

Application No. 15013  
 Permit No. 10943  
 Certificate No. 12330  
 Stream Index, Page No. 2-45-8  
2-75

Name Joseph Hoffman  
 By \_\_\_\_\_  
 Address Route 1  
Oregon City, Oregon  
 Date filed June 28, 1933  
 Priority June 28, 1933  
 Action suspended until \_\_\_\_\_

**FEEES PAID**

Date	Amount	Receipt No.
6/28/33	\$5.00	16282
7/14/33	4.50	16342
Total		
12/20/39	\$1 Cert. Fee	25369

**FEEES REFUNDED**

Date	Amount	Check No.

Returned to applicant \_\_\_\_\_  
 Date of approval Sept. 9, 1933

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page

**CONSTRUCTION**

Date for beginning 9-9-34  
 Date for completion 10-1-35  
 Extended to 10/1/36 10/1/37 10/1/38  
 Date for application of water 10-1-36  
 Extended to 10/1/37 10/1/38

**REMARKS**

0.18 sec. ft. from Beaver Creek, Trib., Willamette R. for irrigation of 14 acres.  
9-12-34- Card for A.  
10-23-35- Card for B.

**PROSECUTION OF WORK**

Form "A" filed Sept. 15, 1934  
 Form "B" filed Oct. 28, 1935  
 Form "C" filed Oct. 28, 1935

**FINAL PROOF** Sept. 16, 1938 ce.

Blank mailed Oct. 30, 1935  
 Proof received \_\_\_\_\_  
 Date certificate issued April 2, 1940

*OK for Cert*



Form A

NOTICE OF BEGINNING OF CONSTRUCTION

15013

I, Joseph Hoffman, the holder of Application No. 10943, being Removable Dam Permit No. 10943, issued by the State Engineer of the State of Oregon for the appropriation of 0.18 second-feet of the waters of Beaver Creek in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, began the actual construction of the works described therein on the 10 day of June, 1934, being within the time limitation as fixed in said permit for the beginning of construction work.

Have cleared the creek from brush and trees and leveled the land to be irrigated. Have spent \$30. on the job.  
The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of September, 1934.  
Oregon City, Route 1 Joseph Hoffman  
(Present Address) (Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Form C

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Joseph Hoffman, the holder of Application No. 15013, being Dam Permit No. 10943, issued by the State Engineer of the State of Oregon for the appropriation of 0.18 second-feet of the waters of Beaver Creek in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, completely applied the water to a beneficial use, on the 1 day of August, 1936, being the time limitation as fixed in said permit or as extended by the State Engineer for the complete application of water to a beneficial use.

Remarks: \_\_\_\_\_  
If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of October, 1935.  
Oregon City, Ore Joseph Hoffman  
(Present Address) (Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Form B

NOTICE OF COMPLETION OF CONSTRUCTION

I, Joseph Hoffman, the holder of Application No. 15013, being Dam Permit No. 10943, issued by the State Engineer of the State of Oregon for the appropriation of 0.18 second-feet of the waters of Beaver Creek in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completed the construction of the works described therein the 1 day of August, 1935, being within the time limitation as fixed in said permit or as extended by the State Engineer for the completion of construction work.

Remarks: \_\_\_\_\_  
If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of October, 1935.  
Oregon City, Ore. Joseph Hoffman  
(Present Address) (Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.





BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )
) ss AFFIDAVIT ASSERTING
County of Clackamas ) NON-USE OF WATER RIGHT

1. I, Jason Staehely
(Legal Name)
of 21367 S Central Point Rd
(Oregon City, OR 97045)
(Address) (City) (State) (Zip Code)

Phone (503) 539 3764, say that:

2. Water Right Certificate number 12330
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek
for (use) irrigation
under a priority date of Jun 28, 1933

3. The total number of acres described in the certificate is 9.4

4. The subject water right is located within Tax Lot(s) 2302, in Township 3 S
Range 2 E, in the SW-SE 1/4, of
Section 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:
I have lived a mile away since 2015, before that I worked in Oregon City, commuting by the property frequently. From the rd I could see no evidence of water usage from 2009 to 2018. In 2020 and 2019 they began using water, as a result I noticed a significant reduction in our down stream water supply.





6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

irrigation From 01/2010 Through 01/2018  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty **that a portion of this water right has not been used for:**

irrigation From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling 9.4 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. js (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. js (Initial to indicate you have read this statement and understand your responsibilities).

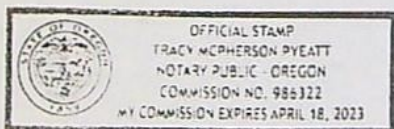




Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Jason Steady  
(Signature of Affiant)

Sworn to and subscribed before me this 8<sup>th</sup> Day of January 2021.



Tracy McPherson Pyeatt  
(Notary Public of Oregon)  
My Commission Expires 4-18-23

(SEAL)



SECTION 18 T.3S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

D. L. C.'S  
JOHN S. HOWLAND NO. 45  
BENJAMIN MAILES NO. 50

Canceled Taxlots

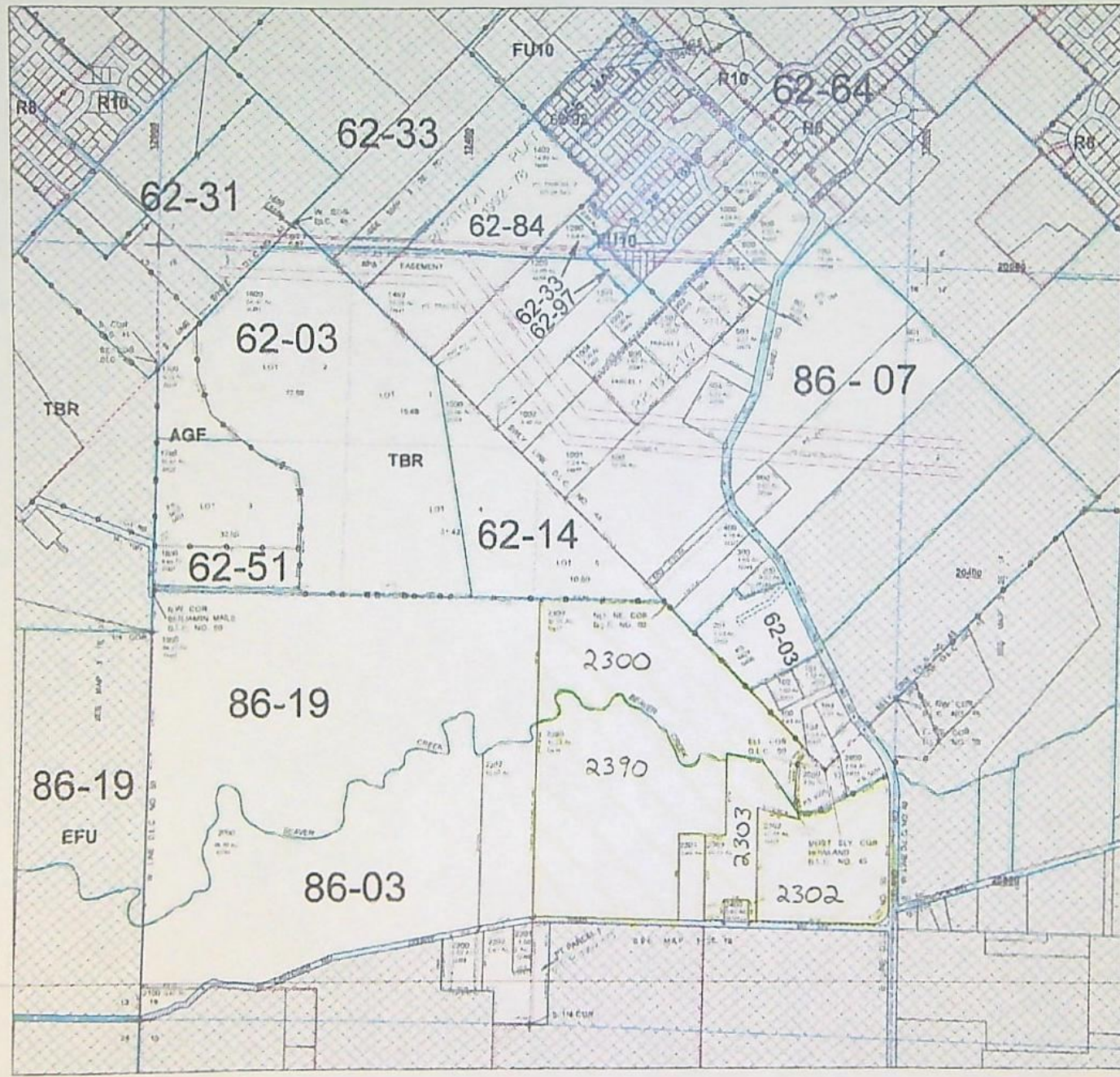
ASSESSOR  
MAP

- Parcel Boundary
- Private Road Right
- Historical Boundary
- Revised Contactor
- Unimproved Area
- Map Error
- Waterlines
- Land Use Zoning
- High
- Water
- Center
- Eastern Corner
- Utility Line
- Overhead Line
- Oil Line
- Measure Line
- PLS Section Line
- Historical Section Line
- Historical Section Line



ATTACH  
D-1/1

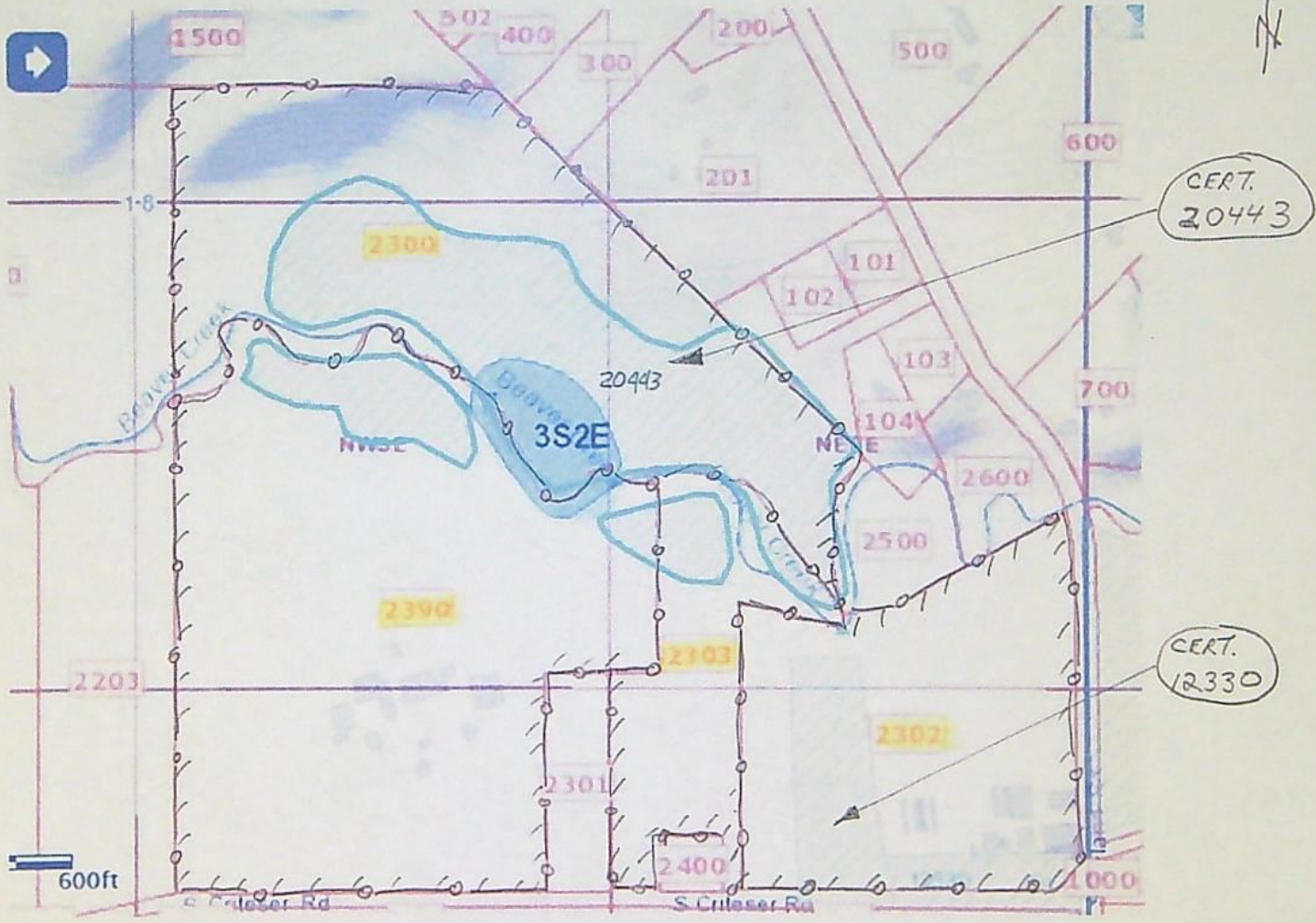
THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



Recd at OWRD electronically on 1/25/2021



E 1/2 518 (3S-2E)  
CLACKAMAS COUNTY



ATTACH E Y I



ATTACH F - 1/4

Clackamas County Parcel Information



TL2390

Parcel Information

Parcel #: 01492753  
 Tax Lot: 32E18 02390  
 Site Address: 12617 S Criteser Rd  
 Oregon City OR 97045 - 9708  
 Owner: Germany Loretta Jean Trustee  
 Owner2:  
 Owner Address: 12617 S Criteser Rd  
 Oregon City OR 97045 - 9708  
 Twn/Range/Section: 03S / 02E / 18 / SE  
 Parcel Size: 32.73 Acres (1,425,719 SqFt)  
 Plat/Subdivision:  
 Lot:  
 Block:  
 Map Page/Grid: 717-C7  
 Census Tract/Block: 023002 / 2008  
 Waterfront:  
 Building Use: RS0 - Single Family

Tax Information

Levy Code Area: 086-003  
 Levy Rate: 14.2183  
 Tax Year: 2020  
 Annual Tax: \$3,839.92  
 Exempt Description:

Legal

SEE SPLIT CODE ACCT 02300|Y|183,641

Assessment Information

Market Value Land: \$427,862.00  
 Market Value Impr: \$410,950.00  
 Market Value Total: \$838,812.00  
 Assessed Value: \$270,069.00

Land

Cnty Land Use: 551 - EFU farmland improved  
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District  
 Watershed: Abernethy Creek-Willamette River  
 Primary School: Carus School  
 High School: Canby High School  
 Land Use Std: AFAR - Farms And Crops  
 Neighborhood: Central Point - Leland - New Era  
 School District: 86 - Canby  
 Middle School: Baker Prairie Middle School

Improvement

Year Built: 1936  
 Bedrooms: 3  
 Exterior Wall Type: Wood Shake/Shingle  
 Heat: Forced Air Oil  
 Stories: 1  
 Bathrooms: 1  
 Basement Fin. SqFt:  
 Roof Type-Cover: Gable - Composition  
 Fin. SqFt: 2,828  
 Garage:  
 Fireplace: 1

Transfer Information

Rec. Date: 03/02/2009      Sale Price:  
 Buyer: GERMANY LORETTA J LIVING TRUST  
 Sale Date: 01/29/2009      Sale Price:  
 Doc Num: 2009-013230      Doc Type: Quit Claim  
 Seller: GERMANY LORETTA J  
 Doc Num: 2009-013230      Doc Type: X

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



Clackamas County Parcel Information



TICOR TITLE COMPANY

F-2/4

Parcel Information

Parcel #: 01465774  
 Tax Lot: 32E18 02303  
 Site Address:  
 OR 97045  
 Owner: Germany Loretta Jean Trustee  
 Owner2:  
 Owner Address: 12617 S Criteser Rd  
 Oregon City OR 97045  
 Twn/Range/Section: 03S / 02E / 18 / SE  
 Parcel Size: 10.73 Acres (467,399 SqFt)  
 Plat/Subdivision:  
 Lot: 2303  
 Block:  
 Map Page/Grid: 717-C7  
 Census Tract/Block: 023002 / 2008  
 Waterfront:  
 Building Use:

Tax Information

Levy Code Area: 086-003  
 Levy Rate: 14.2183  
 Tax Year: 2020  
 Annual Tax: \$109.76  
 Exempt Description:

TL 2303

Legal

Section 18 Township 3S Range 2E TAX LOT 02303|Y|183,641

Assessment Information

Market Value Land:	\$425,527.00
Market Value Impr:	\$0.00
Market Value Total:	\$425,527.00
Assessed Value:	\$7,720.00

Land

Cnty Land Use: 550 - EFU farmland vacant  
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District  
 Watershed: Abernethy Creek-Willamette River  
 Primary School: Carus School  
 High School: Canby High School

Land Use Std: AMSC - Agricultural Misc  
 Neighborhood: Central Point - Leland - New Era  
 School District: 86 - Canby  
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

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Clackamas County Parcel Information



TICOR TITLE COMPANY

F-3/4

Parcel Information

Parcel #: 00885787  
 Tax Lot: 32E18 02302  
 Site Address: 12911 S Criteser Rd  
 Oregon City OR 97045 - 9708  
 Owner: Preciado, Jaime L  
 Owner2:  
 Owner Address: 12911 S Criteser Rd  
 Oregon City OR 97045 - 9708  
 Twn/Range/Section: 03S / 02E / 18 / SE  
 Parcel Size: 17.41 Acres (758,380 SqFt)  
 Plat/Subdivision:  
 Lot: 2302  
 Block:  
 Map Page/Grid: 717-C7  
 Census Tract/Block: 023002 / 2008  
 Waterfront:  
 Building Use: RS0 - Single Family

Tax Information

Levy Code Area: 086-003  
 Levy Rate: 14.2183  
 Tax Year: 2020  
 Annual Tax: \$1,901.21  
 Exempt Description:

7C2302

Legal

Section 18 Township 3S Range 2E TAX LOT 02302|Y|183,641

Assessment Information

Market Value Land: \$649,370.00  
 Market Value Impr: \$118,100.00  
 Market Value Total: \$767,470.00  
 Assessed Value: \$133,716.00

Land

Cnty Land Use: 551 - EFU farmland improved  
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District  
 Watershed: Abernethy Creek-Willamette River  
 Primary School: Carus School  
 High School: Canby High School

Land Use Std: AFAR - Farms And Crops  
 Neighborhood: Central Point - Leland - New Era  
 School District: 86 - Canby  
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

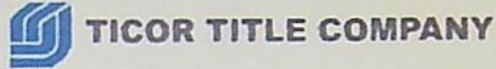
Transfer Information

Rec. Date: 08/21/2003	Sale Price:	Doc Num: 2003-111418	Doc Type: Deed
Owner: Jaime L Preciado		Grantor:	
Orig. Loan Amt: \$243,000.00		Title Co: LAWYERS TITLE INSURANCE CORP.	
Finance Type: FIX	Loan Type: Conventional	Lender: LONG BCH MTG CO	

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Clackamas County Parcel Information



F-4/4

Parcel Information

Parcel #: 00885769  
 Tax Lot: 32E18 02300  
 Site Address:  
 OR 97045  
 Owner: Germany Loretta Jean Trustee  
 Owner2:  
 Owner Address: 12617 S Criteßer Rd  
 Oregon City OR 97045  
 Twm/Range/Section: 03S / 02E / 18 / SE  
 Parcel Size: 30.55 Acres (1,330,758 SqFt)  
 Plat/Subdivision:  
 Lot:  
 Block:  
 Map Page/Grid: 717-C7  
 Census Tract/Block: 022606 / 1068  
 Waterfront:  
 Building Use:

Tax Information

Levy Code Area: 086-019  
 Levy Rate: 14.2183  
 Tax Year: 2020  
 Annual Tax: \$89.54

TL 2300

Exempt Description:

Legal

SEE SPLIT CODE ACCT 02390[Y]183,641

Assessment Information

Market Value Land:	\$350,549.00
Market Value Impr:	\$0.00
Market Value Total:	\$350,549.00
Assessed Value:	\$6,298.00

Land

Cnty Land Use: 550 - EFU farmland vacant  
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District  
 Watershed: Abernethy Creek-Willamette River  
 Primary School: Carus School  
 High School: Canby High School

Land Use Std: AMSC - Agricultural Misc  
 Neighborhood: Central Point - Leland - New Era  
 School District: 86 - Canby  
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

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**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

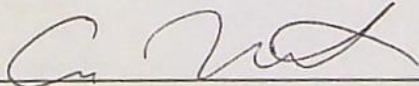
I certify that on 21<sup>ST</sup> Day of JAN, 2021, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: LORETTA JEAN GERMANY TRUST  
Address: 12617 S. CRITESER RD.  
City, State, Zip: OREGON CITY, OR  
97045-9708

~~Name:~~  
~~Address:~~  
~~City, State, Zip:~~

Name: JAIMIE L. PRECIADO  
Address: 12911 S. CRITESER RD.  
City, State, Zip: OREGON CITY, OR  
97045-9708

~~Name:~~  
~~Address:~~  
~~City, State, Zip:~~

[s/ Signature]   
Title AGENT FOR STACHELY



ATTACH B - 1/1

**From:** Jason Staehely  
**Sent:** Friday, January 15, 2021 12:54 PM  
**To:** Eric Urstadt  
**Subject:** Re: Affidavit asserting non use of water right - forfeiture

Hello Eric.

We approve of you acting as our agent for asserting non-use of water right forfeiture affidavit.

Thanks Jason

On Fri, Jan 15, 2021, 11:06 AM Eric Urstadt <[ericurstadt@hotmail.com](mailto:ericurstadt@hotmail.com)> wrote:

Jason,

There's one small thing left for you to do, and here is the explanation.

Everything looks good as far as the signed affidavits. There was a "certificate of service", which you (correctly) did not fill out. I am working on getting the accurate owner names and owner mailing addresses to complete that form. When I get that information, I will fill out the form and scan the whole packet. I will send a copy to you and Water Resources Department (WRD), and a hard copy to the landowners of the lands that were not watered. *I will certify that I mailed the packets to the listed landowners when I do that.*

All I need is your permission to act as your agent in doing the above mailing. If you respond to me by emailing me back if you approve of me acting as your agent for the above task - that should work just fine.

Respectfully,

Eric Urstadt, PE, PLS, CWRE

***Aspen Rural Land Consulting***

Water Rights – Forestry – Rural Land Engineering – Land Surveying





BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of CLACKMAS ) ss  
AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Paul Stachely  
(Legal Name)  
of 21303 S. CENTRAL POINT RD  
(Address)  
Oregon City, OR, 97045  
(City) (State) (Zip Code)

Phone (503) 706 6292, say that:

2. Water Right Certificate number 12330,  
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek  
for (use) irrigation  
under a priority date of Jun 28, 1933

3. The total number of acres described in the certificate is 9.4.

4. The subject water right is located within Tax Lot(s) 2302, in Township 3 S  
~~XXX~~ Range 2 E ~~XXX~~, in the SW-SE ~~XXX~~ 1/4, of  
Section(x) 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I TRAVEL BY THE PROPERTY GOING TO TOWN  
ON A REGULAR BASIS IT IS EASY TO SEE FROM  
THE ROAD FROM THE ROAD WHAT IS HAPPENING ON  
THE PROPERTY



C1-2/3



6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

Irrigation From 1-2005 Through 1-2018  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty **that a portion of this water right has not been used for:**

Irrigation From 1-2005 Through 1-2018  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling 9.4 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? None Known Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. PS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. PS (Initial to indicate you have read this statement and understand your responsibilities).



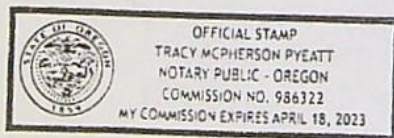
CI-3/3



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Paul Staehely  
(Signature of Affiant)

Sworn to and subscribed before me this 8<sup>th</sup> Day of January 2021.



Tracy McPherson Pyeatt  
(Notary Public of Oregon)

My Commission Expires 4-18-23

(SEAL)



SECTION 18 T.3S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

D. L. C.'S  
JOHN S. HOWLAND NO. 45  
BENJAMIN MAILES NO. 50

ASSESSOR  
MAP

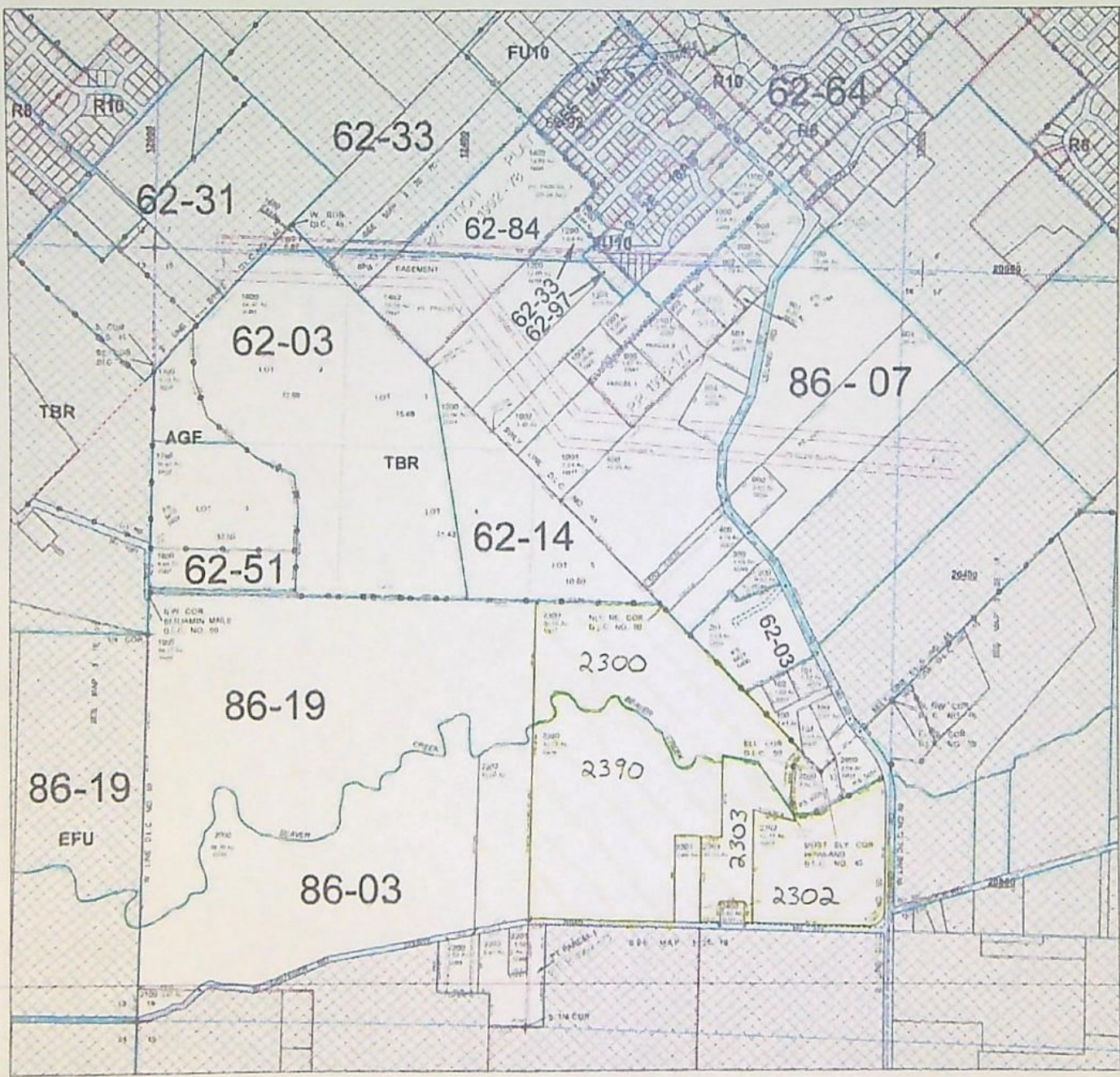
- Cancelled Lots
- 1000
  - 1001
  - 1002
  - 1003
  - 1004
  - 1005
  - 1006
  - 1007
  - 1008
  - 1009
  - 1010
  - 1011
  - 1012
  - 1013
  - 1014
  - 1015
  - 1016
  - 1017
  - 1018
  - 1019
  - 1020

- Parcel Boundary
- Single Road ROW
- Historical Boundary
- Regional Centerline
- Tax Parcels
- Map Sheet
- Water Line
- Land Use Zoning
- High
- Water
- Corner
- Section Corner
- Street Line
- Old Lot Line
- Old E. Line
- Meander Line
- PLR Section Line
- Historical Corner 45
- Historical Corner 50



ATTACH  
D-1/1

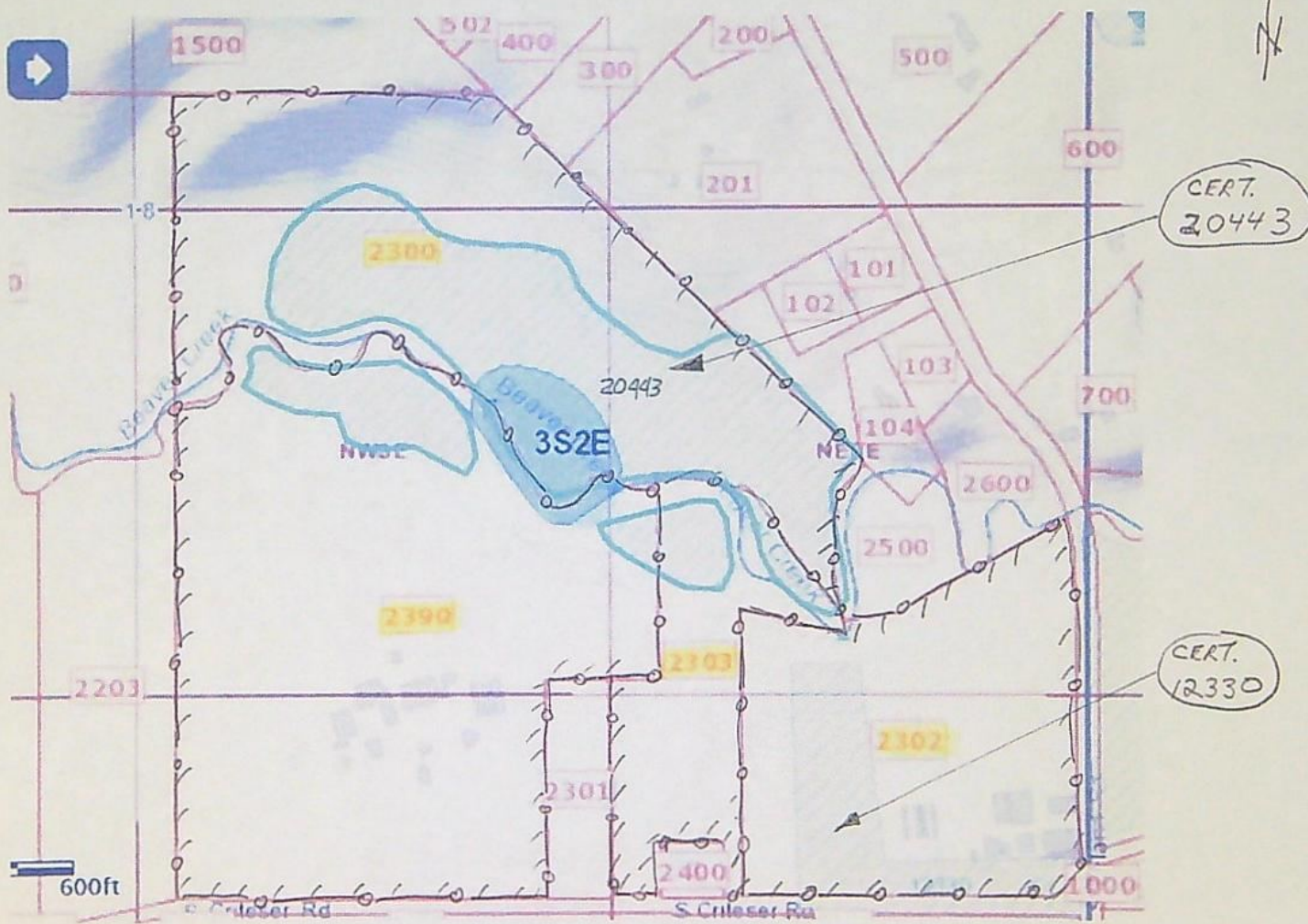
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY.



Rec'd at OWFRD electronically on 1/25/2021



E 1/2 S18 (3S-2E1)  
CLACKAMAS COUNTY



ATTACH E Y 1



ATTACH F - 1/4

Clackamas County Parcel Information



TL2390

Parcel Information

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 School District: 86 - Canby  
 Middle School: Baker Prairie Middle School

Improvement

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 Bathrooms: 1  
 Basement Fin. SqFt:  
 Roof Type-Cover: Gable - Composition  
 Fin. SqFt: 2,828  
 Garage:  
 Fireplace: 1

Transfer Information

Rec. Date: 03/02/2009  
 Buyer: GERMANY LORETTA J LIVING TRUST  
 Sale Date: 01/29/2009  
 Sale Price:  
 Doc Num: 2009-013230  
 Seller: GERMANY LORETTA J  
 Doc Num: 2009-013230  
 Doc Type: Quit Claim  
 Doc Type: X

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



Clackamas County Parcel Information



F-2/4

Parcel Information

Parcel #: 01465774  
 Tax Lot: 32E18 02303  
 Site Address:  
 OR 97045  
 Owner: Germany Loretta Jean Trustee  
 Owner2:  
 Owner Address: 12617 S Criteser Rd  
 Oregon City OR 97045  
 Twn/Range/Section: 03S / 02E / 18 / SE  
 Parcel Size: 10.73 Acres (467,399 SqFt)  
 Plat/Subdivision:  
 Lot: 2303  
 Block:  
 Map Page/Grid: 717-C7  
 Census Tract/Block: 023002 / 2008  
 Waterfront:  
 Building Use:

Tax Information

Levy Code Area: 086-003  
 Levy Rate: 14.2183  
 Tax Year: 2020  
 Annual Tax: \$109.76  
 Exempt Description:

TL 2303

Legal

Section 18 Township 3S Range 2E TAX LOT 02303|Y|183,641

Assessment Information

Market Value Land:	\$425,527.00
Market Value Impr:	\$0.00
Market Value Total:	\$425,527.00
Assessed Value:	\$7,720.00

Land

Cnty Land Use: 550 - EFU farmland vacant  
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District  
 Watershed: Abernethy Creek-Willamette River  
 Primary School: Carus School  
 High School: Canby High School

Land Use Std: AMSC - Agricultural Misc  
 Neighborhood: Central Point - Leland - New Era  
 School District: 86 - Canby  
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stones:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

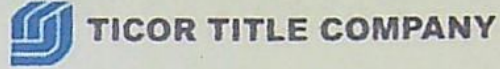
Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

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Clackamas County Parcel Information



F-3/4

Parcel Information

Parcel #: 00885787  
 Tax Lot: 32E18 02302  
 Site Address: 12911 S Criteser Rd  
 Oregon City OR 97045 - 9708  
 Owner: Preciado, Jaime L  
 Owner2:  
 Owner Address: 12911 S Criteser Rd  
 Oregon City OR 97045 - 9708  
 Twn/Range/Section: 03S / 02E / 18 / SE  
 Parcel Size: 17.41 Acres (758,380 SqFt)  
 Plat/Subdivision:  
 Lot: 2302  
 Block:  
 Map Page/Grid: 717-C7  
 Census Tract/Block: 023002 / 2008  
 Waterfront:  
 Building Use: RS0 - Single Family

Tax Information

Levy Code Area: 086-003  
 Levy Rate: 14.2183  
 Tax Year: 2020  
 Annual Tax: \$1,901.21  
 Exempt Description:

TL 2302

Legal

Section 18 Township 3S Range 2E TAX LOT 02302|Y|183,641

Assessment Information

Market Value Land: \$649,370.00  
 Market Value Impr: \$118,100.00  
 Market Value Total: \$767,470.00  
 Assessed Value: \$133,716.00

Land

Cnty Land Use: 551 - EFU farmland improved  
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District  
 Watershed: Abernethy Creek-Willamette River  
 Primary School: Carus School  
 High School: Canby High School

Land Use Std: AFAR - Farms And Crops  
 Neighborhood: Central Point - Leland - New Era  
 School District: 86 - Canby  
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stones:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 08/21/2003	Sale Price:	Doc Num: 2003-111418	Doc Type: Deed
Owner: Jaime L Preciado		Grantor:	
Orig. Loan Amt: \$243,000.00		Title Co: LAWYERS TITLE INSURANCE CORP.	
Finance Type: FIX	Loan Type: Conventional	Lender: LONG BCH MTG CO	

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Clackamas County Parcel Information



F-4/4

Parcel Information

Parcel #: 00885769  
 Tax Lot: 32E18 02300  
 Site Address:  
 OR 97045  
 Owner: Germany Loretta Jean Trustee  
 Owner2:  
 Owner Address: 12617 S Criteser Rd  
 Oregon City OR 97045  
 Twn/Range/Section: 03S / 02E / 18 / SE  
 Parcel Size: 30.55 Acres (1,330,758 SqFt)  
 Plat/Subdivision:  
 Lot:  
 Block:  
 Map Page/Grid: 717-C7  
 Census Tract/Block: 022606 / 1068  
 Waterfront:  
 Building Use:

Tax Information

Levy Code Area: 086-019  
 Levy Rate: 14.2183  
 Tax Year: 2020  
 Annual Tax: \$89.54  
 Exempt Description:

TL 2300

Legal

SEE SPLIT CODE ACCT 02390|Y|183,641

Assessment Information

Market Value Land:	\$350,549.00
Market Value Impr:	\$0.00
Market Value Total:	\$350,549.00
Assessed Value:	\$6,298.00

Land

Cnty Land Use: 550 - EFU farmland vacant  
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use District  
 Watershed: Abernethy Creek-Willamette River  
 Primary School: Carus School  
 High School: Canby High School

Land Use Std: AMSC - Agricultural Misc  
 Neighborhood: Central Point - Leland - New Era  
 School District: 86 - Canby  
 Middle School: Baker Prairie Middle School

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 03/02/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: Quit Claim
Buyer: GERMANY LORETTA J LIVING TRUST		Seller: GERMANY LORETTA J	
Sale Date: 01/29/2009	Sale Price:	Doc Num: 2009-013230	Doc Type: X

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**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

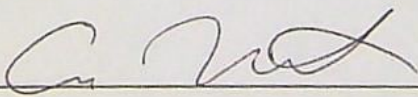
I certify that on 21<sup>ST</sup> Day of JAN, 2021, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: LORETTA JEAN GERMANY TRUST  
Address: 12617 S. CRITESER RD.  
City, State, Zip: OREGON CITY, OR  
97045-9708

~~Name:~~  
~~Address:~~  
~~City, State, Zip:~~

Name: JAIME L. PRECIADO  
Address: 12911 S. CRITESER RD.  
City, State, Zip: OREGON CITY, OR  
97045-9708

~~Name:~~  
~~Address:~~  
~~City, State, Zip:~~

[/s/ Signature]   
Title AGENT FOR STACHELY



ATTACH B - 1/1

From: Jason Staehely  
Sent: Friday, January 15, 2021 12:54 PM  
To: Eric Urstadt  
Subject: Re: Affidavit asserting non use of water right - forfeiture

Hello Eric.  
We approve of you acting as our agent for asserting non-use of water right forfeiture affidavit.

Thanks Jason

-

On Fri, Jan 15, 2021, 11:06 AM Eric Urstadt <[ericurstadt@hotmail.com](mailto:ericurstadt@hotmail.com)> wrote:

Jason,

There's one small thing left for you to do, and here is the explanation.

Everything looks good as far as the signed affidavits. The was a "certificate of service", which you (correctly) did not fill out. I am working on getting the accurate owner names and owner mailing addresses to complete that form. When I get that information, I will fill out the form and scan the whole packet. I will send a copy to you and Water Resources Department (WRD), and a hard copy to the landowners of the lands that were not watered. *I will certify that I mailed the packets to the listed landowners when I do that.*

All I need is your permission to act as your agent in doing the above mailing. If you respond to me by emailing me back if you approve of me acting as your agent for the above task - that should work just fine.

Respectfully,

Eric Urstadt, PE, PLS, CWRE

***Aspen Rural Land Consulting***

Water Rights – Forestry – Rural Land Engineering – Land Surveying



BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PROPOSED ) NOTICE OF PROPOSED  
CANCELLATION OF THE WATER RIGHTS ) CANCELLATION OF  
EVIDENCED BY CERTIFICATES 12330 and 20443, IN ) WATER RIGHT  
THE NAME OF JOSEPH HOFFMAN, FOR USE OF )  
WATER FOR IRRIGATION FROM BEAVER CREEK, )  
CLACKAMAS COUNTY, OREGON )

TO: Record Owner: Tax Lots 2300, 2303 and 2390, Loretta Jean Germany Trust and Becky Sue Knowles, 12617 S. Criteser Road, Oregon City, OR, 97045-9708.

Record Owner: Tax Lot 2302, Jaime L. Preciado, 12911 S. Criteser Road, Oregon City, OR, 97045-9708.

Notice

Pursuant to the provisions of Oregon Revised Statutes (ORS) 183.415 and ORS 540.631, you are hereby notified as the owner of record of certain real property in Section 18, Township 3 South, Range 2 East, Willamette Meridian (W.M.), Clackamas County, Oregon, of the proposed cancellation of irrigation water rights evidenced by Certificates 12330 and 20443, in the name of Joseph Hoffman.

A. Basis For Initiation Of Proposed Cancellation Action

**Findings of Fact**

**The Affidavits**

1. It is asserted in affidavits filed with the Water Resources Department (Department) on January 25, 2021, by Paul Staehely and Jason Staehely, that Certificate 12330 has been forfeited due to non-use for irrigation for thirteen years (2005 through 2017) on 9.4 acres. The place of use of C-12330 corresponds to tax lot 2302 (owned by Jaime L. Preciado).
2. It is asserted in affidavits filed with the Water Resources Department (Department) on January 25, 2021, by Paul Staehely and Jason Staehely, that Certificate 20443 has been forfeited due to non-use for irrigation for thirteen years (2010 through 2017) on 20 acres. The place of use of C-20443 corresponds to tax lots 2300, 2303 and 2390 (owned by Loretta Jean Germany Trust and Becky Sue Knowles).

**Water Rights Proposed To Be Canceled For Non-Use**

The water rights for which cancellation is proposed are:



1. Water Right Certificate 12330, in the name of Joseph Hoffman, authorizing the use of 0.13 cubic feet per second (cfs) from Beaver Creek, tributary of the Willamette River, for irrigation of 9.4 acres in the following place of use:

3.9 acres SE 1/4 NE 1/4 SE 1/4  
4.2 acres NE 1/4 SE 1/4 SE 1/4  
Section 18  
T3S, R2E, W.M., being within  
Benjamin R. Mails D.L.C. No. 50

0.5 acres NE 1/4 SE 1/4  
0.7 acres SE 1/4 SE 1/4  
Section 18  
T3S, R2E, W.M., being within  
Joseph Spink D.L.C. No. 46

0.1 acres NE 1/4 SE 1/4  
Section 18  
T3S, R2E, W.M., being within John  
S. Rowland D.L.C. No. 45

The priority date is June 28, 1933.

The point of diversion is located at:

NE 1/4 SE 1/4, Section 18, T3S, R2E, W.M., being within Benjamin R. Mails D.L.C. No. 50.

The entire certificate is proposed to be cancelled. A copy of said water right certificate, certificate map and tax lot map are attached.

2. Water Right Certificate 20443, in the name of Joseph Hoffman, authorizing the use of 0.25 cubic feet per second (cfs) from Beaver Creek, tributary of the Willamette River, for irrigation of 20.0 acres in the following place of use:

7.0 acres NE 1/4 SE 1/4  
9.4 acres NW 1/4 SE 1/4  
3.6 acres SE 1/4 SE 1/4  
Section 18  
T3S, R2E, W.M.

The priority date is March 16, 1948.

The point of diversion is located at:

NE 1/4 SE 1/4, Section 18, T3S, R2E, W.M., being within Benjamin R. Mails D.L.C. No. 50.



The entire certificate is proposed to be cancelled. A copy of said water right certificate, certificate map and tax lot map are attached.

### Conclusion of Law

1. The evidence submitted to the Department by affiants appears to create a rebuttable presumption of forfeiture. ORS 540.631; OAR 690-017-0400.

#### B. Applicable Law

Oregon water law provides that if any portion of a water right undergoes five or more successive years of non-use, that non-use creates a rebuttable presumption of forfeiture. Oregon Revised Statutes (ORS) 540.610; ORS 540.631.

A presumption of forfeiture may be rebutted by evidence submitted in a protest and by evidence you may submit in a contested case hearing. ORS 540.610(2); Oregon Administrative Rule (OAR) 690-017-0800.

Other applicable law includes ORS 540.610 through ORS 540.650, OAR Chapter 690 Division 17 (governing water right cancellation), ORS Chapter 183 and OAR 137-003-0501 through 0700 (governing contested case hearings) and OAR 690-002-0010 through 0190 (governing protests, hearings, and exceptions).

#### C. Notice Of Right To Protest the Proposed Cancellation and Receive a Contested Case Hearing

The information before the Department, if not countered by other evidence, establishes at least five years of non-use of your water right. Five years of non-use creates a rebuttable presumption of forfeiture. This means that you have an opportunity to show either that water use has occurred during the subject five-year period or that one or more statutorily established reasons excusing non-use as stated in ORS 540.610(2) and OAR 690-017-0800 apply to you.

You have the right to a contested case hearing on the matters asserted in this Notice of Proposed Cancellation. If you do not agree with the matters asserted in this Notice you may file a protest and request for hearing setting forth the reasons why the water right specified in this Notice should not be cancelled. You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. OAR 137-003-0550. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an authorized representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Administrative Law Judge determines that the appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.



To request a contested case hearing, the legal owner or occupant of the land must file a written request for hearing with the Oregon Water Resources Department within 60 days from the date of the mailing of this Notice. Any protest and request for hearing must be in writing and received with a \$950.00 protest filing fee in the office of the Water Resources Department, Attention: Patricia McCarty, 725 NE Summer Street, Suite A, Salem, Oregon 97301-1266, by 5:00 p.m. on November 2, 2021. See ORS 540.641(2)(60-day time period for filing a protest); ORS 536.050(1)(j)(authority for fee).

If you request a hearing, you will be notified of the time and place of the hearing. You will also be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing. You have the right to be represented by an attorney and to respond and present evidence and argument on all issues properly before the Administrative Law Judge.

**If you do not request a hearing**

If you do not request a hearing within 60 days of the date of the mailing of this Notice, or if you withdraw a hearing request, notify the Department or the Administrative Law Judge that you will not appear, or fail to appear at a scheduled hearing, the Department may issue a final order by default canceling your water right. ORS 540.641(1); OAR 137-003-0670. If the Department issues a final order by default, it designates its file on this matter, including any materials submitted by you that relate to this matter, as the record for the purpose of proving a prima facie case.

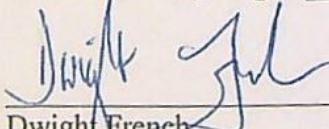
**Voluntary cancellation**

Holders of a water right *may also voluntarily relinquish* their water right by filing a notarized authorization to cancel with the Water Resources Department, Water Rights Section. ORS 540.621. If you decide to authorize voluntary cancellation of the water right or portion thereof appurtenant to your land, you do not need to file a protest. You should contact the Department or your local watermaster for the proper Cancel Authorization form.

**NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

Active duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

Dated at Salem, Oregon 9-2-21.



Dwight French

Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department



## CERTIFICATE OF MAILING/SERVICE

I certify that on September 2, 2021, this Notice of Proposed Cancellation of Water Right, with enclosures of copies of the affidavits and copies of ORS 540.610 - 540.670 and OAR Chapter 690, Division 17, was served by certified mail, return receipt requested, and first class mail, postage prepaid upon the persons listed below:

### Certified mail:

Loretta Jean Germany Trust, and  
Becky Sue Knowles  
12617 S. Criteser Road  
Oregon City, OR 97045-9708

Jaime L. Preciado  
12911 S. Criteser Road  
Oregon City, OR 97045-9708

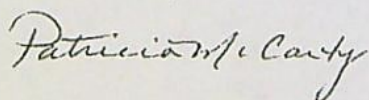
### Copy by first class mail:

Loretta Jean Germany Trust, and  
Becky Sue Knowles  
12617 S. Criteser Road  
Oregon City, OR 97045-9708

Jaime L. Preciado  
12911 S. Criteser Road  
Oregon City, OR 97045-9708

Paul Staehely  
21303 S. Central Point Road  
Oregon City, OR 97045

Jason Staehely  
21367 S. Central Point Road  
Oregon City, OR 97045



---

Patricia McCarty  
Water Resources Department



STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**      JOSEPH HOFFMAN

of Route 1, Oregon City, 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 Beaver Creek a tributary of Willamette River for the purpose of Irrigation under Permit No. 10943 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 June 28, 1933;

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 0.13 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 18, Township 3 South, Range 2 East, W. M., being within the Benjamin R. Mails D. L. C. No. 50,

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated,

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:

3.9 acres in (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
4.2 acres in (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
Section 18  
Township 3 South, Range 2 East, W. M., being  
within Benjamin R. Mails D.L.C. No. 50  
0.5 acres in (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
0.7 acres in (SE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
Section 18  
Township 3 South, Range 2 East, W. M., being  
within Joseph Spink D. L. C. No. 46  
0.1 acre in (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
Section 18  
Township 3 South, Range 2 East, W. M., being  
within John S. Rowland D. L. C. No. 45.

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 State Engineer, affixed

this 2nd day of April, 193/ 40

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 12330

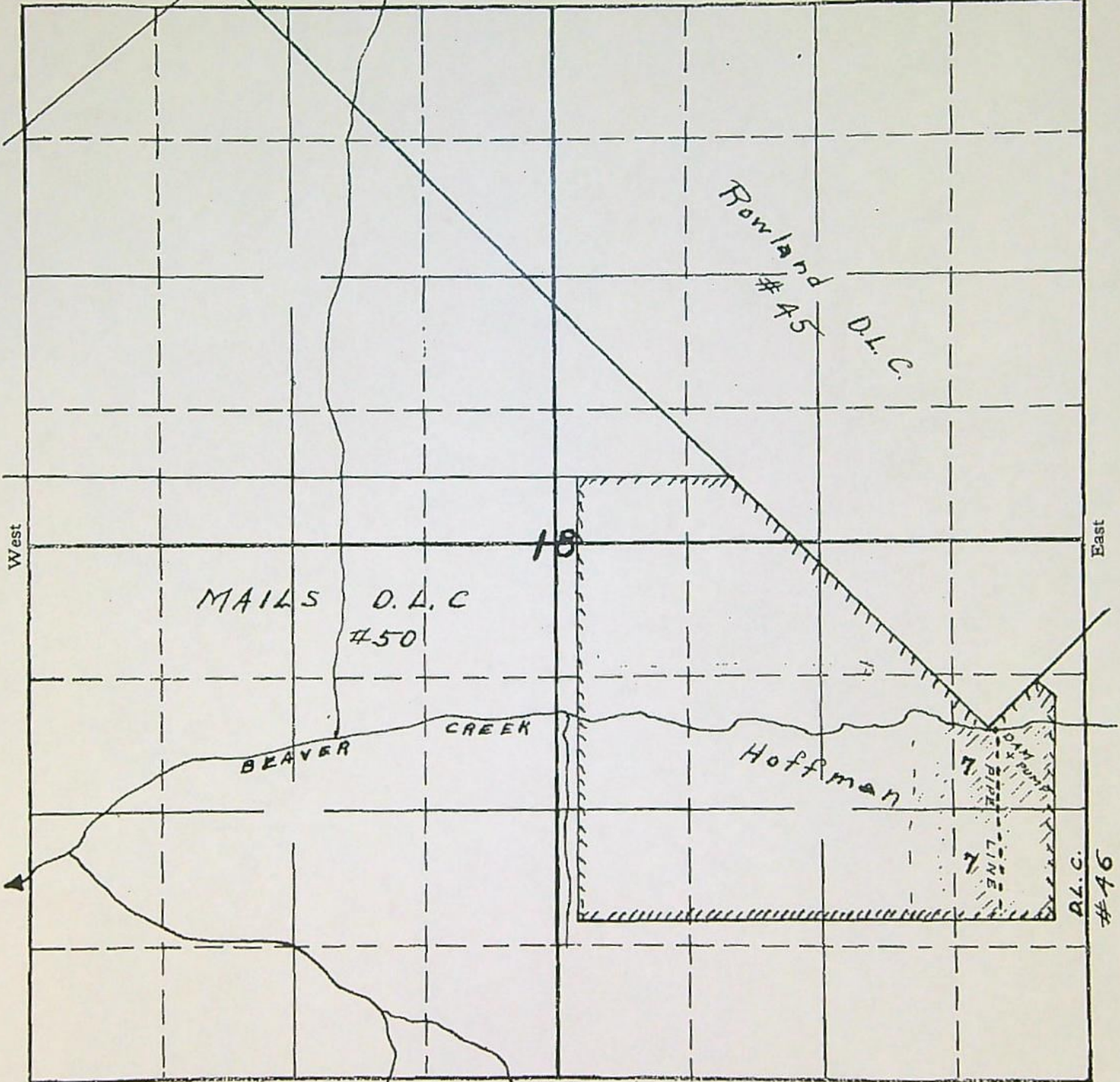


SECTION

18

TOWNSHIP 35, RANGE 2E, W. M.

North



Prepared from  
 plat records, quadrangle,  
 & applicant's abstract,  
 6/28/33 - 18.

APPLICATION No. 15013  
 PERMIT No. 10942



STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

*This Is To Certify, That* JOSEPH HOFFMAN

of Route 1, Box 655, Oregon City, 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 Beaver Creek a tributary of Willamette River for the purpose of irrigation under Permit No. 18296 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 March 16, 1948

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed - 0.25 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within B. R. Mails D.L.C. No. 50, Section 18, Township 3 South, Range 2 East, 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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

7.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$   
9.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$   
3.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 18

Township 3 South, Range 2 East, W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows:

Beginning at a stone marked thus (A) on the east line of Mails D.L.C., 39.27 chains north of re-entrant to B. R. Mails Claim No. 50, from which stone a fir 36 inches in diameter bears N. 51° 30' W. 72 links distant, marked B. T. and running thence on east line of Mails Claim North 17.71 chains to S. E. corner of a tract of land sold to Tuttle; thence with S. W. line of Tuttle tract to the claim line between the Mail and Howland D.L.C.; thence with said claim line S. 43° W. 5.44 chs. to corner of Howland claim; thence N. 46° 45' W. 24.00 chains to corner of Mails Claim; thence W. on North line of Mails Claim 13.23 chains to a stake; thence S. 33.02 chains to a stone marked thus (A) on line between Sturm & Leland; thence South 89° 30' E. 38.00 chs. to the place of beginning, containing 100 acres in T. 3 S. R. 2 E. of the W. M. This deed is given for the purpose of creating an estate by the entirety in the grantor and grantee herein.



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 State Engineer, affixed

this 31st day of May, 1954

CHAS. E. STRICKLAND  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20443



T. 3 S., R. 2 E., W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 23078 Permit No. 18296  
IN NAME OF

JOSEPH HOFFMAN

Surveyed May 19 1953, by H. L. Coffman

DFK-3D-127



ATTACH C1-1/3



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of CLACKMAS )

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Paul Stachely  
(Legal Name)  
of 21303 S. Central Point RD  
(Address)  
Oregon City, OR, 97045  
(City) (State) (Zip Code)  
Phone (503) 706 6292, say that:

2. Water Right Certificate number 12330  
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek  
for (use) irrigation  
under a priority date of Jun 28, 1933

3. The total number of acres described in the certificate is 9.4.

4. The subject water right is located within Tax Lot(s) 2302, in Township 3 S  
~~XXX~~, Range 2 E, ~~XXX~~, in the SW-SE ~~XXX~~ 1/4, of  
Section ~~(x)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I TRAVEL BY The Property going To Town  
ON A Regular basis it is easy To see from  
The road from The road what is happening on  
The Property



C1-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

Irrigation From 1-2005 Through 1-2018  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

Irrigation From 1-2005 Through 1-2018  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 9.4 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? None Known Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. PS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. PS (Initial to indicate you have read this statement and understand your responsibilities).



21-3/3



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Paul Staehely  
(Signature of Affiant)

Sworn to and subscribed before me this 8<sup>th</sup> Day of January 2021.



Tracy McPherson Pyeatt  
(Notary Public of Oregon)  
My Commission Expires 4-18-23

(SEAL)





BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of Clackamas ) ss AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Jason Staehely  
(Legal Name)  
of 21367 S Central Point Rd  
(Address)  
Oregon City, OR, 97045  
(City) (State) (Zip Code)

Phone (503) 539 3764, say that:

2. Water Right Certificate number 12330  
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek  
for (use) irrigation  
under a priority date of Jun 28, 1933

3. The total number of acres described in the certificate is 9.4.

4. The subject water right is located within Tax Lot(s) 2302, in Township 3 S  
~~XXX~~, Range 2 E ~~XXX~~, in the SW-SE ~~XXX~~ 1/4, of  
Section ~~(x)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I have lived a mile away since 2015, before that I worked in Oregon City, commuting by the property frequently. From the rd I could see no evidence of water usage from 2009 to 2018. In 2020 and 2019 they began using water, as a result I noticed a significant reduction in our down stream water supply.



C3-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

irrigation From 01/2010 Through 01/2018  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

irrigation From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 9.4 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. JS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. JS (Initial to indicate you have read this statement and understand your responsibilities).



C3-3/3



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Jason Steady  
(Signature of Affiant)

Sworn to and subscribed before me this 8<sup>th</sup> Day of January 2021.



Tracy McPherson Pyeatt  
(Notary Public of Oregon)  
My Commission Expires 4-18-23

(SEAL)



ATTACH C2-1/3



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of Clackamas ) ss

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Jason Staehely  
(Legal Name)  
of 21367 S Central Point Rd.  
(Address)  
Oregon City OR 97045  
(City) (State) (Zip Code)

Phone (503) 539 3764, say that:

2. Water Right Certificate number 20443,  
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek  
for (use) irrigation  
, under a priority date of Mar. 16, 1948

3. The total number of acres described in the certificate is 20.0.

4. The subject water right is located within Tax Lot(s) 2300, 2303, &  
2390, in Township 3 S  
~~XXX~~ Range 2 E ~~XXX~~, in the SW-NE, NW-SE & NE-SE 1/4, of  
Section ~~(X)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I have lived a mile away since 2015, before that I worked in Oregon City commuting by the property frequently. From the road I could see no evidence of water usage from 2009 to 2018. In 2020 and 2019 they began using water, as a result I noticed a significant reduction in our downstream water supply.

Page 2 of 5



C2-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

Irrigation From 01/2010 Through 01/2018  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 20.0 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. JS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. JS (Initial to indicate you have read this statement and understand your responsibilities).



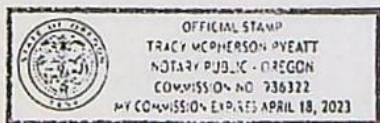
C2-3/3



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Jason Stuckey  
(Signature of Affiant)

Sworn to and subscribed before me this 8th Day of January 2021.



Tracy McPherson Pyeatt  
(Notary Public of Oregon)

My Commission Expires 4-18-23

(SEAL)



ATTACH C4-1/3



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
 ) ss  
County of CLACKMAS )

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Paul Stachely  
(Legal Name)  
of 21303 S Central Point RD  
(Address)  
Oregon City, OR, 97045  
(City) (State) (Zip Code)

Phone (503) 7066297, say that:

2. Water Right Certificate number 20443  
issued to Joseph Hoffman, authorizes use of water from (source) Beaver Creek  
for (use) Irrigation  
under a priority date of Mar. 16, 1948

3. The total number of acres described in the certificate is 20.0

4. The subject water right is located within Tax Lot(s) 2390, in Township 3 S  
~~XXX~~, Range 2 E ~~XXX~~, in the SW-NE, NW-SE, & NE-SE 1/4, of  
Section ~~(X)~~ 18, Clackamas, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I Travel By The Property going To  
TOWD ON A REGULAR basis it's easy to see  
from The road what is happening on the  
Property



C4-2/3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

irrigation From 1-2005 Through 1-2018  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

~~irrigation~~ From 1-2005 Through 1-2018  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 20 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? None Known Yes None Known No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
None Known

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. PS (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. PS (Initial to indicate you have read this statement and understand your responsibilities).



C4-3/3

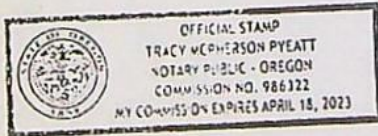


Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

*Paul Stachely*

(Signature of Affiant)

Sworn to and subscribed before me this 8<sup>TH</sup> Day of January, 2021.



(SEAL)

*Tracy McPherson Pyeatt*

(Notary Public of Oregon)

My Commission Expires 4-18-23





**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

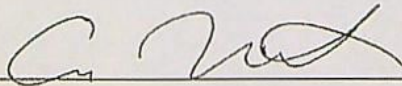
I certify that on 21<sup>ST</sup> Day of JAN, 2021, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: LORETTA JEAN GERMANY TRUST  
Address: 12617 S. CRITESER RD.  
City, State, Zip: OREGON CITY, OR  
97045-9708

~~Name:~~  
~~Address:~~  
~~City, State, Zip:~~

Name: JAMIE L. PRECIADO  
Address: 12911 S. CRITESER RD.  
City, State, Zip: OREGON CITY, OR  
97045-9708

~~Name:~~  
~~Address:~~  
~~City, State, Zip:~~

[/s/ Signature]   
Title AGENT FOR STAEHEL

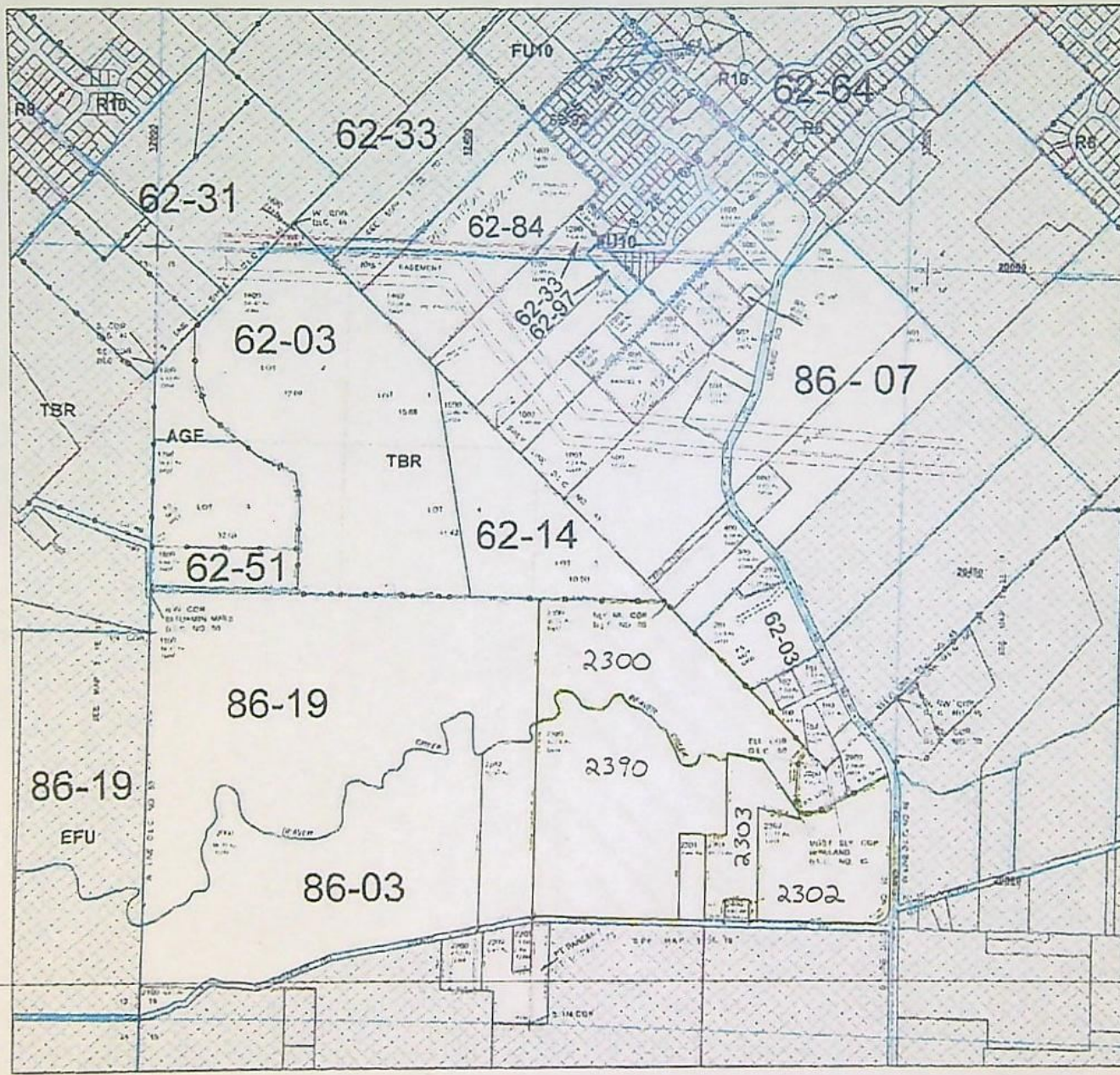


SECTION 18 T.3S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

D. L. C.'S  
JOHN S. HOWLAND NO. 45  
BENJAMIN MAILLS NO. 50

ASSESSOR  
MAP

- Canceled Lots
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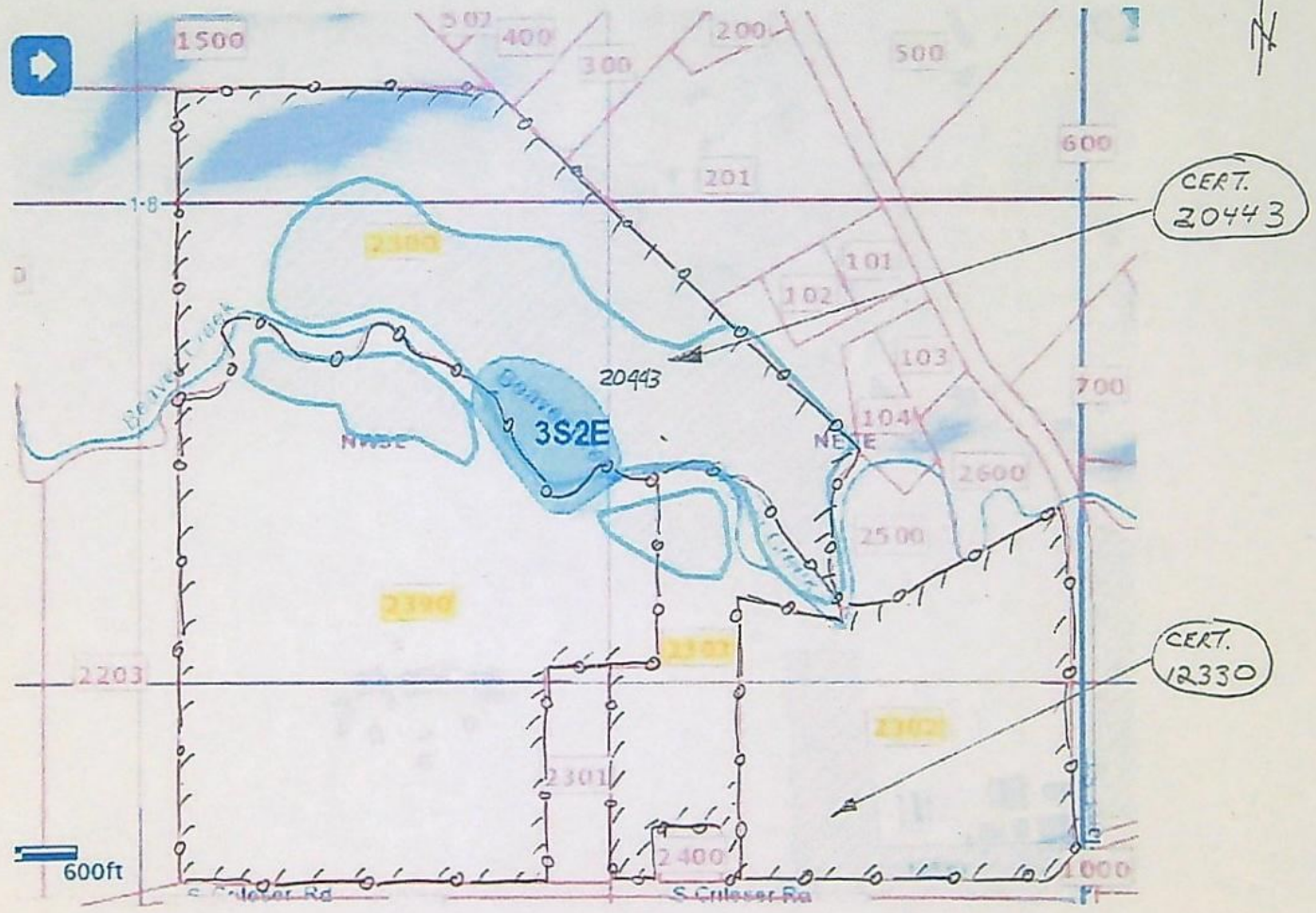
ATTACH  
D-1/1

THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

Recd at OWRD electronically on 1/25/2021



E 1/2 S18 (3S-2E1)  
CLATSOP COUNTY



Rec'd at OWRD electronically on 1/25/2021

ATTACH E Y 1



OREGON ADMINISTRATIVE RULE CHAPTER 690; DIVISION 17  
CANCELLATION OF PERFECTED WATER RIGHTS

690-017-0005

**Introduction**

These rules define the process the Water Resources Department will follow when cancelling a perfected water right. The action to cancel the perfected water right can be initiated as the result of a request by the record owner of the land to which the water right is appurtenant, or as the result of a request to determine the validity of a water right which may be forfeited due to five successive years of non-use.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0010

**Definitions**

- (1) "Affidavit" means a declaration upon oath, in writing, signed by the party and sworn to before a notary public.
- (2) "Affiant" means the individual completing, swearing to and signing an affidavit.
- (3) "Bankruptcy" means proceedings under federal bankruptcy statutes to relieve a debtor (the bankrupt) from insurmountable debt. The commencement of a bankruptcy action occurs with the date a petition for relief is filed by a debtor or creditor to the bankruptcy court.
- (4) "Cancellation" means the action taken by the Director, the Commission, or the courts to abolish all or part of a permit or certificate of water right.
- (5) "Deed-in-Lieu" means a deed tendered by the record owner to prevent the creditor from asserting a legal right to recover payment of a debt through a foreclosure action.
- (6) "District" has the meaning of the term as defined in ORS 540.505
- (7) "Foreclosure" means a proceeding in or out of court to extinguish all right, title and interest of the record owner(s) of property in order to sell or repossess the property to satisfy a lien against it. A foreclosure action begins on the date presentation of the official demand for payment is made to the debtor by the creditor by certified mail.
- (8) "Forfeiture" means the loss of a water right caused by the failure of the appropriator or record owner of the right to use the water for five successive years.
- (9) "Judicial Action" means a suit, injunction, or litigation filed with or allowed by the courts.
- (10) "Natural Disaster" means an act of God, such as flooding or erosion, which occurred with such magnitude that it either prohibited or severely limited the ability to use the water.
- (11) "Perfected Water Right" means a water right which has been confirmed by the issuance of a certificate of water right or by a court decree.
- (12) "Presumption of Forfeiture" means a conclusion established by statute that a water right, in whole or in part, is forfeited by nonuse of the right for five successive years.
- (13) "Principal Farm Operator" means the record owner, including a lessee to whom the right of possession of agricultural property has been granted by the lessor for a specified period of time in return for a consideration.
- (14) "Rebuttable Presumption" means a presumption which, by statute, may be overcome by evidence sufficient to explain or disprove the presumption.
- (15) "Record Owner" means the person shown as the owner of the land in the county deed records established under ORS Chapter 93.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

690-017-0100

**Cancellation Authorized by Record Owner**

- (1) Perfected water rights shall be cancelled by order of the Director in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit of the record owner of the land to which the water right in question is appurtenant.
- (2) The affidavit shall contain, at a minimum, the following:
  - (a) A statement that the affiant is the record owner of the lands associated with the water right in question;
  - (b) The certificate number of the water right;
  - (c) A statement that the affiant has abandoned any and all interest in and to all or a specified portion of the water right;



(d) Where only part of the right has been abandoned, a description of the specific place of use by quarter-quarter section and acres on which the right has been abandoned, with information sufficient to determine the lands on which the right is not to be cancelled; and

(e) A request that all or part of the certificate be cancelled.

(f) A statement of whether, to the best of the affiant's knowledge, the subject water right is within the boundaries of a district or federal reclamation project.

(3) Based on the best information available to the Department, if the subject water right is within the boundaries of a district or federal reclamation project, the Department shall, as applicable, provide the district and the United States Bureau of Reclamation notice of the water right cancellation request.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

#### 690-017-0200

##### Watermaster Affidavit of Inability to Appropriately or Beneficially Use Water

(1) If a watermaster has reason to believe that circumstances exist that prevent a water right from being exercised, including but not limited to, the lands being covered by an impermeable surface or the diversion mechanism used to appropriate the water is no longer operable, the watermaster shall file an affidavit with the Water Resources Director.

(2) The affidavit shall state:

(a) The date and time the land or diversion mechanism or other evidence was inspected by the watermaster;

(b) The names of all record owners of the land where the water right is appurtenant and the owners' address as it appears in the county assessors' records; and

(c) The watermaster's findings during the inspection that indicate the water right cannot be exercised.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

#### 690-017-0300

##### Notice of Watermaster Affidavit to Record Owner

(1) The Water Resources Department shall notify each record owner of the land described by an affidavit submitted by a watermaster under ORS 540.660 in the following manner:

(a) If there are 25 or fewer record owners of the land, the department shall mail a copy of the affidavit to each record owner;

(b) If there are more than 25 record owners, the department shall provide general notice by publication according to the procedures established in ORS 193.010 to 193.100; and

(c) If the land is within the boundaries of an irrigation district, the Department shall mail a copy of the affidavit to the irrigation district.

(2) The record owner named in an affidavit shall be given the option of voluntarily relinquishing the water right or portion thereof, continuing to be the subject of the filing of such affidavits each year for a period of five successive years, or of applying the water to the use authorized by the certificate.

(3) If the watermaster files an affidavit each year for five successive years, the Water Resources Department shall initiate proceedings under ORS 540.631 to cancel the water right.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

#### 690-017-0400

##### Cancellation Initiated by Department

(1) The Department shall initiate proceedings to cancel a perfected water right, as provided in ORS 540.631 and these rules, whenever it appears that a right has been forfeited as provided in 540.610. The decision to initiate cancellation proceedings shall be based on evidence submitted to the Department, by any person, that alleges five or more years of nonuse so as to create a presumption of forfeiture, and from which evidence it further appears the presumption of forfeiture would not likely be rebutted under OAR 690-017-0800(2)(a), (d) or (e).

(2) Where the evidence submitted to the Department is in the form of affidavits, notarized affidavits from two individuals shall be required. An affidavit shall contain the following:

(a) Name, address and telephone number of affiant;



- (b) Page number of the certificate in question as recorded in the State Record of Water Right Certificates, name of the person to whom the certificate was issued, and priority date of the certificate;
  - (c) Township, range, quarter-quarter section and number of acres to which the certificate in question is appurtenant;
  - (d) The use for which the water right was issued;
  - (e) The source of water to be used as provided in the certificate;
  - (f) A statement of the affiant's knowledge of the lands described in the certificate in question, and an explanation of how the affiant gained this knowledge;
  - (g) A statement that the affiant knows with certainty that no water from the allowed source has been used for the authorized use on the lands, or a portion of the lands, the portion being accurately described, under the provisions of the water right within a period of five or more successive years, and the beginning and ending years of the period of nonuse. Where possible, beginning and ending months should also be given;
  - (h) A statement that the affiant believes the allegation of nonuse will not be rebutted under any of the grounds for rebuttal set out in ORS 540.610;
  - (i) A copy of the county tax plat map illustrating the lands to which the subject water right is appurtenant, and if applicable, the location of the portion of the water right asserted to have been forfeited;
  - (j) The affiant's agreement to testify in a hearing before the Water Resources Department if necessary;
  - (k) To the best of the affiant's knowledge, a statement of whether the subject water right is within the boundaries of a district or federal reclamation project; and
  - (l) Proof that the affidavit(s) have been served upon the legal owner of the lands to which the water right is appurtenant and to the occupant of such lands.
- (3) Based on the best information available to the Department, if the subject water right is within the boundaries of a district or federal reclamation project, the Department shall provide notice of receipt of affidavits submitted under this rule, as applicable, to the district and the United States Bureau of Reclamation at least 90 days prior to initiating a cancellation proceeding.
- (4) Where the evidence submitted is solely from Department personnel, such evidence shall be submitted in the form of an affidavit and contain all information described in section (2) of this rule. In addition, the affidavit shall be supported by stream or canal gaging records, water or electric meter readings, static level measurements, system capacity calculations, a summary of field investigations, photos, maps, or other relevant data covering each year of the period of alleged nonuse.
- (5) The Department shall initiate proceedings to cancel a water right under ORS 540.631 within 180 days of receiving the evidence required under sections (1) and (2) of this rule.
- (6) The Department shall notify the record owner of the land to which a perfected water right is appurtenant that it intends to cancel all or a portion of the water right. The occupant of affected lands, if other than the owner, shall also be notified. If the subject water right is within the boundaries of a district or federal reclamation project, the Department shall, as applicable, mail a copy of the cancellation notice to the district and the United States Bureau of Reclamation. Notice shall be sent to the record owner of the land or occupant by certified mail, return receipt requested. The notice to the record owner shall be addressed to the owner at the owner's last address or record in the office of the county assessor of the county in which the lands are located. The notice shall contain the following:
- (a) A description of the water right and the land to which the water right is appurtenant;
  - (b) A statement that the information before the Director creates a rebuttal presumption of forfeiture;
  - (c) A statement that the record owner or the occupant has a period of 60 days from the date of the mailing of the notice within which to protest the proposed cancellation either by asserting that the water right has been used, or by making rebuttal in the manner and on the grounds provided in OAR 690-017-0600 and 690-017-0800;
  - (d) Notice that if the record owner intends to rebut the presumption of forfeiture, the protest shall include a statement of the grounds for rebuttal relied upon, and shall be accompanied by appropriate supporting documentation; and
  - (e) A statement that, following receipt of a protest against the proposed cancellation and determination that the presumption of forfeiture has not been rebutted, a contested case hearing will be scheduled.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

#### 690-017-0500

##### Cancellation Not Protested

If the record owner or occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water within the 60-day period prescribed in the notice, the Water Resources Department shall enter an order cancelling the water right as provided in ORS 540.641.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540



Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0600

**Protest of Cancellation/Statement of Intent to Rebut Presumption of Forfeiture**

(1) A protest submitted to the Water Resources Department by the record owner or occupant of the land on which a cancellation of a perfected water right is proposed shall include the following:

(a) A written statement citing the reasons the record owner or occupant believes the water right has not been forfeited by nonuse; and

(b) The statutory fee for filing the protest.

(2)(a) Where the record owner or occupant intends to rebut the presumption of forfeiture by claiming one or more of the grounds for rebuttal established in ORS 540.610(2) and as further defined in OAR 690-017-0800, grounds claimed for rebuttal shall be stated in the protest;

(b) Where applicable, documentary evidence in support of the rebuttal as described in OAR 690-017-0800(3) shall be submitted with the protest.

(3)(a) On receipt of a protest claiming rebuttal and supporting documentary evidence, a determination shall be made whether the presumption of forfeiture has been rebutted;

(b) Where rebuttal is found to have been made, the matter shall be closed and no further action taken to cancel the water right;

(c) Where it is determined that the presumption of forfeiture has not been rebutted, the Department shall initiate proceedings to cancel the right as provided in OAR 690-017-0700.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0700

**Cancellation Hearing**

(1) If the Department receives a protest to the proposed cancellation of a water right within the prescribed 60-day period, a hearing on the protest shall be scheduled. The protestant shall be given not less than ten days notice of the hearing time and place.

(2) The hearing shall be held by the Department's Hearings Referee, and shall be conducted under the provisions of ORS 183.310 to 183.550 pertaining to contested cases.

(3) In contested case hearings where the initial determination was made that the presumption of forfeiture had not been rebutted, the owner may offer additional evidence in support of rebuttal.

(4) After the hearing the Hearings Referee shall enter a proposed order:

(a) Cancelling the water right;

(b) Cancelling in part or modifying the water right; or

(c) Declaring that the water right shall not be cancelled or modified.

(5) If no exceptions or objections to the proposed order are filed within the time allowed, the Hearings Referee shall issue a final order.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

690-017-0800

**Grounds for and Manner of Rebutting a Presumption of Forfeiture**

(1) Any record owner or occupant rebutting a presumption of forfeiture for nonuse of water under ORS 540.610(2), as provided in these rules, shall provide evidence that rebuts the presumption of forfeiture.

(2) A presumption of forfeiture may be rebutted by showing one or more of the following:

(a) The water right is for reasonable and usual municipal use of water;

(b) A finding of forfeiture would impair the rights of cities and towns to the use of water, whether acquired by appropriation or purchase, or previously recognized by legislative act, or which may be acquired in the future;

(c) The owner of the property was unable to use the water due to economic hardship as defined in section (3) of this rule;

(d) The period of nonuse occurred during a period of time within which land was withdrawn from use under the Federal Soil Bank Program or the Federal Conservation Reserve Program;

(e) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted or cancellation proceedings were initiated under ORS 540.631, whichever occurs first; and



(f) The owner of the property to which the water right is appurtenant is unable to use the water because the use of water under the right is discontinued by an order of the Commission under ORS 537.775 (wasteful or defective wells).

(3) An economic hardship exists only during the following periods of time:

(a) During a bankruptcy action initiated by or for the record owner or principal farm operator;

(b) During a foreclosure of real or personal property of the record owner or principal farm operator. The foreclosure of personal property must directly affect the ability to use the water in question;

(c) During the redemption periods as provided in ORS 23.530 to 23.600;

(d) Three calendar years following the expiration of redemptions as provided in ORS 23.530 to 23.600; or, three years from the date of recording of a deed in lieu of foreclosure tendered by the record owner or principal farm operator in payment of debt owed; and

(e) The time during which judicial actions limit or prohibit the record owner's or principal farm operator's use of the water in question;

(f) The time during which a natural disaster would limit or prohibit the record owner's or principal farm operator's use of the water in question.

(4) Documentation supporting rebuttal based on enrollment in a federal program, bankruptcy, foreclosure or foreclosure redemption, natural disaster, or the 15-year statute of limitations on cancellation as provided for in ORS 540.610(2) may include, but is not limited to, the following items:

(a) The enrollment contract or agreement between the record owner, occupant, or principal farm operator and the appropriate federal jurisdiction;

(b) Affidavits by knowledgeable parties such as employees administering the federal programs;

(c) Court pleadings, filings or other legal documentation of bankruptcy or foreclosure;

(d) Documents from financial, mortgage, lending or title institutions; and

(e) Sworn statements by a watermaster, soil scientist, or insurance claim adjuster.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537, & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

#### 690-017-0900

##### Time Period of Non-Use

Where the rebutted nonuse occurs as an intervening period within an unrebutted period of nonuse totally five or more years, the remaining unrebutted years of nonuse will be treated as consecutive and cancellation will be initiated.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90



OREGON WATER RESOURCES DEPARTMENT  
OREGON REVISED STATUTES Chapter 540  
Distribution of Water; Watermasters; Change in Use;  
Transfer or Forfeiture of Water Rights

FORFEITURE OF WATER RIGHTS

- 540.610 Use as measure of water right; forfeiture for nonuse; confirmation of rights of municipalities
- 540.612 Exemption from forfeiture
- 540.621 Cancellation of abandoned water right upon request of owner
- 540.631 Cancellation of forfeited water right; notice
- 540.641 Protest of cancellation; procedure
- 540.650 Issuance of new water right certificate for water rights not canceled
- 540.660 Affidavit of watermaster that circumstances prevent use of water right in accordance with terms of certificate; procedures for cancellation of right
- 540.670 Effect of cancellation of primary water right on supplemental right; change from supplemental to primary right; priority date

FORFEITURE OF WATER RIGHTS

540.610 Use as measure of water right; forfeiture for nonuse; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

(2) Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing one or more of the following:

(a) The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.

(b) A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.

(c) The use of water, or rights of use, are appurtenant to property obtained by the Department of Veterans' Affairs under ORS 407.135 or 407.145 for three years after the expiration of the period of redemption provided for in ORS 18.964 while the land is held by the Department of Veterans' Affairs, even if during such time the water is not used for a period of more than five successive years.

(d) The use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission.

(e) The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Act of Congress of May 28, 1956, chapter 327 (7 U.S.C. 1801-1814; 1821-1824; 1831-1837),



or the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198 (16 U.S.C. 3831-3836, 3841-3845). If necessary, in a cancellation proceeding under this section, the water right holder rebutting the presumption under this paragraph shall provide documentation that the water right holder's land was withdrawn from use under a federal reserve program.

(f) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted to the commission or the commission initiated cancellation proceedings under ORS 540.631, whichever occurs first.

(g) The owner of the property to which the water right was appurtenant is unable to use the water because the use of water under the right is discontinued under an order of the commission under ORS 537.775.

(h) The nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing water right.

(i) The nonuse occurred during a period of time within which the water right holder was reusing water through land application as authorized by ORS 537.141 (1)(i) or 537.545 (1)(g) in lieu of using water under an existing water right.

(j) The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.

(k) The holder of a water right is prohibited by law from using the water. If the prohibition is subject to remedial action that would allow the use of the water, the water right holder shall provide evidence that the water right holder is conducting the remedial action with reasonable diligence.

(L) The nonuse occurred during a period of time within which the exercise of all or part of the water right was not necessary due to climatic conditions, so long as the water right holder had a facility capable of handling the full allowed rate and duty, and was otherwise ready, willing and able to use the entire amount of water allowed under the water right.

(m) The nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department.

(n) The nonuse of a supplemental water right occurred during a period of time when the primary water right used in conjunction with that supplemental water right was leased as an in-stream water right pursuant to ORS 537.348.

(3) Notwithstanding subsection (1) of this section, if the owner of a perfected and developed water right uses less water to accomplish the beneficial use allowed by the right, the right is not subject to forfeiture so long as:

(a) The user has a facility capable of handling the entire rate and duty authorized under the right; and

(b) The user is otherwise ready, willing and able to make full use of the right.

(4) The right of all cities and towns in this state to acquire rights to the use of the water of natural streams and lakes, not otherwise appropriated, and subject to existing rights, for all reasonable and usual municipal purposes, and for such future reasonable and usual municipal purposes as may reasonably be anticipated by reason of growth of population, or to secure sufficient water supply in cases of emergency, is expressly confirmed.

(5) After a water right is forfeited under subsection (1) of this section, the water that was the subject of use shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing



priorities. [Amended by 1985 c.689 §5; 1987 c.339 §4; 1989 c.699 §1; 1989 c.833 §61a; 1991 c.370 §6; 1995 c.356 §2; 1995 c.366 §1; 1997 c.42 §5; 1997 c.244 §5; 1997 c.283 §1; 1999 c.335 §3; 1999 c.804 §§3,4; 2005 c.222 §1; 2005 c.542 §70; 2005 c.625 §70]

**540.612 Exemption from forfeiture.** If a district, as defined in ORS 540.505, petitions for a transfer as provided in ORS 540.574 no later than the end of the calendar year of the fifth year of nonuse under ORS 540.610 (1), the forfeiture provisions of ORS 540.610 shall not apply to the lands from which the water right is sought to be transferred pending approval of the district's petition. The time required for the processing of the petition, including any time required for hearings, appeals and completion of an authorized change, shall not be included when computing a five-year period of nonuse under the provisions of ORS 540.610 (1). [1991 c.957 §11]

**540.615** [1961 c.140 §1; 1987 c.339 §5; repealed by 1989 c.699 §4]

**540.620** [Repealed by 1955 c.671 §1]

**540.621 Cancellation of abandoned water right upon request of owner.** Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right. Effective upon the date of the entering of such order, the water which was the subject of use under the water right shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [1955 c.670 §1; 1979 c.67 §5; 1985 c.673 §96]

**540.630** [Repealed by 1955 c.671 §1]

**540.631 Cancellation of forfeited water right; notice.** Whenever it appears to the satisfaction of the Water Resources Commission upon the commission's own determination or upon evidence submitted to the commission by any person that a perfected and developed water right has been forfeited as provided in ORS 540.610 (1), and would not be rebutted under ORS 540.610 (2), the commission shall initiate proceedings for the cancellation of such water right by causing written notice of such initiation of proceedings to be given by registered or certified mail, return receipt requested, to the legal owner of the lands to which the water right is appurtenant and to the occupant of such lands. The notice to the legal owner shall be addressed to the legal owner at the owner's last address of record in the office of the county assessor of the county in which the lands are located. The notice shall contain a complete description of the water right and of the lands to which the water right is appurtenant. The notice shall state that the legal owner or the occupant has a period of 60 days from the date of the mailing of the notice within which to protest the proposed cancellation of the water right. [1955 c.670 §2; 1985 c.673 §97; 1989 c.699 §2; 1991 c.249 §53]

**540.640** [Repealed by 1955 c.671 §1]

**540.641 Protest of cancellation; procedure.** (1) If the legal owner or the occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water right within the 60-day period prescribed in the notice, the Water Resources Commission may enter an order canceling the water right.

(2) If the legal owner or the occupant receiving notice as provided in ORS 540.631 files a protest against the proposed cancellation of the water right with the commission within the 60-day period prescribed in the notice, the commission shall fix a time and place for a hearing on the protest. The commission shall cause written notice of the hearing to be given at least 10 days prior to the hearing to the person protesting the cancellation of the water right and to any other person who in the opinion of the commission is an interested party to the proceeding. The hearing shall be held by the commission and shall be conducted under the provisions of ORS chapter 183 pertaining to contested cases. After the hearing the commission shall enter an order canceling the water right, canceling in part or modifying the water right, or declaring that the water right shall not be canceled or modified. [1955 c.670 §3; 1975 c.581 §26c; 1983 c.807 §3; 1985 c.673 §98]



**540.650 Issuance of new water right certificate for water rights not canceled.** If the order of the Water Resources Commission or the final decree on the appeal therefrom under ORS 540.641 cancels in part or modifies the water right, that portion of the water right not canceled or continued as modified shall be reaffirmed by a new water right certificate issued by the commission. Such certificate shall be of the same character as that described in ORS 539.140. The certificate shall be recorded and transmitted to the owner of the water right as provided in ORS 539.140. [1955 c.670 §4; 1979 c.67 §6; 1985 c.673 §99]

**540.660 Affidavit of watermaster that circumstances prevent use of water right in accordance with terms of certificate; procedures for cancellation of right.** (1) If a watermaster has reason to believe that circumstances exist that prevent a water right from being exercised according to the terms and conditions of the water right certificate issued under ORS 537.250 or 539.140, such as the land to which the water right is appurtenant is covered by an impermeable surface, or the diversion mechanism used to appropriate water under a water right is no longer operable, the watermaster shall file an affidavit with the Water Resources Director. The affidavit shall state that to the best of the watermaster's knowledge, there is no physical way the water may be applied to a beneficial use in accordance with the terms and conditions of the water right certificate.

(2) If the watermaster files an affidavit under subsection (1) of this section each year for five consecutive years, the affidavits shall constitute prima facie evidence that the water has not been applied to a beneficial use for five years and the Water Resources Commission shall initiate proceedings under ORS 540.631 to cancel the water right.

(3) The Water Resources Department shall provide notice of the affidavit filed with the Water Resources Director under subsection (1) of this section. The department shall provide such notice in the following manner:

(a) If there are 25 or fewer record owners of the land, the department shall mail a copy of the affidavit to each record owner.

(b) If there are more than 25 record owners, the department shall provide general notice by publication according to the procedures established in ORS 193.010 to 193.100.

(c) If the land is within the boundaries of an irrigation district, the department shall mail a copy of the affidavit to the irrigation district.

(4) As used in this section, "record owner" means the person shown as the owner of the land in the county deed records established under ORS chapter 93. [1987 c.339 §1]

**540.670 Effect of cancellation of primary water right on supplemental right; change from supplemental to primary right; priority date.** (1) The cancellation of a primary water right for nonuse under ORS 540.641 shall not also cancel a supplemental water right unless the supplemental water right also has not been used beneficially for five or more years.

(2) If the Water Resources Commission cancels a primary water right under ORS 540.641 the commission may issue a new water right certificate changing the supplemental water right to a primary right if the commission finds that the change would not result in injury to existing water rights.

(3) A supplemental right changed to a primary right under subsection (2) of this section shall retain the priority date of the supplemental right. [1987 c.339 §2]





# Oregon

Tina Kotek, Governor

Water Resources Department  
North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0901  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

## WITHDRAWAL OF AFFIDAVITS ASSERTING NON-USE OF WATER RIGHTS

I, Paul Staehely, hereby withdraw the affidavits dated January 8, 2021, asserting non-use of Water Right Certificates 12330 and 20443, that I submitted to the Oregon Water Resources Department on January 25, 2021.

DATED: 12-23-24

  
Paul Staehely  
21303 S Central Point Rd.  
Oregon City, OR 97045





# Oregon

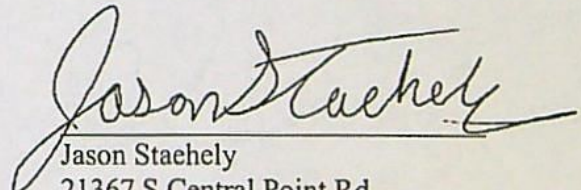
Tina Kotek, Governor

Water Resources Department  
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725 Summer St NE, Suite A  
Salem, OR 97301  
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Fax (503) 986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

## WITHDRAWAL OF AFFIDAVITS ASSERTING NON-USE OF WATER RIGHTS

I, Jason Staehely, hereby withdraw the affidavits dated January 8, 2021, asserting non-use of Water Right Certificates 12330 and 20443, that I submitted to the Oregon Water Resources Department on January 25, 2021.

DATED: 12-23-24



Jason Staehely  
21367 S Central Point Rd.  
Oregon City, OR 97045



BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PROPOSED ) ORDER WITHDRAWING  
CANCELLATION OF THE WATER RIGHTS ) NOTICE OF PROPOSED  
EVIDENCED BY CERTIFICATES 12330 and 20443, IN ) CANCELLATION OF  
THE NAME OF JOSEPH HOFFMAN, FOR USE OF ) WATER RIGHT  
WATER FOR IRRIGATION FROM BEAVER CREEK, )  
CLACKAMAS COUNTY, OREGON )

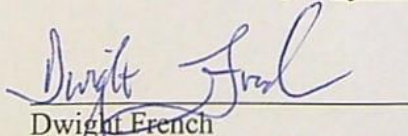
**Background**

1. On January 25, 2021, Paul Staehely and Jason Staehely filed affidavits asserting nonuse of water right certificates 12330 and 20443 with the Oregon Water Resources Department (“Department”).
2. On September 2, 2021, based on the evidence of nonuse provided by the Staehelys’ affidavits, the Department issued a notice of proposed cancellation proposing to cancel certificates 12330 and 20443 for forfeiture by nonuse.
3. On October 22, 2021, Jaime and Kaye Preciado and the Loretta Jean Germany Trust and Becky Sue Knowles, Trustee filed a protest of the notice of proposed cancellation.
4. On December 9, 2024, the Department referred the notice of proposed cancellation and protest to the Office of Administrative Hearings for a contested case hearing.
5. On December 23, 2024, Paul Staehely and Jason Staehely filed forms with the Department withdrawing their affidavits asserting nonuse of water right certificates 12330 and 20443.
6. On December 26, 2024, the Department withdrew this matter from the Office of Administrative Hearings in accordance with OAR 137-003-0515(4)(a).

**Order**

The September 2, 2021 notice of proposed cancellation proposing to cancel water right certificates 12330 and 20443 for forfeiture by nonuse is hereby withdrawn and is of no further force or effect.

Dated at Salem, Oregon 30 December, 2024.



Dwight French  
Water Right Services Division Administrator, for  
Ivan Gall, Director



## CERTIFICATE OF MAILING/SERVICE

I certify that on December 30, 2024, this Order Withdrawing Notice of Proposed Cancellation of Water Right, was served by regular mail, postage prepaid upon the persons listed below:

Jaime L. Preciado  
12911 S Criteser Rd.  
Oregon City, OR 97045-9708

by regular mail, postage prepaid  
 by hand-delivery  
 by facsimile # \_\_\_\_\_  
 by certified mail # \_\_\_\_\_  
 Other: Email

Loretta Jean Germany Trust and  
Becky Sue Knowles, Trustee  
12617 S Criteser Rd.  
Oregon City, OR 97045-9708

by regular mail, postage prepaid  
 by hand-delivery  
 by facsimile # \_\_\_\_\_  
 by certified mail # \_\_\_\_\_  
 Other: Email

Paul Staehely  
21303 S Central Point Rd.  
Oregon City, OR 97045

by regular mail, postage prepaid  
 by hand-delivery  
 by facsimile # \_\_\_\_\_  
 by certified mail # \_\_\_\_\_  
 Other: Email

Jason Staehely  
21367 S Central Point Rd.  
Oregon City, OR 97045

by regular mail, postage prepaid  
 by hand-delivery  
 by facsimile # \_\_\_\_\_  
 by certified mail # \_\_\_\_\_  
 Other: Email

*/s/ Will Davidson*

\_\_\_\_\_  
Will Davidson, Agency Representative  
Oregon Water Resources Department

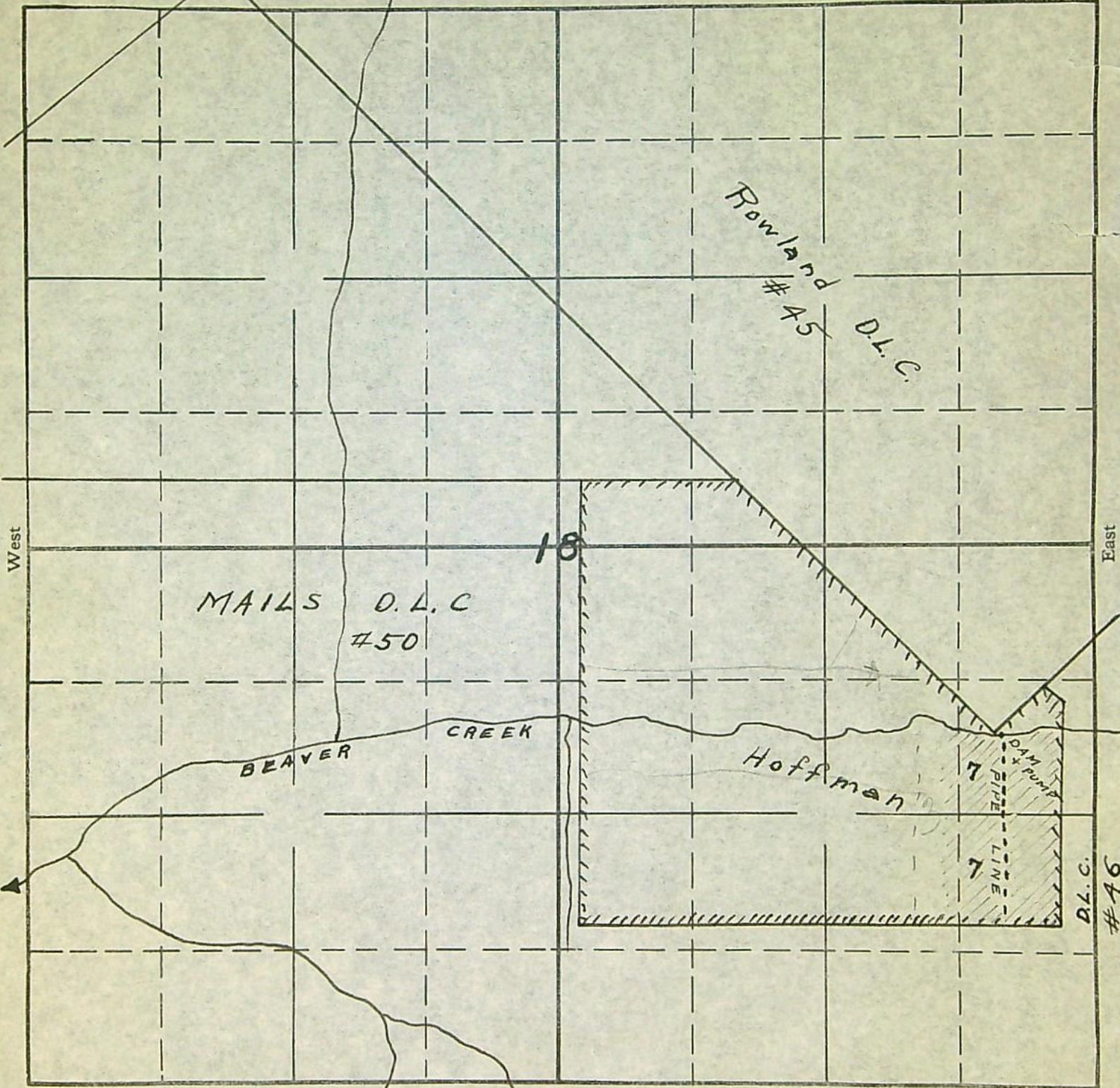


SECTION

18

TOWNSHIP 35, RANGE 2E, W. M.

North



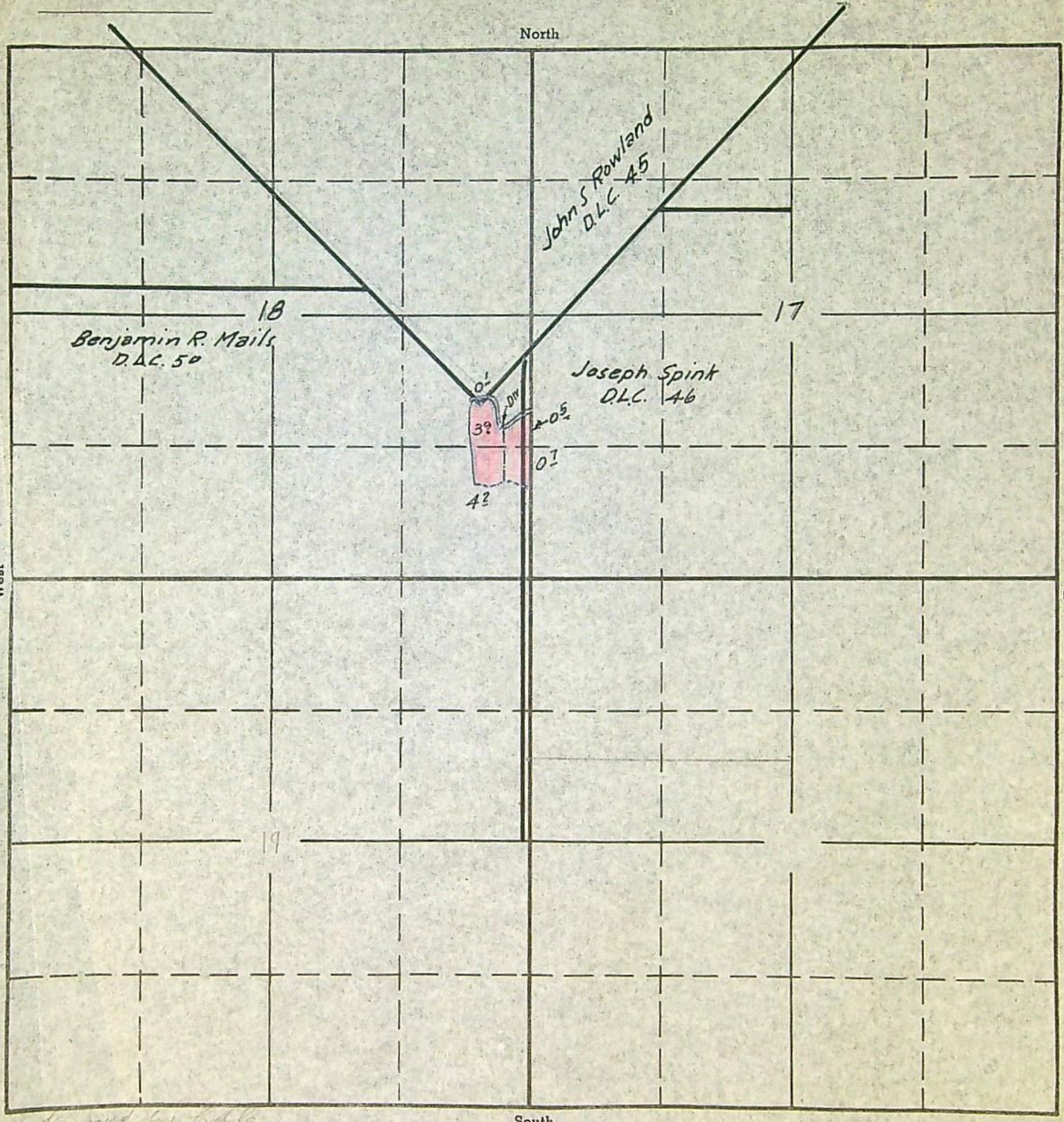
Prepared from  
 plat records, quadrangle,  
 & applicant's abstract,  
 6/28/33 - 18 -

APPLICATION No. 15013  
 PERMIT No. 10943



SECTION

TOWNSHIP 35 , RANGE 2E , W. M.



Surveyed by L. L. L. L.  
Apr 24 1939

APPLICATION No. 15013  
PERMIT No. 10943



PERMIT No. 10943

12330

APPLICATION No. 15013

COUNTY Clackamas

PROOF OF APPROPRIATION OF WATER

1. Name Joseph Hoffman 2. Address Route 1, Oregon City, Oregon  
 3. Source of supply Beaver Creek  
 Tributary of Willamette River  
 4. Amount of water 0.18 c.f.s. 5. Priority date June 28, 1933  
 6. Use Irrigation  
 7. Location of point of diversion, (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) in Benjamin R. Mails DLC 50  
 (Legal Subdivision) Sec. 18, Twp. 3 S., Range 2 E., W. M.  
 8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated", fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 S.	2 E.	18	(SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ )	7	39 ✓
			in Benjamin R. Mails DLC 50 ↘ (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ )	7	42 ✓
			18 (NESE)		05 ✓
			in Joseph Spink DLC 46 ↘ (SESE)		07 ✓
			18 (NESE)		01 ✓
			in John S. Rowland DLC 45		94
			1/80 OK for cent		

This column must be filled in if water is used for irrigation

(Attach separate sheet if necessary)



DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ..... ft.; length on top, ..... ft.; length on bottom ..... ft.; material used and character of construction, .....
- (b) Give description of headgate: Width, ..... ft.; depth, ..... ft.; material used and character of construction, .....
- (c) Size of canal: Width on top (at waterline) ..... ft.; width on bottom, ..... ft.; depth of water, ..... ft.; grade, ..... ft. fall per 1,000 ft. Actual capacity, ..... sec.-ft. Give general description: .....

- (d) Pipe line: Description of intake, .....
- Length of pipe, 500 ft.; size at intake, 3 in.; size at 10 ft. from intake, 6" in.; size at place of use, 6" in. Difference in elevation between intake and place of use, 16 ft. Is grade uniform? Yes Wood Stave Actual capacity of pipe line, ..... sec.-ft. Give general description: Wood Stave  
(Material: Steel, wrought, cast iron, wood stave, etc.)

- (e) Pumping plant: Give size and type of pump, 3' Centrifugal  
 Suction lift, 2 ft.; discharge lift, ..... ft. Type of motor used Electric  
 Horse power rating, 3 H. P. Actual capacity of pump, ..... sec.-ft.

10. During what months is water beneficially used? Irr. Season
11. State character of soil Bottom  
 Kind of crops raised Clover
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? See proof Map
13. If not, wherein is such map in error? .....
14. Domestic use: Give number of families actually using water at this time .....
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use .....



AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

Clackamas

} SS.

I, Joseph Hoffman, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 15<sup>th</sup> day of December, 1939.

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 1939.

Joseph Hoffman

J. Hammond II

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

May 5, 1940

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

Clackamas

} SS.

We, Edward Kent and Henry Heerd, of Rt. 1, Oregon City, Oregon, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 10943; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 1939.

Edward Kent

Henry Heerd

J. Hammond II

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

May 5, 1940



REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, Chestnut Cummings, do hereby certify that I have made an inspection of the works described herein and in Permit No. 10943, on the 24 day of April, 1939, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of \_\_\_\_\_ and I recommend the issuance of water right certificate for this amount. (Quantity of water in second-feet or acre-feet)

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

Chestnut Cummings  
(Name)

(Title)

PROOF OF APPROPRIATION

Permit No. ....

Recording fee paid

Receipt No. ....

RECEIVED  
DEC 20 1939  
STATE ENGINEER  
SALEM, OREGON

STATE OF OREGON

VERIDVALL OF WITN

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 1939.  
I hereby certify that the facts stated herein are true and correct to the best of my knowledge and belief.  
\_\_\_\_\_  
County of \_\_\_\_\_  
STATE OF OREGON



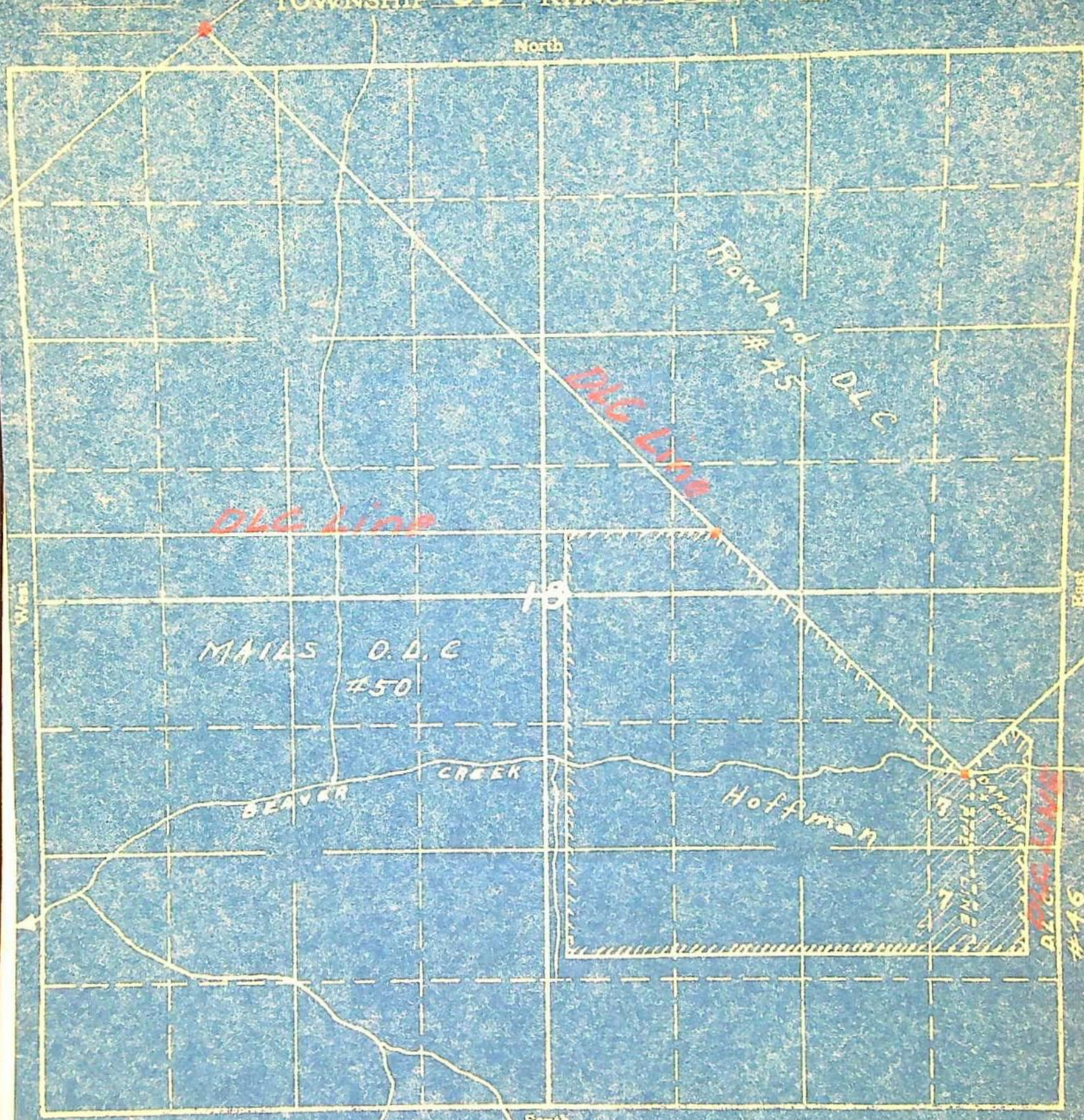
TOWNSHIP 35, RANGE 2E, W. M.

North

West

East

South



Prepared from  
plat records, quadrangle,  
& applicant's abstract,  
6/28/33 - 18.

APPLICATION No. 15013  
PERMIT No. 10942



23078

XXXXXXXXXXXX  
XXXXXXXXXXXX  
James E. Sexson,  
Director

July 30, 1975

Mr. Robert K. Winger  
Attorney at Law  
1700 Standard Plaza  
Portland, Oregon 97204

Dear Mr. Winger:

Enclosed are maps locating lands described in certificates Nos. 20443 and 12330. Land in excess of that included in permit No. 18296 is shown on one map and the circled figures are those listed in the certificate. I have added the scale distances for the two diversion points of record for your convenience if an application for change in point of diversion and place of use is to be filed.

Only the owner of the land can file an application for approval of any change so the owner of the principal property cannot include that part of the right appurtenant to the tract deeded in settlement of the suit caused by the channel change.

A form for making application for change is enclosed. The application must be accompanied by a map showing the proposed point of diversion, that part of the right involved in the change and the location of the new place of use. Excerpts from ORS, including the fee schedule, are also enclosed. There was one change effective July 1, 1975, and this is noted.

Very truly yours,

Trevor Jones  
Assistant

TJ:whh  
Encs.



December 29, 1955

Mr. Harry A. Harris  
Attorney at Law  
Hogg Building  
804 Main Street  
Oregon City, Oregon

Dear Mr. Harris:

After you left the office yesterday I talked to Mr. Lewis Stanley and he believes you should subpoena, personally, any member of the staff you care to.

We will furnish certified copies of any documents pertaining to Permit No. 10943, Certificate No. 12330 and Permit No. 18296 Certificate No. 20443 covering water rights of Joseph Hoffman, on payment of the copying fees. This is with the exception of the aerial photographs you examined in this office, for we are unable to reproduce them. These two certificates are recorded in Oregon City. If you are interested, both the Clackamas County Assessors Office and the Clackamas County P.M.A. have copies of identical photographs on a much larger scale. This photograph covers part of Township 3 South, Range 2 East and is designated, D.F.K.-3 D.-127 and was taken in June, 1948.

Any member of the State Engineers staff will be able to bring with him any of the documents referred to, however, they cannot leave his possession.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Trevor Jones  
Assistant

TJ:gw



December 4, 1939

Mr. Joseph Hoffman  
Route 1  
Oregon City, Oregon

Dear Sir:

If you will sign the enclosed final proof and return it to this office, accompanied by the statutory certificate recording fee in the amount of \$1.00, your water right under Permit No. 10943 will be confirmed by issuance of a certificate granting a right to the use of water as indicated on the proof, when the next group of certificates is issued.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

BB  
encl.



15013

December 1, 1937.

Mr. Joseph Hoffman,  
Route 1,  
Oregon City, Oregon.

Dear Sir:

This is to notify you that your application for an extension of time under your Permit No. 10943 has been given favorable consideration, and the time limits for the completion of construction work and complete application of water are being extended until October 1, 1938.

Yours very truly,

CHAS. N. STRICKLIN,  
State Engineer.

By  
Ed K. Humphrey, Assistant.

LN



Application No. 15013

Permit No. 10943

### APPLICATION FOR EXTENSION OF TIME

To the State Engineer of Oregon:

I, Joseph Hoffman, of Route 1, Oregon City,  
state of Oregon, am the owner and holder of Permit No. 10943, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before October 1, 1937, and complete application of water is required to be made on or before October 1, 1937.

I have heretofore done the following work described under said permit: Construction work is complete except for putting in pipe for the 2 acres yet to be irrigated

costing \$ 500.<sup>00</sup> not including labor, and I estimate the cost of completion to be \$ 100.<sup>00</sup>

I have heretofore used water under said permit to the following extent: Have irrigated approximately 10 acres.

I am unable to ~~complete construction work~~ ~~make complete application of water~~ within the required time, for the following reasons, to wit: Lack of time because I have been building a new house. I expect to irrigate the balance next year.

(If additional space is required, attach separate sheet)

(OVER)

Extend one year





STATE OF OREGON  
DEPARTMENT OF AGRICULTURE  
PERMITS AND BONDS

WHEREFORE, I ask that the State Engineer extend the time for the

{ completion of construction work }  
{ complete application of water } under said permit to October 1, 1938  
(Strike out phrase not applicable)

**AFFIDAVIT OF APPLICANT**

STATE OF Oregon  
County of Clackamas } ss.

I, Joseph Hoffman, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 26<sup>th</sup> day of November, 1937

Subscribed and sworn to before me this 26 day of November, 1937  
Joseph Hoffman

(Notarial Seal)

Jeanie Baxter  
My commission expires July 19, 1941



15013

November 16, 1937.

Mr. Joseph Hoffman,  
Route 1,  
Oregon City, Oregon.

Dear Sir:

Pursuant to instructions by Mr. Cummings of this department, I am enclosing a blank for your convenience in making an application for an extension of time under your Permit No. 10943.

This matter should be given your immediate attention in order that the permit may be placed in good standing on our records.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

Ed K. Humphrey, Assistant.

LN  
encl.



September 23, 1937.

Mr. Joseph Hoffman,  
Route 1,  
Oregon City, Oregon.

Dear Sir:

This acknowledges receipt of your letter of September 21 in which you state that the water is being completely applied under your Permit No. 10943 and that you are now ready to make final proof.

A representative from this office will make an inspection of your development within the near future and assist you in making final proof.

Yours very truly,

CHAS. E. STRICKLIN,  
State Engineer.

By  
Ed K. Humphrey, Assistant.

LN



Oregon City, Ore.  
Sept. 21, 1907

Chas. E. Stricklin  
State Engineer;

RECEIVED

SEP 22 1907

STATE ENGINEER

SALEM, OREGON

Dear Sir;

I have recently completed  
my irrigation project and have  
used the water as proposed.

I am now ready for the blank  
upon which I submit final  
proof.

My application no. is - 15013.

Permit no. 10943

Very truly yours  
Mr. Joseph Hoffman  
Route 1



September 28, 1936.

Mr. Joseph Hoffman,  
Route 1,  
Oregon City, Oregon.

Dear Sir:

Your application for an extension of time for the completion of construction work and complete application of water under your Permit No. 10943 has been given favorable consideration, and the time limits are being extended until October 1, 1937.

Yours very truly,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

LN



Application No. 15013

Permit No. ....

### APPLICATION FOR EXTENSION OF TIME

To the State Engineer of Oregon:

I, Joseph Hoffman, of RI Oregon City,  
state of Oregon, am the owner and holder of Permit No. 10940, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before 10-1-<sup>35</sup>~~34~~, 19....., and complete application of water is required to be made on or before 10-1-36, 19.....

I have heretofore done the following work described under said permit: Purchased Pump have 300' of pipe laid and 10 ac cleared and leveled

costing \$ 150 for labor since 10-1-35, and I estimate the cost of completion to be \$ 600<sup>00</sup>

I have heretofore used water under said permit to the following extent: Have Irrigated 3.5 ac. and 6 1/2 ac ready for Irrigation

I am unable to {complete construction work / make complete application of water} within the required time, for the following reasons, to wit: Too Wet to improve land in spring of year and intend to purchase larger pump. Lack of time

(If additional space is required, attach separate sheet)

(OVER)

Extend 1 year





WHEREFORE, I ask that the State Engineer extend the time for the

{ completion of construction work }  
{ complete application of water } under said permit to 10-1-37, 19.....  
(Strike out phrase not applicable)

**AFFIDAVIT OF APPLICANT**

STATE OF Oregon }  
County of Clackamas } ss.

I, Joseph Hoffman....., being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of Sept.....  
....., 1936

Joseph Hoffman

Subscribed and sworn to before me this ..... day of ....., 19.....

(Notarial Seal)

Christina Cummins  
My commission expires Sept.....



November 25, 1935.

Mr. Joseph Hoffman,  
Route 1,  
Oregon City, Oregon.

Dear Sir:

This is to notify you that your application for an extension of time under your Permit No. 10943 has been given favorable consideration, and the time limit for completion of construction work is being extended until October 1, 1936. This date corresponds with the time limit fixed in the permit for the complete application of water.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

V. S. Bovelie, Assistant.

LN



APPLICATION FOR EXTENSION OF TIME

For Completion of Construction Work ~~and~~  
~~Complete Application of Water~~

To the State Engineer of Oregon:

I, Joseph Hoffman, of Oregon City  
State of \_\_\_\_\_ do hereby certify:

That I am the owner and holder of Permit No. 10943, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit construction work was required to be completed ~~and complete application of water was required to have been made by~~ Oct 1, 1935.

That I have heretofore performed the following work described under said permit: Temporary dam constructed, pump installed, 300' of 6" pipe installed - 600' of ditch completed

costing \$ 250.00 plus labor, and the estimated cost of completion is \$ ?.

That I have heretofore made application of water under said permit to the following extent: six acres irrigated

That I am unable to complete construction work and make the complete application of water within the required time, for the following reasons, to wit:

Lack of sufficient funds to install larger pump - must require more pipe also -

WHEREFORE, I ask that the State Engineer extend the time for completion of construction work and for the complete application of water under said permit to Oct 1, 1936.

Joseph Hoffman  
Signature of Applicant.

OB

Signature and Address of Witness.



Pi

September 9, 1933

Mr. Joseph Hoffman  
Route 1  
Oregon City, Oregon

Dear Sir:

Herewith you will find Application No. 15013, Permit  
No. 10943, together with blue print.

This application has been approved and recorded in  
this office.



July 15, 1953.

Mr. Joseph Hoffman,  
Route 1,  
Oregon City, Oregon.

Dear Sir:

Receipt is acknowledged of your remittance of \$4.50 as the balance of fees due on your Application No. 15013. My receipt No. 16342 is enclosed.

The application is now considered to be in satisfactory form and is being placed in line for approval and issuance of a permit.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

LN  
encl.







DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, .....ft.; length on top, .....ft.; length on bottom .....ft.; material used and character of construction, .....

(b) Give description of headgate: Width, .....ft.; depth, .....ft.; material used and character of construction, .....

(c) Size of canal: Width on top (at waterline) .....ft.; width on bottom, .....ft.; depth of water, .....ft.; grade, .....ft. fall per 1,000 ft. Actual capacity, ..... sec.-ft. Give general description: .....

(d) Pipe line: Description of intake, ..... 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? ..... Actual capacity of pipe line, ..... sec.-ft. Give general description: ..... (Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump, ..... Suction lift, .....ft.; discharge lift, .....ft. Type of motor used ..... Horse power rating, ..... H. P. Actual capacity of pump, ..... sec.-ft.

10. During what months is water beneficially used? .....

11. State character of soil ..... Kind of crops raised .....

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? .....

13. If not, wherein is such map in error? .....

14. Domestic use: Give number of families actually using water at this time .....

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use .....



AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of .....

} ss.

I, ....., being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this ..... day of ....., 193.....

Subscribed and sworn to before me this ..... day of ....., 193.....

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires .....

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of .....

} ss.

We, ....., and .....

of ....., being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No.....; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this ..... day of ....., 193.....

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires .....



REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, \_\_\_\_\_, do hereby certify that I have made an inspection of the works described herein and in Permit No. \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of \_\_\_\_\_ and I recommend the issuance of a water right certificate for this amount. (Quantity of water in second-feet or acre-feet)

NOTE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

(Name)

(Title)

PROOF OF APPROPRIATION

Permit No. ....

Recording fee paid

Receipt No. ....

VERIDVAIL OF WITNESSES

STATE OF OREGON

VERIDVAIL OF WITNESSES

STATE OF OREGON