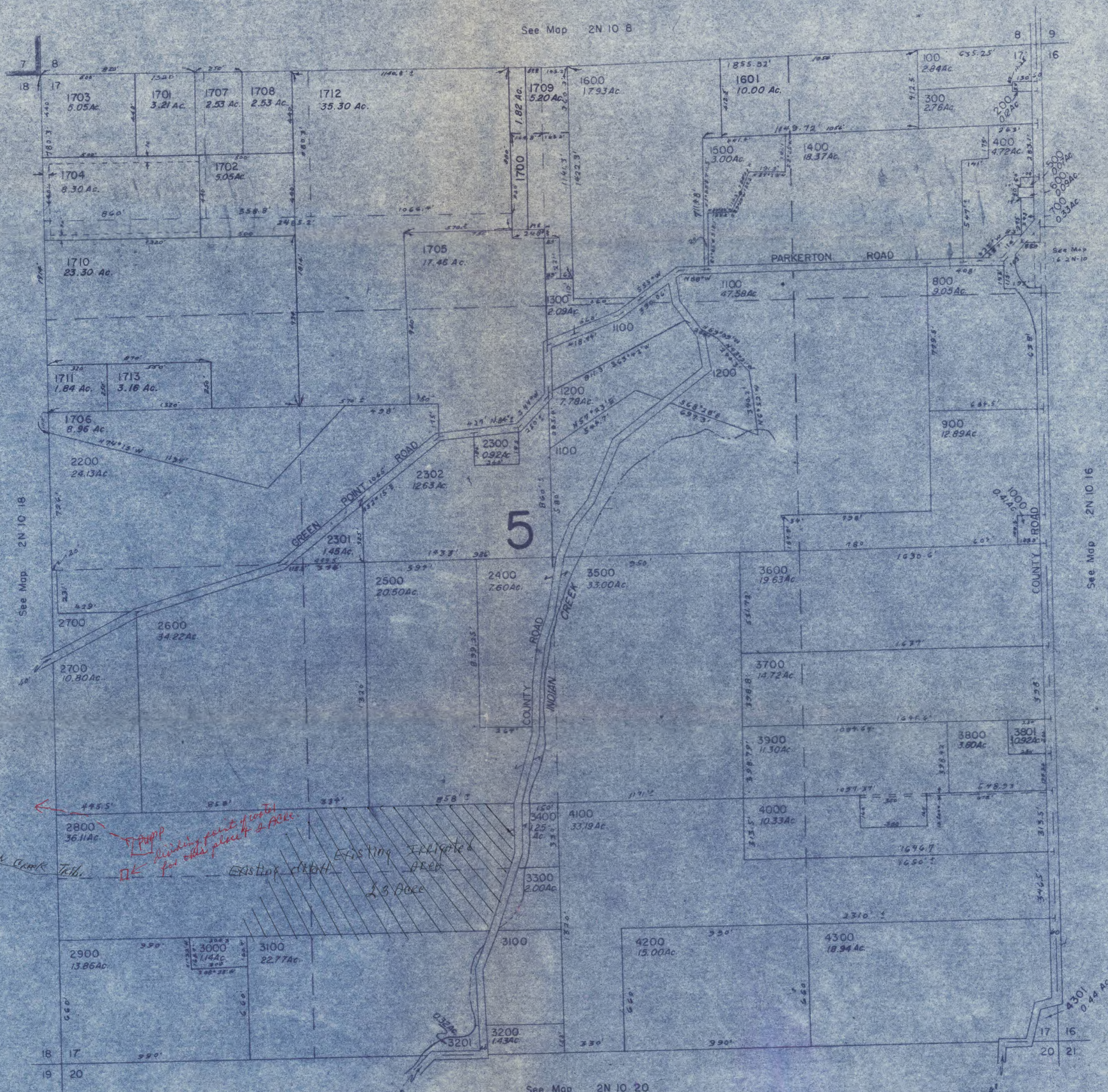
DEC - 6 1979

WATER RESOURCES DEPT
SALEM, OREGON

CANCELLED NO.

1800
1900
2000
2100

See Map 2N 10 8



See Map 2N 10 20

2N 10 17

Section 18 T2N R10E WM

Hood River County

1"=400'

RECEIVED

DEC - 61979

WATER RESOURCES DEPT
SALEM, OREGON

2N 10 18



2N 10 18

Section 19 T2N R10E WM
Hood River County

1/400'

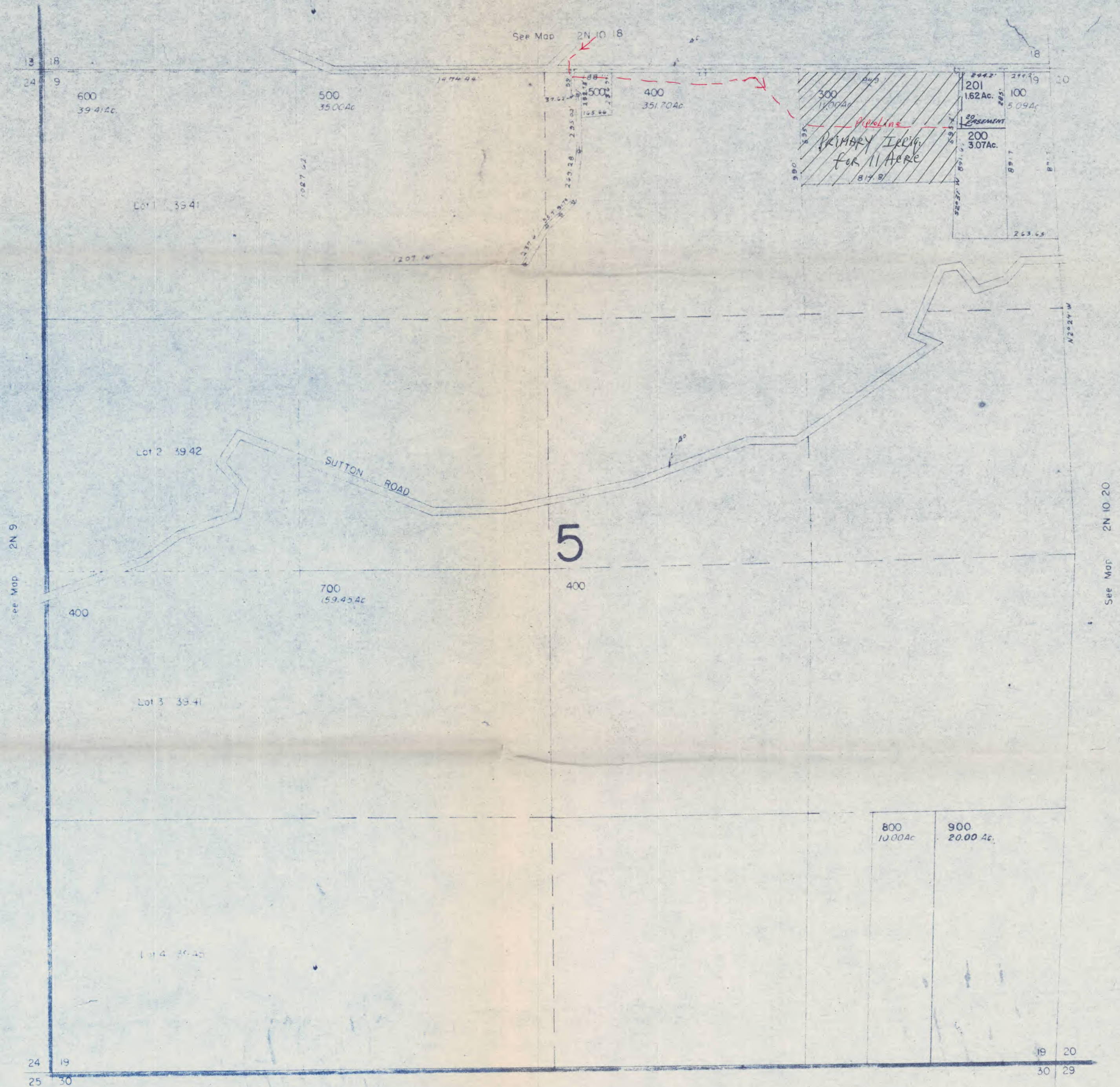
2N 10 19

Cancelled No 5

RECEIVED

DEC - 6 1979

WATER RESOURCES DEPT
SALEM, OREGON



2N 10 19