

ReneeM

From: sarah.caudillo@doj.state.or.us
Sent: Monday, July 01, 2002 9:25 AM
To: Renee.M.MOULUN@wrd.state.or.us
Subject: Jordan

The Order of dismissal was signed on 5/6 by Judge McCormick.

Sarah Caudillo
Oregon Dept. of Justice
Commercial & Environmental Section
(503) 378-6313

Gayla K. Austin
Law Clerk

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (541) 917-0100
Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

Transmittal Memo

Date: - COPY -
FOR YOUR
INFORMATION
JAMES H. JORDAN ATTORNEY April 15, 2002

To: Linn County Circuit Court
Linn County Courthouse
P. O. Box 1749
Albany, OR 97321

Regarding: Jordan v. State of Oregon
Linn County Circuit Court Case
No. 011411
Our File No. 1-14

Enclosures: 1. Motion and Order to Dismiss
2. Postcard

Requested Action: To be filed. If the order meets
the Court's approval, please
complete and return the enclosed
postcard.

JHJ/cjl

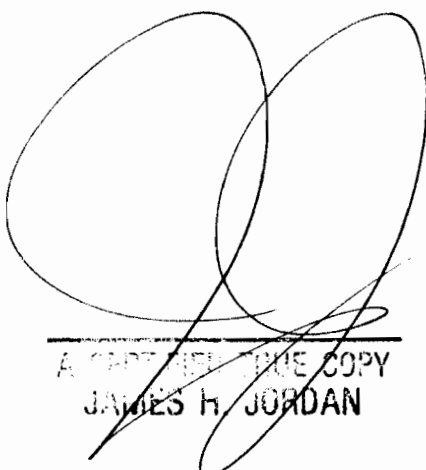
pc: Water Resources Department, Attn: Renee Moulan, Esq. w/copy of
Motion and Order to Dismiss
Department of Justice, Attn: Karen L. Moynahan, Esq. w/copy of
Motion and Order to Dismiss

100 Calapooia Street S.W., Albany, Oregon 97321-2291

RECEIVED

APR 16 2002

WATER RESOURCES DEPT.
SALEM, OREGON


A PARTIAL TRUE COPY
JAMES H. JORDAN

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

10 CAROL HOPEMAN JORDAN,) Case No. 011411
11)
11 Plaintiff,) MOTION AND ORDER
12) TO DISMISS
12 v.)
13)
13 STATE OF OREGON, by and through the)
14 Oregon Water Resources Department,)
15 Defendant.)

16 1.

17 Plaintiff moves the Court for an order dismissing this case
18 without costs and without prejudice.

19 Dated this 2^d day of April, 2002.

20
21
22 JAMES H. JORDAN OSB 60042
Attorney for Plaintiff

23
24 ORDER

25 Motion allowed _____

26 Page 1 MOTION AND ORDER TO DISMISS

[cjl:hope1-14-mod\dra#1\04-02-02]

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APR 15 2002

WATER RESOURCES DEPT
SALEM, OREGON

LAW OFFICE
JAMES H. JORDAN
100 CALAPOOIA STREET S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

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Motion denied _____

Dated this _____ day of _____, 2002.

Circuit Court Judge

Submitted By:
James H. Jordan
Attorney at Law
OSB No. 60042
100 Calapooia Street S.W.
P. O. Box 983
Albany, OR 97321-0369
Telephone: 541-917-0100
Facsimile: 541-928-7370
E-Mail Address: jordaust@proaxis.com

RECEIVED

APR 16 2002

WATER RESOURCES DEPT.
SALEM, OREGON

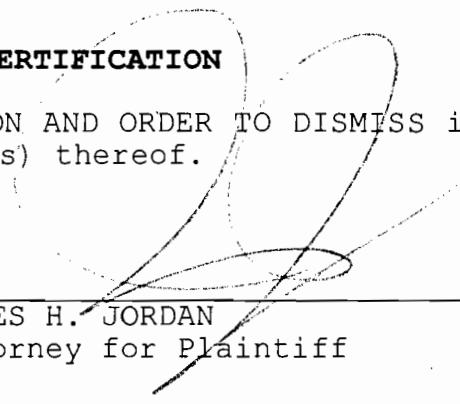
LAW OFFICE
JAMES H. JORDAN
100 Calapooia Street S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

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TRUE COPY CERTIFICATION

I certify the foregoing MOTION AND ORDER TO DISMISS is an exact and complete copy of the original(s) thereof.

Dated: *April 15, 2002*



JAMES H. JORDAN
Attorney for Plaintiff

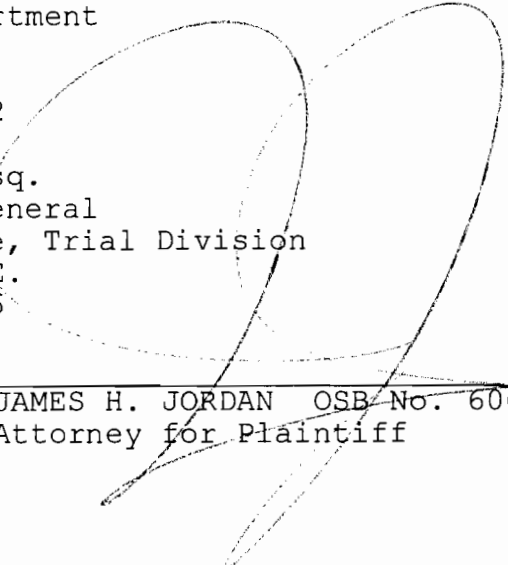
CERTIFICATE OF SERVICE

I certify that on April 15th, 2002, I served the foregoing MOTION AND ORDER TO DISMISS on each of the following by the indicated method or methods:

XXXXX By depositing with the United States Post Office at Albany, Oregon, for each, an exact and complete copy thereof, enclosed in a sealed envelope, with postage paid, addressed to the respective attorney for each party, as shown below, at that attorney's regular office address:

Renee Moulan, Esq.
Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, OR 97301-4172

Karen L. Moynahan, Esq.
Assistant Attorney General
Department of Justice, Trial Division
1162 Court Street N.E.
Salem, OR 97301-4096



JAMES H. JORDAN OSB No. 60042
Attorney for Plaintiff

Submitted by:
James H. Jordan
Attorney at Law
OSB No. 60042
100 Calapooia Street S.W.
P. O. Box 983
Albany, OR 97321-0369
Telephone: 541-917-0100
Facsimile: 541-928-7370
E-Mail Address: jordaust@proaxis.com

True Copy Certification/Certificate of Service
[cj]:hope1-14-tcc\dra#1\04-03-02]

RECEIVED
APR 16 2002
WATER RESOURCES DEPT.
SALEM, OREGON

LAW OFFICE
JAMES H. JORDAN
100 CALAPOOIA STREET S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

Mailing List for Final Order of Registration Copies

Application # SWR-172

Mailing List Print Date: February 1, 2002

Original mailed to:

Claimant: CAROL HOPEMAN JORDAN
C/O PO BOX 983
ALBANY OR 97321

Copies Mailed	
By:	<i>Jan DeVito</i> (SUPPORT STAFF)
on:	<i>4/12/02</i> (DATE)

Copies sent to:

1. WRD - File # SWR-172
2. DOJ - Karen L. Moynahan
Department of Justice; Trial Division
1162 Court Street NE
Salem OR 97301-4096

CASEWORKER: GC

M:\docs\swr-172.wpd



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

VIA MAIL

April 11, 2002

James H. Jordan
Law Office of James H. Jordan
100 Calapooia Street SW
PO Box 983
Albany, OR 97321-0369

RE: *Carol Hopeman Jordan v. State of Oregon (WRD)*
Linn County Circuit Court Case No. 011411

Dear Mr. Jordan:

Enclosed is the Final Order of Registration for SWR 172 in the name of Dorothy F. Hopeman.

Please feel free to call me if you have any questions or concerns: (503) 378-8455 x239.

Sincerely,

Renee Moulun
Protest Program Coordinator

Cc: Karen Moynahan



STATE OF OREGON
Oregon Water Resources Department
Water Rights Division

Surface Water Registration
Number SWR-172

Final Order of Registration

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Registration Statement History

On DECEMBER 22, 1992, DOROTHY F. HOPEMAN submitted a SURFACE WATER REGISTRATION STATEMENT FOR A PRE-1909 VESTED WATER RIGHT CLAIM for the following use:

- Amount of Water: 0.964 CUBIC FOOT PER SECOND
- Use of Water: IRRIGATION OF 77.1 ACRES AND STOCKWATER
- Source of Water: WILLAMETTE RIVER TRIBUTARY TO COLUMBIA RIVER
- Area of Use: LINN County within SECTIONS 1 and 12, TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

On June 8, 2001, the Department was informed that the current owner of the property was CAROL HOPEMAN JORDAN.

Findings of Fact

Portions of the lands involved in the Registration Statement are covered by Certificates of Water Rights numbered 37304 and 53874.

The Department has determined that there are no new or conflicting uses of water and no persons will be impacted by the enforcement of this claim.

Conclusions of Law

Pursuant to OAR 690-028-0029 the registrant is prima facie entitled to appropriate the water to the extent and in the manner as described below.

Order

This proposed order of registration is hereby issued to:

CAROL HOPEMAN JORDAN
C/O PO BOX 983
ALBANY OR 97321

The specific limits of the registered use are listed below.

SURFACE WATER REGISTRATION FILE NUMBER: SWR-172

SOURCE OF WATER: WILLAMETTE RIVER TRIBUTARY TO COLUMBIA RIVER

PURPOSE OR USE: IRRIGATION OF 77.1 ACRES AND STOCKWATER

MAXIMUM RATE: 0.964 CUBIC FOOT PER SECOND

PERIOD OF USE: March 1 TO OCTOBER 1 OF EACH YEAR

DATE OF PRIORITY: FEBRUARY THROUGH MAY, 1854

POINT OF DIVERSION LOCATION (WILLAMETTE RIVER): NE 1/4 SW 1/4, SECTION 1, T11S, R4W, W.M.; 1780 FEET NORTH & 2220 FEET EAST FROM SW CORNER, SECTION 1

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 5.0 ACRES
SW 1/4 SW 1/4 11.6 ACRES
SE 1/4 SW 1/4 33.0 ACRES
SW 1/4 SE 1/4 8.8 ACRES

SECTION 1

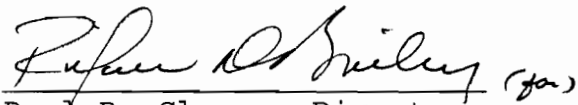
TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

NW 1/4 NE 1/4 11.7 ACRES
NE 1/4 NW 1/4 7.0 ACRES

SECTION 12

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

Issued April , 2002



Paul R. Cleary, Director
Water Resources Department

ReneeM

From: Renee Moulun [Renee.M.MOULUN@wrd.state.or.us]
Sent: Tuesday, April 02, 2002 2:33 PM
To: 'jordaust@proaxis.com'
Cc: Karen Moynahan (E-mail)
Subject: Final Order SWR 172

Dear Mr. Jordan:

I received your letter of March 29, 2002, and have no concerns amending the order on registration to reflect a period of use March 1 through October 31 of each year.

A final order on registration reflecting this change will be issued on April 8, 2002.

Sincerely,

Renee Moulun

Gayla K. Austin
Law Clerk

PO Box 983
Albany, Oregon 97321-0369
Telephone (541) 917-0100
Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

March 29, 2002

Water Resources Department
Attn: Ms. Renee Moulan
Protest Program Coordinator
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Re: Carol Hopeman Jordan v. State of Oregon (WRD)
Linn County Circuit Court Case No.: 011411
File No. 1-14(a)

Mr. Jack Burrell, our engineer, has pointed out that the original application indicated that the "usual period of use" was May 1 through October 1. However, in years of lower rainfalls, these time periods are expanded, as needed, to provide the necessary irrigation for growing crops. For that reason, he has suggested that I request the order to be amended to provide that the period of use is March 1 through October 31 of each year, rather than the current May 1 through October 1.

By indicating the "usual period of use" in the application, it was not our intention to preclude the right to use the water when needed.

I would appreciate your letting me know prior to the appeal time whether or not the foregoing request is acceptable.

I am sorry to bother you with this detail but the change could be important to us in a low rainfall year.

Sincerely,

JAMES H. JORDAN
JHJ/cjl
pc: Ms. Karen Moynahan
Mr. Jack Burrell, WRE

RECEIVED
APR 01 2002
WATER RESOURCES DEPT.
SALEM, OREGON

James H. Jordan Attorney at Law

Gayla K. Austin
Law Clerk

PO Box 983
Albany, Oregon 97321-0369
Telephone (541) 917-0100
Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

March 21, 2002

Water Resources Department
Attn: Ms. Renee Moulán
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Re: Carol Hopeman Jordan v. State of Oregon (WRD)
Linn County Circuit Court Case No.: 011411
File No. 1-14

Thank you for your letter of March 18, 2002, with enclosures.

The order is acceptable to me, subject to review by our engineer to be sure that the technical information is accurate. I will let you know promptly if there are any errors discovered by our engineer.

Once the final order of registration is completed and entered into the records of the Oregon Water Resources Department and the Water Master in this district, we will dismiss the pending litigation without costs and without prejudice to either party.

Sincerely,


JAMES H. JORDAN
JHJ/bmf
Pc: Ms. Karen Moynahan

*PS - my thanks to you and
Haven J*

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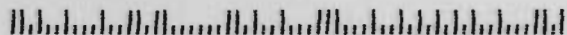
MAR 22 2002
WATER RESOURCES DEPT.
SALEM, OREGON

P. O. BOX 983
ALBANY, OREGON 97321-0369



Water Resources Department
Attn: Ms. Renee Moulan
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

97301/4172



file
Mailing List for Proposed Order of Registration
Copies

Application # SWR-172

Mailing List Print Date: February 1, 2002

Original mailed to:

Claimant: CAROL HOPEMAN JORDAN
C/O PO BOX 983
ALBANY OR 97321

Copies Mailed ,	
By:	<i>Jan DeVito</i> (SUPPORT STAFF)
on:	<u>3/18/02</u> (DATE)

Copies sent to:

- ✓ 1. WRD - File # SWR-172
- 2. DOJ - Karen L. Moynahan
Department of Justice; Trial Division
1162 Court Street NE
Salem OR 97301-4096

CASEWORKER: GC

M:\docs\swr-172.wpd



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

VIA MAIL

March 18, 2002

James H. Jordan
Law Office of James H. Jordan
100 Calapooia Street SW
PO Box 983
Albany, OR 97321-0369

RE: *Carol Hopeman Jordan v. State of Oregon (WRD)*
Linn County Circuit Court Case No. 011411

Dear Mr. Jordan:

Enclosed is a Proposed Order on Registration for Surface Water Registration 172. Pursuant to OAR 690-028-0029(5), the registrant may petition for a hearing under ORS 183.415 to 183.470 within 20 days of issuance of the order. If no hearing is requested the proposed order of registration becomes a final order of registration. This final order of registration will be entered into the records of the Oregon Water Resources Department ("OWRD") and mailed to the registrant and the watermaster in registrant's district.

Once the final order of registration is entered by the OWRD the registrant is prima facie entitled to appropriate water to the extent and in the manner disclosed in the recorded registration statement and final order of registration.

Please don't hesitate to call me if you have any questions regarding the Proposed Order or any other part of the registration procedure: (503) 378-8455 x 239.

Sincerely,

Renee Moulun
Protest Program Coordinator

Cc: Karen Moynahan
Dwight French

STATE OF OREGON
Oregon Water Resources Department
Water Rights Division

Surface Water Registration
Number SWR-172

Proposed Order of Registration

Notice: This proposed order of registration is issued pursuant to OAR 690-028-0029. As provided in OAR 690-028-0029(6) the registrant may petition the Oregon Water Resources Department for a hearing within 20 days of issuance of this proposed order. Hearings are held pursuant to ORS 183.415 to 183.470.

Registration Statement History

On DECEMBER 22, 1992, DOROTHY F. HOPEMAN submitted a SURFACE WATER REGISTRATION STATEMENT FOR A PRE-1909 VESTED WATER RIGHT CLAIM for the following use:

- Amount of Water: 0.964 CUBIC FOOT PER SECOND
- Use of Water: IRRIGATION OF 77.1 ACRES AND STOCKWATER
- Source of Water: WILLAMETTE RIVER TRIBUTARY TO COLUMBIA RIVER
- Area of Use: LINN County within SECTIONS 1 and 12, TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

On June 8, 2001, the Department was informed that the current owner of the property was CAROL HOPEMAN JORDAN.

Findings of Fact

Portions of the lands involved in the Registration Statement are covered by Certificates of Water Rights numbered 37304 and 53874.

The Department has determined that there are no new or conflicting uses of water and no persons will be impacted by the enforcement of this claim.

Conclusions of Law

Pursuant to OAR 690-028-0029 the registrant is prima facie entitled to appropriate the water to the extent and in the manner as described below.

/ / /

Order

This proposed order of registration is hereby issued to:

CAROL HOPEMAN JORDAN
C/O PO BOX 983
ALBANY OR 97321

The specific limits of the registered use are listed below.

SURFACE WATER REGISTRATION FILE NUMBER: SWR-172

SOURCE OF WATER: WILLAMETTE RIVER TRIBUTARY TO COLUMBIA RIVER

PURPOSE OR USE: IRRIGATION OF 77.1 ACRES AND STOCKWATER

MAXIMUM RATE: 0.964 CUBIC FOOT PER SECOND

PERIOD OF USE: MAY 1 TO OCTOBER 1 OF EACH YEAR

DATE OF PRIORITY: FEBRUARY THROUGH MAY, 1854

POINT OF DIVERSION LOCATION (WILLAMETTE RIVER): NE ¼ SW ¼, SECTION 1, T11S, R4W, W.M.; 1780 FEET NORTH & 2220 FEET EAST FROM SW CORNER, SECTION 1

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ SW ¼ 5.0 ACRES
SW ¼ SW ¼ 11.6 ACRES
SE ¼ SW ¼ 33.0 ACRES
SW ¼ SE ¼ 8.8 ACRES

SECTION 1

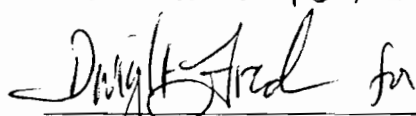
TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

NW ¼ NE ¼ 11.7 ACRES
NE ¼ NW ¼ 7.0 ACRES

SECTION 12

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

Issued March 18, 2002



Paul R. Cleary, Director
Water Resources Department

Memo

To: SWR-172
From: Gerry Clark
Subject: New or Conflicting water uses
Date: February 4, 2002

I discussed this SWR-172 with the Watermaster for the area, Michael Mattick, on January 1, 2002. Due to the location and source claimed (Willamette River) of the registered uses, he is unaware of any conflicts with any other water users.

Research indicates that a majority of the lands involved in the registration are covered under existing water rights; certificates 37304 and 53874. Based on aerial photos, the areas not covered by existing rights appear to have been cleared and could have received water for beneficial use.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This is to certify, That FLOYD M. and DOROTHY F. HOPEMAN

of 316 6th Avenue SW, Albany, State of Oregon 97321, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Willamette River

a tributary of Columbia River for the purpose of irrigation of 57.7 acres

under Permit No. 46321 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 April 16, 1980 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 0.72 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 1/4 SW 1/4, Section 1, T11S, R4W, WM; 220 feet North and 150 feet West from NW Corner, Montieth DLC 55.

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 2.5 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:

- 11.1 acres SW 1/4 SW 1/4 as projected within Gordon DLC 54
- 18.5 acres SE 1/4 SW 1/4 as projected within Gordon DLC 54
- 10.8 acres SE 1/4 SW 1/4 as projected within Montieth DLC 55
- 16.8 acres SW 1/4 SE 1/4 as projected within Montieth DLC 55
- Section 1
- 0.5 acre NW 1/4 NE 1/4 as projected within Montieth DLC 55
- Section 12
- Township 11 South, Range 4 West, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. March 10, 1986

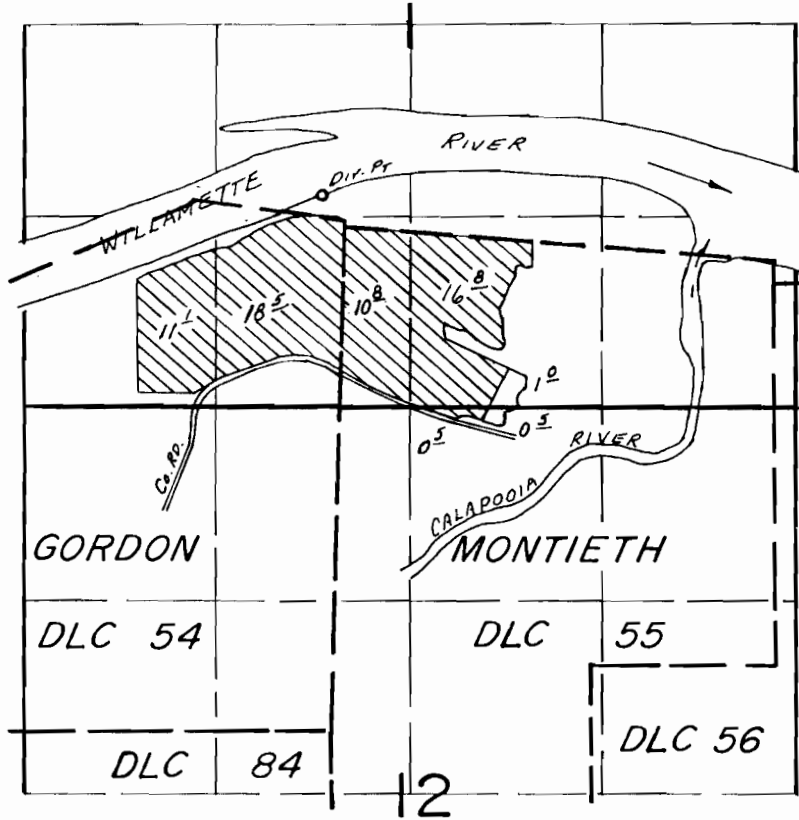
...../s/William H. Young.....
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 49, page 53874

2791D/SB
60040

V CR

T.11S., R.4W., W.M.



DIV. PT. LOC.: 220' N. & 150' W. FROM NW COR. MONTIETH DLC 55.

SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. 60040. Permit No. 46321.....
IN NAME OF

FLOYD M. & DOROTHY F. HOPEMAN

Surveyed May. 3..... 19.84, by L. M. TOLL.....

STATE OF OREGON
COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FLOYD M. and DOROTHY F. HOPEMAN

of 316 West 6th Avenue, Albany, 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 Calapooia River

a tributary of Willamette River for the purpose of irrigation of 23.8 acres

under Permit No. 29243 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 November 22, 1963

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 0.30 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 NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Montieth DLC 55, Section 12, T. 11 S., R. 4 W., W. M. Diversion point located 1450 feet North and 940 feet East from SE Corner, Gordon DLC 54.

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:

0.6 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Gordon DLC 54
2.9 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Montieth DLC 55
0.1 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Montieth DLC 55
Section 1

5.3 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Montieth DLC 55
2.7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gordon DLC 54
12.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Montieth DLC 55
Section 12

T. 11 S., R. 4 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

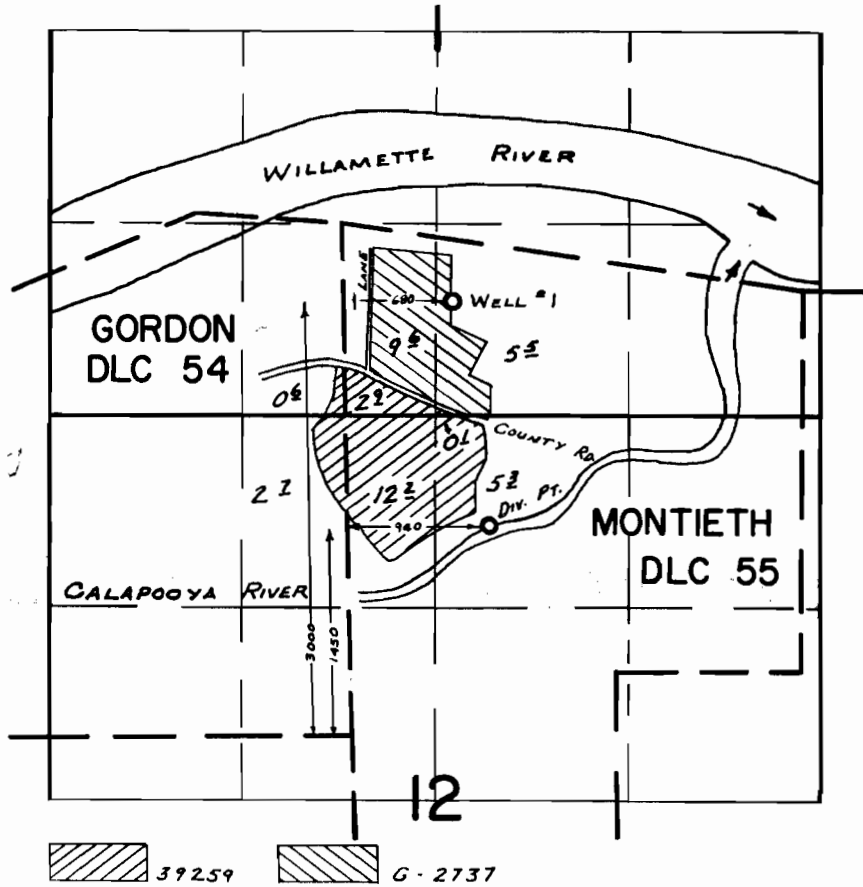
this date. February 10, 1971

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37304

T.I.S.R.4W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. ^{G-2737} ~~39259~~ Permit No. ^{G-2537} ~~29243~~
IN NAME OF

FLOYD M. & DOROTHY F. HOPEMAN

Surveyed *May 19, 1968*, by *W. RUPPERT*

B.M.
1969-L
DET-7P-9

SWR-172



WATER AVAILABILITY TABLE

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:52

Date: 10/29/2001

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	182	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	183	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4	30200321	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Item	Watershed ID	Stream Name
1	181	WILLAMETTE R > COLUMBIA R - AT MOUTH
2	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R
3	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
4	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

LIMITING WATERSHEDS

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:52

Date: 10/29/2001

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	14600.0
2	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	11100.0
3	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	9910.0
4	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	7970.0
5	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	7360.0
6	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	4970.0
7	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	1720.0
8	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	633.0
9	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	724.0
10	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	1630.0
11	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	6240.0
12	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 1	YES	14900.0
Stor	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT	YES	5070000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:52

Date: 10/29/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	27500.00	484.00	276.00	26700.00	0.00	1500.00	25200.00
2	30000.00	3530.00	273.00	26200.00	0.00	1500.00	24700.00
3	28500.00	4600.00	262.00	23600.00	0.00	1500.00	22100.00
4	25400.00	4420.00	251.00	20700.00	0.00	1500.00	19200.00
5	20700.00	2170.00	237.00	18300.00	0.00	1500.00	16800.00
6	11000.00	1260.00	429.00	9310.00	0.00	1500.00	7810.00
7	6280.00	1640.00	433.00	4200.00	0.00	1500.00	2700.00
8	4890.00	1460.00	401.00	3030.00	0.00	1500.00	1530.00
9	4930.00	1090.00	377.00	3460.00	0.00	1500.00	1960.00
10	5990.00	355.00	179.00	5460.00	0.00	1500.00	3960.00
11	12700.00	376.00	221.00	12100.00	0.00	1500.00	10600.00
12	24800.00	430.00	274.00	24100.00	0.00	1500.00	22600.00
Stor	19700000	1310000	218000	18200000	0	1090000	17100000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:52

Date: 10/29/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	218.23	0.00	334.03	99.54	4.54	23.69	77.90	2.69	761.00
2	3255.34	0.00	334.03	99.54	4.54	23.69	77.90	2.69	3800.00
3	4312.31	6.44	334.03	99.54	4.54	23.69	80.37	2.69	4860.00
4	4085.89	42.88	334.03	99.54	4.54	23.69	76.93	2.69	4670.00
5	1601.69	292.92	330.18	99.53	4.39	23.69	55.12	2.69	2410.00
6	12.95	586.37	907.85	99.28	4.24	23.69	54.79	2.69	1690.00
7	0.10	1001.84	905.03	94.00	4.24	23.69	43.93	2.50	2080.00
8	0.05	785.87	905.03	94.00	4.24	22.28	42.54	2.50	1860.00
9	0.06	388.71	902.78	99.23	4.24	22.28	44.99	2.69	1470.00
10	0.15	27.73	332.24	99.28	4.24	22.29	45.63	2.69	534.00
11	66.29	0.00	334.03	99.28	4.54	23.69	66.86	2.69	597.00
12	161.04	0.00	334.03	99.54	4.54	23.69	77.90	2.69	703.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 10/29/2001 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA RWatershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
Time: 10:52 Date: 10/29/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	21400.00	1120.00	203.00	20100.00	0.00	1500.00	18600.00
2	23200.00	7540.00	200.00	15500.00	0.00	1500.00	14000.00
3	22400.00	6310.00	197.00	15900.00	0.00	1500.00	14400.00
4	19900.00	6320.00	193.00	13400.00	0.00	1500.00	11900.00
5	16600.00	3290.00	198.00	13100.00	0.00	1500.00	11600.00
6	8740.00	1030.00	369.00	7340.00	0.00	1500.00	5840.00
7	4980.00	1100.00	365.00	3510.00	0.00	1500.00	2010.00
8	3830.00	978.00	339.00	2510.00	0.00	1500.00	1010.00
9	3890.00	729.00	330.00	2830.00	0.00	1500.00	1330.00
10	4850.00	251.00	161.00	4440.00	0.00	1500.00	2940.00
11	10200.00	270.00	183.00	9750.00	0.00	1500.00	8250.00
12	19300.00	297.00	202.00	18800.00	0.00	1500.00	17300.00
Stor	15200000	1740000	178000	13300000	0	1090000	12200000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 10/29/2001 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA RWatershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
Time: 10:52 Date: 10/29/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	915.00	0.00	249.00	84.90	3.80	17.90	53.60	2.87	1330.00
2	7329.64	0.00	248.87	84.89	3.80	17.93	53.58	2.87	7740.00
3	6092.16	4.35	248.87	84.89	3.80	17.93	55.62	2.87	6510.00
4	6071.58	28.85	248.87	84.89	3.80	17.93	52.18	2.87	6510.00
5	2892.68	200.31	245.02	84.88	3.80	17.92	45.31	2.87	3490.00
6	191.68	401.40	652.39	84.63	3.80	17.93	45.31	2.87	1400.00
7	0.32	680.65	649.57	79.35	3.80	17.93	34.55	2.67	1470.00
8	0.21	531.01	649.57	79.35	3.80	16.52	33.16	2.67	1320.00
9	0.01	263.99	651.82	84.58	3.80	16.52	35.61	2.87	1060.00
10	0.04	18.83	248.58	84.63	3.80	16.53	37.06	2.87	412.00
11	43.15	0.00	248.87	84.63	3.80	17.93	52.48	2.87	454.00
12	86.78	0.00	248.87	84.89	3.80	17.93	53.58	2.87	499.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:52

Date: 10/29/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	18400.00	1280.00	40.40	17100.00	0.00	1300.00	15800.00
2	20100.00	7700.00	38.40	12400.00	0.00	1300.00	11100.00
3	19600.00	6480.00	37.60	13100.00	0.00	1300.00	11800.00
4	18000.00	6480.00	34.70	11500.00	0.00	1300.00	10200.00
5	15500.00	3410.00	44.40	12000.00	0.00	1300.00	10700.00
6	8310.00	1100.00	80.00	7130.00	0.00	1300.00	5830.00
7	4710.00	1100.00	83.60	3530.00	0.00	1300.00	2230.00
8	3620.00	1010.00	63.40	2550.00	0.00	1300.00	1250.00
9	3680.00	833.00	57.40	2790.00	0.00	1300.00	1490.00
10	4650.00	413.00	25.30	4210.00	0.00	1300.00	2910.00
11	9400.00	434.00	30.30	8940.00	0.00	1300.00	7640.00
12	16700.00	455.00	40.30	16200.00	0.00	1300.00	14900.00
Stor	13500000	1830000	34800	11600000	0	942000	10700000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:52

Date: 10/29/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	894.00	0.00	341.00	58.40	3.40	12.60	9.32	2.70	1320.00
2	7310.89	0.00	341.48	58.41	3.40	12.59	9.32	2.69	7740.00
3	6083.96	3.07	341.48	58.41	3.40	12.59	10.42	2.69	6520.00
4	6066.90	19.05	341.56	58.41	3.40	12.59	7.87	2.69	6510.00
5	2891.35	140.81	337.66	58.41	3.40	12.59	6.77	2.69	3450.00
6	191.16	284.06	622.35	58.15	3.40	12.59	6.77	2.69	1180.00
7	0.31	481.48	620.07	54.55	3.40	12.59	4.87	2.50	1180.00
8	0.21	372.90	620.03	54.55	3.40	12.58	4.87	2.50	1070.00
9	0.01	186.06	621.79	58.11	3.40	12.58	5.93	2.69	891.00
10	0.03	13.31	341.24	58.15	3.40	12.58	6.72	2.69	438.00
11	37.79	0.00	341.48	58.15	3.40	12.59	8.22	2.69	464.00
12	67.32	0.00	341.48	58.41	3.40	12.59	9.32	2.69	495.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:52

Date: 10/29/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	17300.00	917.00	10.40	16400.00	0.00	1750.00	14600.00
2	17400.00	4480.00	9.91	12900.00	0.00	1750.00	11200.00
3	15800.00	4130.00	10.70	11700.00	0.00	1750.00	9910.00
4	13800.00	4070.00	10.90	9720.00	0.00	1750.00	7970.00
5	11400.00	2280.00	15.50	9110.00	0.00	1750.00	7360.00
6	7350.00	606.00	24.10	6720.00	0.00	1750.00	4970.00
7	4100.00	604.00	22.90	3470.00	0.00	1750.00	1720.00
8	2960.00	559.00	17.90	2380.00	0.00	1750.00	633.00
9	2960.00	469.00	16.70	2470.00	0.00	1750.00	724.00
10	3550.00	166.00	7.80	3380.00	0.00	1750.00	1630.00
11	8170.00	172.00	7.04	7990.00	0.00	1750.00	6240.00
12	19100.00	172.00	10.40	18900.00	0.00	1750.00	17200.00
Stor	7460000	1110000	9920	6340000	0	1270000	5070000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 10/29/2001 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:52

Date: 10/29/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	760.00	0.00	115.00	44.90	0.02	5.80	2.46	0.19	928.00
2	4318.77	0.00	114.59	44.92	0.02	5.80	2.46	0.20	4490.00
3	3967.84	1.49	114.59	44.92	0.02	5.80	3.56	0.20	4140.00
4	3897.52	9.25	114.67	44.92	0.02	5.80	3.56	0.20	4080.00
5	2056.17	69.17	114.61	44.92	0.02	5.80	2.46	0.20	2290.00
6	95.95	139.56	341.00	44.66	0.02	5.80	2.46	0.20	630.00
7	0.30	236.96	340.71	41.99	0.02	5.80	1.34	0.00	627.00
8	0.20	186.79	340.71	41.99	0.02	5.80	1.34	0.00	577.00
9	0.00	92.62	340.44	44.66	0.02	5.80	2.40	0.20	486.00
10	0.01	6.59	114.42	44.66	0.02	5.80	2.40	0.20	174.00
11	12.22	0.00	114.59	44.66	0.02	5.80	1.36	0.20	179.00
12	14.02	0.00	114.59	44.92	0.02	5.80	2.46	0.20	182.00



Main Stem Willamette River Subbasin

690-502-050 The Main Stem Willamette River Subbasin includes the Willamette River from Willamette Falls near river mile 27 in Oregon City to the confluence of the Middle Fork and Coast Fork Willamette south of Springfield. Stream systems which are tributary to the Willamette River main stem above Willamette Falls are included in the subbasin, except for the major tributary subbasins specified in OAR 690-502-060 through 690-502-150:

(1) Surface water classification:

(a) The following streams and tributaries are withdrawn from further appropriation except storage:

(A) Second Periwinkle Creek (also known as Cox Creek and Ash Creek) and tributaries near Willamette River mile 118 at Albany are withdrawn from further appropriation by order of the State Engineer dated November 20, 1950;

(B) Croisan Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(C) Pringle Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(D) Mill Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(E) An unnamed stream and tributaries flowing through Section 24, Township 6 South, Range 4 West, Willamette Meridian, a tributary to Spring Valley Creek in Section 19, Township 6 South, Range 3 West, Willamette Meridian, are withdrawn from further appropriation by order of the State Engineer dated August 18, 1950;

(F) Corral Creek and tributaries near Willamette River mile 40 are withdrawn from further appropriation by order of the State Engineer dated August 7, 1951;

(G) Hatlin Creek and tributaries tributary to Potter Creek near Oregon City are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950.

(b) The Willamette River main stem down-stream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses;

(c) The Willamette River main stem upstream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, to the confluence of the McKenzie and Willamette Rivers, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31;

(d) The Willamette River main stem above the confluence with the McKenzie River to the confluence of the Middle and Coast Forks of the Willamette River, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;

(e) Except as specified in subsection (1)(a) of this rule, tributaries of the Main Stem Willamette River Subbasin are classified for domestic, livestock, municipal, industrial, irrigation, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Willamette River or its tributaries above USGS Gage 14174000 (SW 1/4 Section 6, Township 11 South, Range 3 West) at Albany, Oregon, for natural flows of the Willamette River below 1,750 cubic feet per second plus waters released from storage of up to 3,140 cubic feet per second measured at the aforementioned gage;

(b) The Willamette River or its tributaries above USGS Gage 14191000 (SW 1/4 Section 22, Township 7 South, Range 3 West) at Salem, Oregon, for natural flows of the Willamette River below 1,300 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(c) The Willamette River or its tributaries above USGS Gage 14198000 (SE 1/4 Section 23, Township 3 South, Range 1 West) at Wilsonville, Oregon, for natural flows of the Willamette River below 1,250 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(d) The Willamette River or its tributaries above Willamette Falls at Oregon City for natural flows of the Willamette River below 1,500 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at or near said Willamette Falls and maintained to the mouth.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Middle Fork Willamette River Subbasin

690-502-060 The Middle Fork Willamette River Subbasin includes the Middle Fork Willamette River and tributaries upstream from its confluence with the Coast Fork Willamette River south of Springfield:

(1) Surface water classification:

(a) The North Fork of the Middle Fork Willamette River, from a point one mile upstream from the railroad bridge near Westfir to its headwaters, and Waldo Lake, are designated state scenic waterways. These waters and tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as otherwise specified in subsection (c) of this section, the Middle Fork of the Willamette River and tributaries below Dexter Dam are classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through January 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from February 1 through August 31;

customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(c) The following streams and tributaries are classified year-round for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only:

- (A) Maxfield Creek tributary to Luckiamute River;
- (B) Ritner Creek tributary to Luckiamute River;
- (C) Pedee Creek tributary to Luckiamute River.

(3) Rickreall Creek Drainage: Rickreall Creek and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(4) Yamhill River Drainage:

(a) Except as specified in subsection (4)(b) of this rule, the Yamhill River and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(b) The following streams and tributaries are classified for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only:

- (A) Agency Creek tributary to South Yamhill River;
- (B) Gold Creek tributary to South Yamhill River;
- (C) Rowell Creek tributary to South Yamhill River;
- (D) Rock Creek tributary to South Yamhill River near Grande Ronde;
- (E) Pierce Creek tributary to South Yamhill River;
- (F) Deer Creek tributary to South Yamhill River;
- (G) E. Fork Willamina Creek tributary to Willamina Creek;
- (H) Gooseneck Creek tributary to Mill Creek;
- (I) Haskins Creek tributary to North Yamhill River;
- (J) Panther Creek tributary to North Yamhill River;
- (K) Cedar Creek tributary to North Yamhill River;
- (L) Fairchild Creek tributary to North Yamhill River;
- (M) Turner Creek tributary to North Yamhill River.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

Santiam River — Calapooia River Subbasin

690-502-110 The Santiam — Calapooia Subbasin includes the drainage basins of the Santiam and Calapooia Rivers upstream from the confluence with the Willamette River:

(1) Surface water classification:

(a) The Little North Santiam River from the confluence of Battle Ax Creek and Opal Creek downstream to the Willamette National Forest boundary near Elkhorn at river mile 17 is a designated state scenic waterway. The Little North Santiam River and tributaries above the Willamette National Forest boundary are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as specified in paragraph (b)(A) and (B) of this section, the Santiam River and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31:

(A) The South Santiam River and tributaries below Trout Creek, and the Middle Santiam River and tributaries below Green Peter Dam, are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from October 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through September 30;

(B) The following streams and their tributaries are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses:

- (i) South Santiam River above Trout Creek tributary to Santiam River;
- (ii) Middle Santiam River above Green Peter Dam;
- (iii) Quartzville Creek tributary to the Middle Santiam River;
- (iv) Wiley Creek tributary to South Santiam River;
- (v) Thomas Creek tributary to South Santiam River;
- (vi) North Santiam River above USGS Gage 14181500 at Niagara tributary to Santiam River;
- (vii) Mad Creek tributary to North Santiam River;
- (viii) Rock Creek tributary to North Santiam River;
- (ix) Stout Creek tributary to North Santiam River;
- (x) McDowell Creek tributary to South Santiam River.

(c) The Calapooia River and tributaries below Boston Mill at approximately river mile 22 are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from October 1 through July 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from August 1 through September 30;

(d) The Calapooia River and tributaries above Boston Mill at approximately river mile 22 are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 to June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;

(e) The waters of natural lakes with surface elevations above 3,000 feet mean sea level are classified only for domestic, excluding irrigation of lawn and commercial garden, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses. No storage shall be allowed in these lakes.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Middle Santiam River or its tributaries above USGS Gage 14186500 (NE 1/4 SE 1/4 Section 24, Township 13 South, Range 1 East) near Foster, Oregon, for

natural flows of the Middle Fork Santiam River or its tributaries below 110 cubic feet per second plus waters released from storage of up to 260 cubic feet per second measured at the aforementioned gage;

(b) The South Santiam River or its tributaries above USGS — Corps of Engineers — State Engineer Gage 14187500 (SW 1/4 NW1/4 Section 28, Township 12 South, Range 1 West) at Waterloo, Oregon, for natural flows of the South Santiam River below 170 cubic feet per second plus waters released from storage of up to 930 cubic feet per second measured at the aforementioned gage;

(c) The North Santiam River or its tributaries above USGS Gage 14181500 (NE 1/4 NE 1/4 Section 34, Township 9 South, Range 4 East) at Niagara, Oregon, for natural flows of the North Santiam River below 500 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(d) The North Santiam River or its tributaries above USGS Gage 14183000 (NW 1/4 Section 18, Township 9 South, Range 2 East) at Mehama, Oregon, for natural flows of the North Santiam River below 580 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(e) The North Santiam River or its tributaries above USGS Gage 14184100 (Section 7, Township 10 South, Range 2 West) near Jefferson, Oregon, for natural flows of the North Santiam River below 430 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(f) The Santiam River or its tributaries above USGS Gage 14189000 (SE 1/4 Section 11, Township 10 South, Range 3 West) at Jefferson, Oregon, for natural flows of the Santiam River below 330 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at the aforementioned gage;

(g) The Santiam River or its tributaries above the Santiam River — Willamette River confluence for natural flows of the Santiam River below 320 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at a point between the said confluence and 1.0 miles above said confluence;

(h) The Calapooia River or its tributaries above USGS Gage 14172000 (SE 1/4 Section 15, Township 14 South, Range 1 West) at Holley, Oregon, for natural flows of the Calapooia River below 30 cubic feet per second plus waters released from storage or up to 340 cubic feet per second measured at the aforementioned gage;

(i) The Calapooia River or its tributaries above USGS Gage 14173500 (NW 1/4 Section 13, Township 11 South, Range 4 West) at Albany, Oregon, for natural flows of the Calapooia River below 20 cubic feet per second plus waters released from storage of up to 340 cubic feet per second measured at the aforementioned gage.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

Molalla River — Pudding River Subbasin

690-502-120 The Molalla — Pudding Subbasin includes the drainage area of the Molalla and Pudding Rivers upstream from the confluence with the Willamette River near Canby. Surface water classification:

(1) The following streams and tributaries are withdrawn from further appropriation except storage:

(a) The North and South Forks of Silver Creek above their confluence are withdrawn from further appropriation for any purpose except use in state parks by act of the Legislature, ORS 538.120;

(b) Drift Creek, a tributary of the Pudding River near river mile 51, is withdrawn from further appropriation by order of the State Engineer dated August 8, 1951;

(c) The unnamed stream flowing through Section 25, Township 5 South, Range 2 West, Willamette Meridian and Sections 29, 30 and 32, Township 5 South, Range 1 West, Willamette Meridian, tributary to the Pudding River near river mile 31, is withdrawn from further appropriation by order of the State Engineer dated July 25, 1951;

(d) The unnamed stream flowing through Sections 4, 9 and 10, Township 7 South, Range 1 West, Willamette Meridian, a tributary to Brush Creek near Silverton, is withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(e) Rock Creek, tributary to the Pudding River near river mile 12, is withdrawn from further appropriation by order of the State Engineer dated August 13, 1951.

(2) The Molalla River and tributaries, except the Pudding River and tributaries, are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through May 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from June 1 through October 31.

(3) The following streams and tributaries are classified year-round for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only:

(a) Molalla River and Table Rock Fork above their confluence near river mile 40;

(b) Gawley Creek tributary to Molalla River;

(c) Pine Creek tributary to Molalla River;

(d) Trout Creek tributary to Molalla River;

(e) North Fork Molalla River tributary to Molalla River;

(f) Cedar Creek tributary to the Molalla River near river mile 24;

(g) Dickey Creek tributary to Molalla River;

(h) Milk Creek, and Cedar Creek above their confluence near Union Mills tributary to Molalla River;

(i) Gribble Creek tributary to Molalla River;

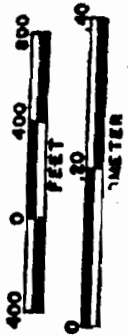
(j) Ogle Creek tributary to Molalla River.

(4) The Pudding River main stem is classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from October 1 through April 30 and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through September 30.

(5) Except as specified in this section, the tributaries of the Pudding River are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30 and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31.

(6) The following streams and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from December 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through November 30:

SCALE 1:9600



Sec. 12 T11S. R.4W. WM.

1" = 400'

11 4W 12

WILLAMETTE RIVER

BRYANT'S PARK

BRYANT'S

HAZELWOOD

MASONIC CEMETERY

RIVERSIDE CEMETERY

8-1

8-1

8-2

8-2

8-2

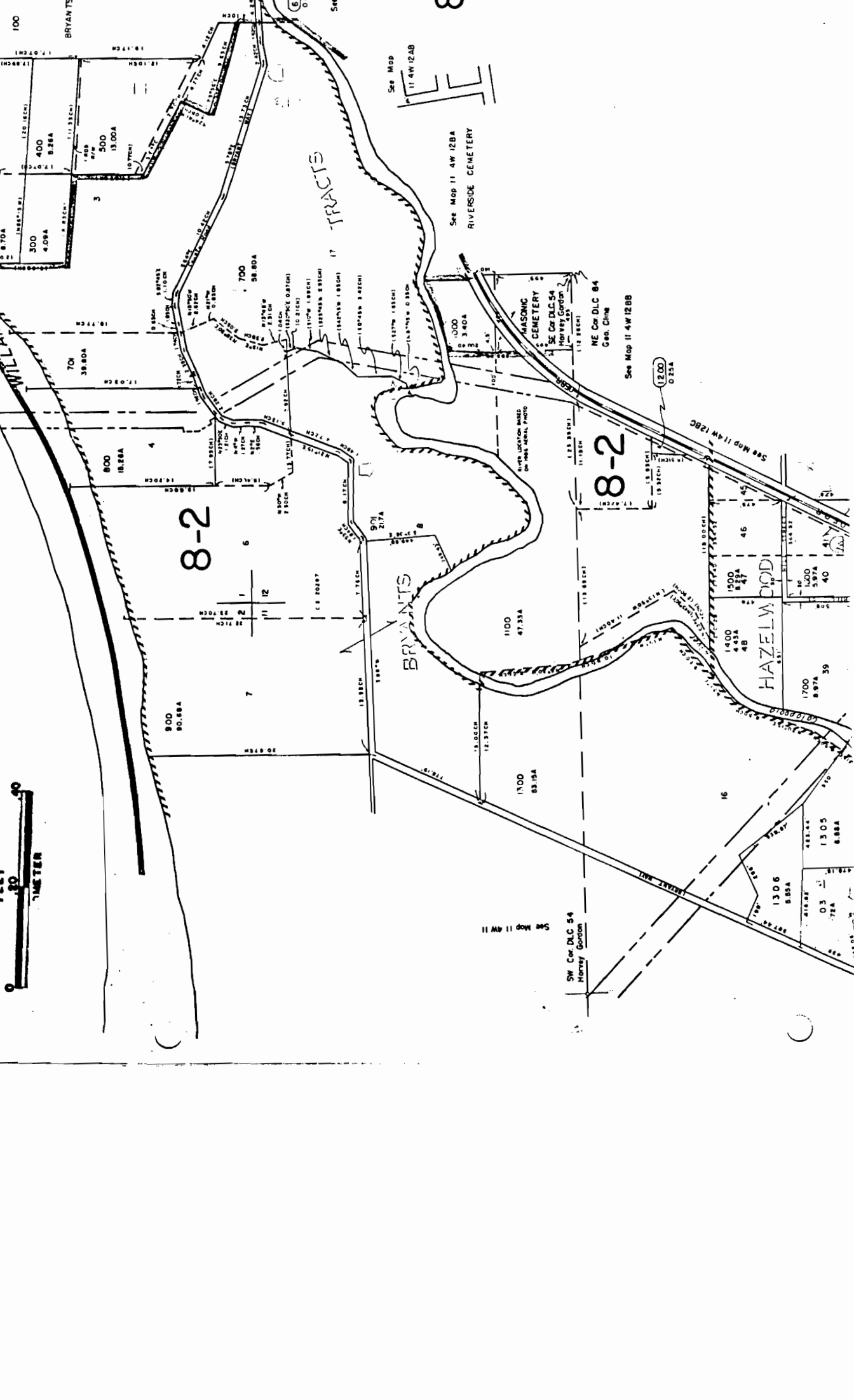
8-2

8-2

8-2

8-2

8-2



See Map 11 4W 12A

See Map 11 4W 12AB

See Map 11 4W 12BA

See Map 11 4W 12BB

See Map 11 4W 12BC

See Map 11 4W 11

SW Cor. DLC. 54
Harvey Gordon

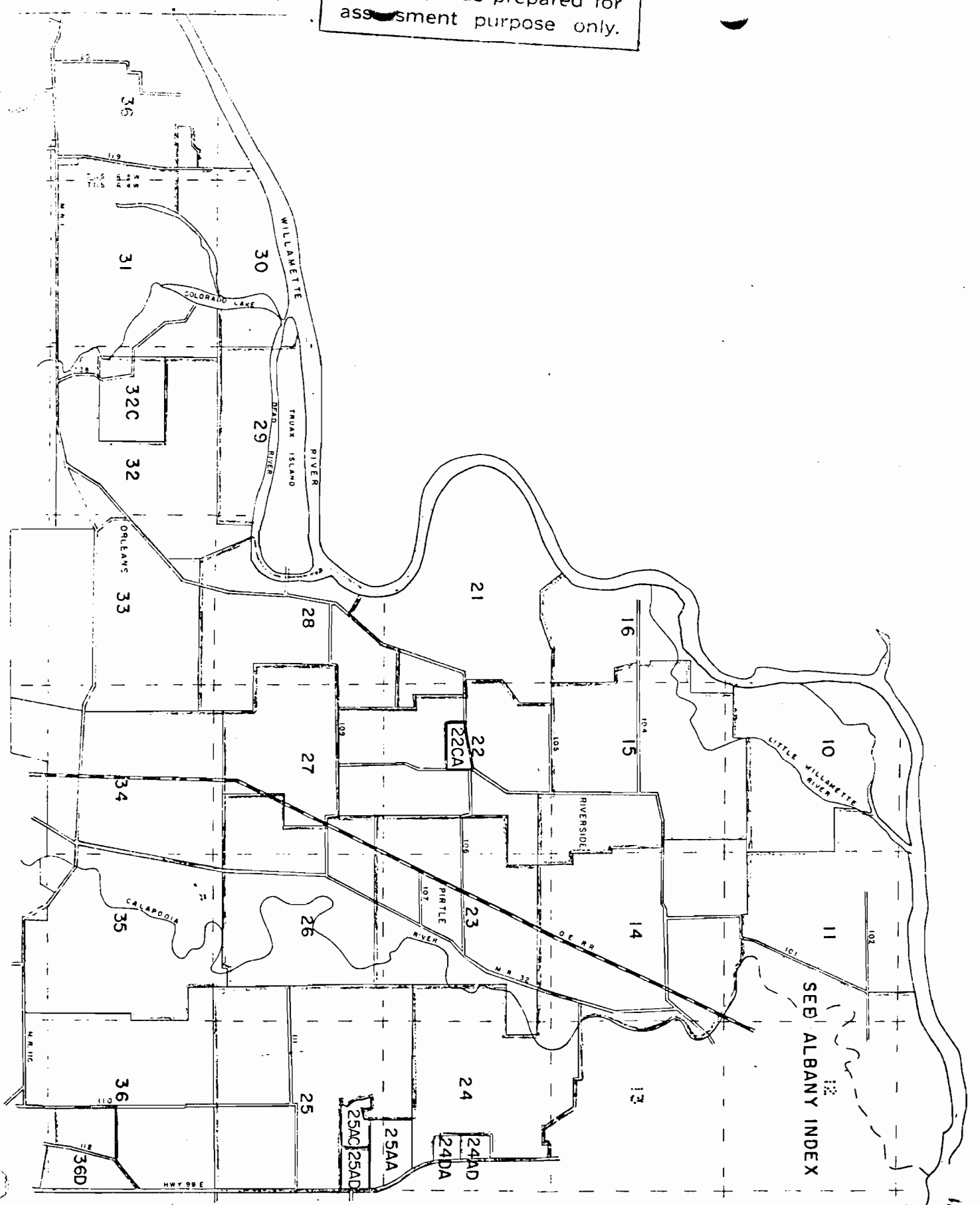
NE Cor. DLC. 84
Geo. Ching

SW Cor. DLC. 54
Harvey Gordon

SW Cor. DLC. 54
Harvey Gordon



This map was prepared for assessment purpose only.



LINN

11 4W
11 5W
INDEX

11 4W
11 5W
INDEX



OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 502
WILLAMETTE BASIN PROGRAM

[ED. NOTE: This Division was renumbered from OAR 690-080 by WRD 4-1992, f. & cert. ef. 3-13-92.]

Definitions

690-502-010 As used in this rule, unless the context requires otherwise:

(1) The Willamette Basin is as shown on Water Resources Department Map No. 2.6.

(2) "Agricultural Use" means non-irrigation agricultural use of water such as temperature control, chemigation, mineral leaching, dairy barn washing, greenhouse use, harvest use and other related uses.

(3) "Classification" or "Classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of any of the surface or groundwaters of the Willamette Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification.

(4) "Commission" means the Water Resources Commission.

(5) "Commercial Use" means use of water at a place where commodities or services are bought or sold or provided by an entity open to the public, such as a gas station, restaurant, motel, etc.

(6) "Department" means the Water Resources Department.

(7) "Director" means the Director of the Water Resources Department.

(8) "Domestic Use" includes domestic use, domestic use expanded and group domestic, as defined in OAR 690-11.

(9) "Fish Life Use" includes use of water to support natural or artificial propagation of fish and other aquatic life.

(10) "Groundwater Recharge" means the intentional addition of water to a groundwater reservoir where consistent with OAR 690-11.

(11) "Industrial Use" includes the use of water in the manufacture of a product and maintenance of industrial sites, facilities and buildings, and includes other related miscellaneous uses.

(12) "Irrigation Use" means the application of water to crops or plants by artificial means to promote growth or nourish plants.

(13) "Livestock Use" means the use of groundwater or diversion of water from the natural water course or storage of water for consumption by livestock or wildlife.

(14) "Mining Use" means the use of water to extract metals or minerals including placer mining as defined in OAR 690-11 and leaching operations.

(15) "Municipal Use" means the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-11.

(16) "Pollution Abatement" means the use of water to remove or dilute pollutants or achieve water quality standards.

(17) "Power" means the use of water for electrical or mechanical power or for operation of a hydraulic ram where such uses are consistent with OAR 690-51.



SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP OK NAME MID. Willamette # 2B UNADJUDICATED AREA ? yes
 RECEIPT # 95356 S W R NUMBER 172
 CHECK ENCLOSURES Doc PRELIMINARY DATA BASE ENTRY _____
 ACKNOWLEDGEMENT LETTER PK ENTER ON STREAM INDEX _____
 CHECK QUADRANGLE MAP CAR CHECK GLO PLATS _____
 WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION SCB

FORM REVIEW

_____ blanks filled in
 _____ signed
 _____ date received stamped

MAP REVIEW

#2 ✓ source and trib
 ✓ diversion point location
 ✓ conveyances (pipes, ditch, etc.)
#3 ✓ place of use Log 1/4 1/4
 ✓ scale
 ✓ township, range, section
 ✓ north arrow
 ✓ CWRE stamp
 _____ disclaimer
 _____ date survey was performed
 _____ P.O.B. of survey
#12 _____ dimensions and capacity of diversion system
#14 ✓ "beneficial use" type title
 ✓ "permanent-quality" paper
 ✓ 1/10th ac

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____
 FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
 ENTER ON PLAT CARDS _____

May 10, 1994
 Attorney has
 requested copy
 of "Incorporated"
 STATEMENT Doc

Route Slip



Date 6-14-94

Oregon

WATER
RESOURCES
DEPARTMENT

O:	Name	Division/Section	Initial	Date
	<i>ROBERT M. JORDAN</i>			

as requested	investigate	per conversation
approval	justify	prepare reply
comment	necessary action	return with more detail
confer	Initial and return	review and circulate
for your information	note and file	signature

Rights in the name of Dorothy F. Hopeman

FROM: *Don Knauer* Phone No. _____

See Other Side

for Determination of Water Rights received by the Water Resources Department. The petition has been filed and will be considered for adjudication at the appropriate time.

Sincerely,

Don Knauer
Adjudication Specialist

m:\wp51\correspo\jordan.02



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

June 14, 1994

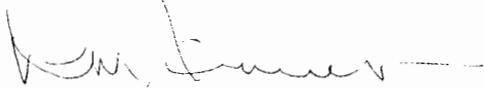
JAMES H JORDAN ATTORNEY
PO BOX 983
ALBANY OR 97321-0369

re: Petition for Determination of Water Rights in the name of Dorothy F. Hopeman

Dear Mr Jordan,

This will acknowledge the receipt of the Petition for Determination of Water Rights received by the Water Resources Department. The Petition has been filed and will be considered for adjudication at the appropriate time.

Sincerely,



Don Knauer
Adjudication Specialist

m:\wp51\correspo\jordan.02



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

June 2, 1994

WATER
RESOURCES
DEPARTMENT

JAMES H JORDAN ATTORNEY
PO BOX 983
ALBANY OR 97321-0369

re: SWR-172 in the name of Dorothy F. Hopeman

Dear Mr Jordan,

I apologize for the delay in responding to your letter of May 10, 1994. As I told you on the telephone the other day, things are very busy around here and it is difficult to meet with Reed Marbut, my supervisor, because of his schedule. Reed and I have talked briefly about the questions you posed in your letter. Let me answer the questions we are able to at this time. There are one or two which will have to wait for another meeting with Reed.

You asked if your client, Dorothy F Hopeman, has complied with all of the registration statements filing requirements. Yes, she has met the requirements and her claim to a pre-1909 vested water right has been filed with the Water Resources Department (WRD).

You asked for a copy of the WRD public notice publication showing this claim. I have enclosed a copy.

You asked for a form used to petition the WRD to begin a general stream adjudication. I have enclosed a "Petition for Determination of Water Rights".

You want to know an anticipated time for commencement of the adjudication for your clients water rights. I'm afraid I cannot give you a specific timeline for adjudicating the Willamette



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

River. There is a possibility new adjudications could begin within the next few years. However, our schedule could be further delayed as a result of pending litigation about our authority to require federal agencies to participate in the state process. In addition, we must weigh the relative need and priority of proceeding with adjudications. As you may be aware, our Department faces a crushing workload in several areas. Because people who claim pre-1909 water rights are free to continue using water throughout the adjudication period, we must balance whether staff time should be committed to the adjudication program rather than spent in other areas.

Lastly, I am unable to send you a copy of the indorsed registration statement. It is simply a matter of mechanics. The WRD must complete the indorsement process for this claim and all others. This has no bearing on your clients right to continue the use of water described by her claim.

As soon as this claim has been indorsed, I will send you a copy. If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

November 15, 1993

WATER
RESOURCES
DEPARTMENT

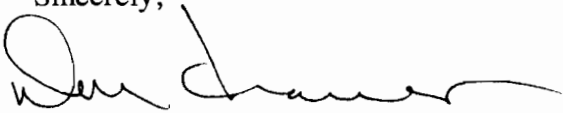
JACK BURRELL
PO BOX 725
ALBANY OR 97321

RE: SWR-172

Dear Mr Burrell,

My mistake! I guess I've looked at too many of the maps without a break. The ¼ ¼'s are listed on the mylar and that covers everything. Thanks for your attention to this matter.

Sincerely,



Don Knauer
Adjudication Specialist

j:\w\sl\swr-0172.006



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

November 3, 1993

WATER
RESOURCES
DEPARTMENT

JACK BURRELL
PO BOX 725
ALBANY OR 97321

RE: SWR-172

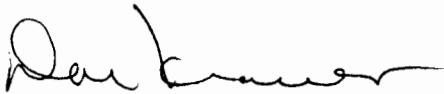
Dear Mr Burrell,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of DOROTHY HOPEMAN you returned with corrections and completions. I have added the map to the file. Thank you for your attention to this matter.

There is one final item that I must request of you. It appears your map shows acreage by tax lot number. I overlooked the requirement for acreage of beneficial use by $\frac{1}{4}$ $\frac{1}{4}$ section. A list of beneficial use of irrigated acreage by $\frac{1}{4}$ $\frac{1}{4}$ section would be acceptable, rather than changing the map.

If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

J:\W\S\C\1\SWR-0172.005



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

July 27, 1993

JACK BURRELL
PO BOX 725
ALBANY OR 97321

RE: File# SWR-172

DEAR JACK BURRELL,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and receipts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

I am returning the map you prepared for Dorothy Hopeman. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

- ✓ diversion point location ORS 539.240 (2) (d) (A) "...in reference to an established corner of the US public lands survey or recorded subdivision..."
- ✓ conveyance ORS 539.120 "...the location of and each ditch, canal, pipeline or other means of conveying the water..."
- ✓ diversion point size OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."
- ✓ paper OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-inch mylar..."



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

I am enclosing a copy of the checklist and claim to beneficial use report information used by the adjudication section. You may find it useful in preparing the required map and information. Many Certified Water Right Examiners have seen these and are using them.

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

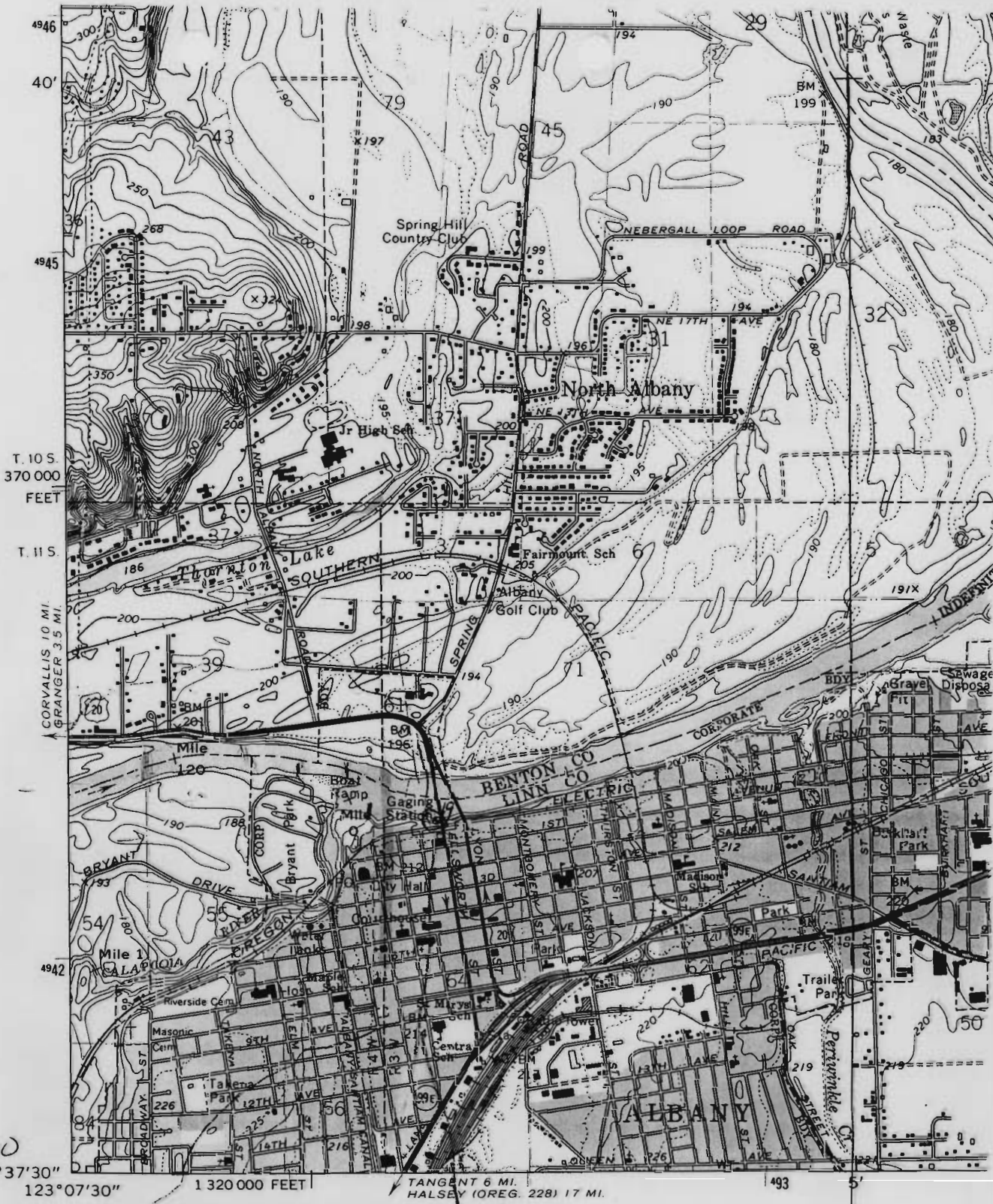
As always, if you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

Don Knauer
Adjudication Specialist

Enclosures



68200
 44°37'30"
 123°07'30"

Mapped, edited, and published by the Geological Survey

Control by USGS, USC&GS, and State of Oregon

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1970

Polyconic projection. 1927 North American datum
 10,000-foot grid based on Oregon coordinate system, north zone

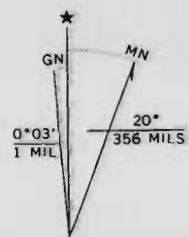
1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue

Red tint indicates areas in which only landmark buildings are shown

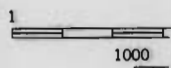
Fine red dashed lines indicate selected fence lines

Revisions shown in purple compiled from aerial photographs taken 1975. This information not field checked

Purple tint indicates extension of urban areas



UTM GRID AND 1975 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



FOR SALE BY U
 A FOLI

Route Slip



Date 5-3-93

regon

January 22, 1993

TO:	Name	Division/Section	Initial	Date
1.	<u>REED</u>			
2.				
3.				
4.				
5.				

R
URCES
RTMENT

DOROTHY F HOPEMAN
C/O PO BOX 983
ALBANY OR 97321

<input checked="" type="checkbox"/>	as requested	investigate	per conversation
<input type="checkbox"/>	approval	justify	prepare reply
<input type="checkbox"/>	comment	necessary action	return with more detail
<input type="checkbox"/>	confer	initial and return	review and circulate
<input type="checkbox"/>	for your information	note and file	signature

Dear MS HOPEMAN,

This will acknowledge that your DOROTHY F HOPEMAN has been received and our receipt numbered SWR-172.

THESE ARE COPIES OF THE
CORRESPONDENCE IN REGARDS TO THE
PHONE CALL FROM ATTORNEY
JAMES JORDAN - HE WILL BE
CALLING YOU

FROM: [Signature] Phone No.

Our office will review your form meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,

[Signature]

Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0172.001



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

April 26, 1993

TO: SWR-172 FILE

FROM: DON KNAUER

SUBJECT: REQUEST FOR HEARING

On April 23, 1993 Dwight French and I met with Reed Marbut. I gave Reed a copy of the letters between myself and the attorney. I asked him about the request for a hearing and how we should handle it. He asked if there were any problems with the claim. I told him all we have done was set up a file and send out the receipt. Though it didn't appear to have any problems, we would know when we do a more complete review. He said he would contact the attorney and discuss/explain the process to him.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

April 20, 1993

TO: REED MARBUT

FROM: DON KNAUER *DK*

SUBJECT: REQUEST FOR HEARING

I have attached copies of letters in regard to SWR-172. The attorney has requested a hearing within the next 90 days. Who do you think would be the best person to answer his request?

J:\W\S\C\1\SWR-0172.003

April 6, 1993

WATER
RESOURCES
DEPARTMENT

JAMES H JORDAN
PO BOX 983
ALBANY OR 97321-0369

RE: SWR-172

Dear Mr Jordan,

This will acknowledge the receipt of two affidavits to be added to the Hopeman file. All of the data will be reviewed in the future. In regards to your question about a time table for adjudication of the water rights, no date has been set and I do not know when one will be set. I do think it will be a number of years in the future.

If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WP51\SWR\CLAIMANT\1\SWR-0172.002



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

January 22, 1993

DOROTHY F HOPEMAN
C/O PO BOX 983
ALBANY OR 97321

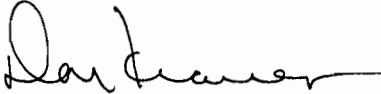
Dear MS HOPEMAN,

This will acknowledge that your Surface Water Registration Statement in the name of DOROTHY F HOPEMAN has been received by our office. The fees in the amount of \$354.20 have been received and our receipt #95356 is enclosed. Your registration statement has been numbered SWR-172.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0172.001



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIPT # **95356**

RECEIVED FROM: <u>James Jordan</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> <u>24-201</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$354.20
--------------------------------	--	--	-----------------------------

01-00-0 WRD MISC CASH ACCT		
842.010	ADJUDICATIONS	\$ <u>354.20</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
	OTHER: (IDENTIFY)	\$

02-00-0 FEDERAL FUNDS		
	OTHER: (IDENTIFY)	\$

03-00-0 WRD OPERATING ACCT		
MISCELLANEOUS:		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$
WATER RIGHTS:		
842.001	SURFACE WATER	\$
842.003	GROUND WATER	\$
842.005	TRANSFER	\$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	\$
842.016	WELL DRILL OPERATOR	\$
	LANDOWNER'S PERMIT	\$

06-00-0 WELL CONST START FEE		
842.013	WELL CONST START FEE	\$
	MONITORING WELLS	\$
		CARD # _____
		CARD # _____

45-00-0 LOTTERY PROCEEDS		
864.000	LOTTERY PROCEEDS	\$

07-00-0 HYDRO ACTIVITY		LIC NUMBER	
842.011	POWER LICENSE FEE(FW/WRD)		\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **95356** DATED: 12-23-92 BY: [Signature]

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Copy-Fiscal



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

SWR
File

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APR 15 2002

Trial Division, Dept. of Justice
Salem, Oregon

VIA MAIL

April 11, 2002

James H. Jordan
Law Office of James H. Jordan
100 Calapooia Street SW
PO Box 983
Albany, OR 97321-0369

CLIENT COURTESY COPY
FYI

RE: *Carol Hopeman Jordan v. State of Oregon (WRD)*
Linn County Circuit Court Case No. 011411

Dear Mr. Jordan:

Enclosed is the Final Order of Registration for SWR 172 in the name of Dorothy F. Hopeman.

Please feel free to call me if you have any questions or concerns: (503) 378-8455 x239.

Sincerely,

Renee Moulun
Protest Program Coordinator

Cc: Karen Moynahan

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APR 23 2002

WATER RESOURCES DEPT.
SALEM, OREGON



STATE OF OREGON
Oregon Water Resources Department
Water Rights Division

Surface Water Registration
Number SWR-172

Final Order of Registration

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Registration Statement History

On DECEMBER 22, 1992, DOROTHY F. HOPEMAN submitted a SURFACE WATER REGISTRATION STATEMENT FOR A PRE-1909 VESTED WATER RIGHT CLAIM for the following use:

- Amount of Water: 0.964 CUBIC FOOT PER SECOND
- Use of Water: IRRIGATION OF 77.1 ACRES AND STOCKWATER
- Source of Water: WILLAMETTE RIVER TRIBUTARY TO COLUMBIA RIVER
- Area of Use: LINN County within SECTIONS 1 and 12, TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

On June 8, 2001, the Department was informed that the current owner of the property was CAROL HOPEMAN JORDAN.

Findings of Fact

Portions of the lands involved in the Registration Statement are covered by Certificates of Water Rights numbered 37304 and 53874.

The Department has determined that there are no new or conflicting uses of water and no persons will be impacted by the enforcement of this claim.

Conclusions of Law

Pursuant to OAR 690-028-0029 the registrant is prima facie entitled to appropriate the water to the extent and in the manner as described below.

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APR 23 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Order

This proposed order of registration is hereby issued to:

CAROL HOPEMAN JORDAN
C/O PO BOX 983
ALBANY OR 97321

The specific limits of the registered use are listed below.

SURFACE WATER REGISTRATION FILE NUMBER: SWR-172

SOURCE OF WATER: WILLAMETTE RIVER TRIBUTARY TO COLUMBIA RIVER

PURPOSE OR USE: IRRIGATION OF 77.1 ACRES AND STOCKWATER

MAXIMUM RATE: 0.964 CUBIC FOOT PER SECOND

PERIOD OF USE: March 1 TO OCTOBER 1 OF EACH YEAR

DATE OF PRIORITY: FEBRUARY THROUGH MAY, 1854

POINT OF DIVERSION LOCATION (WILLAMETTE RIVER): NE ¼ SW ¼, SECTION 1, T11S, R4W, W.M.; 1780 FEET NORTH & 2220 FEET EAST FROM SW CORNER, SECTION 1

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ SW ¼ 5.0 ACRES
SW ¼ SW ¼ 11.6 ACRES
SE ¼ SW ¼ 33.0 ACRES
SW ¼ SE ¼ 8.8 ACRES

SECTION 1


TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

NW ¼ NE ¼ 11.7 ACRES
NE ¼ NW ¼ 7.0 ACRES

SECTION 12

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

Issued April , 2002


Paul R. Cleary, Director
Water Resources Department

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APR 23 2002
WATER RESOURCES DEPT.
SALEM, OREGON

James H. Jordan Attorney at Law

Gayla K. Austin
Law Clerk

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (541) 917-0100
Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

RECEIVED

CLIENT COURTESY COPY
FYI

APR 16 2002

Trial Division, Dept. of Justice
Salem, Oregon Transmittal Memo

- COPY -
FOR YOUR
INFORMATION April 15, 2002
JAMES H. JORDAN ATTORNEY

Date:

To:

Linn County Circuit Court
Linn County Courthouse
P. O. Box 1749
Albany, OR 97321

Regarding:

Jordan v. State of Oregon
Linn County Circuit Court Case
No. 011411
Our File No. 1-14

Enclosures:

1. Motion and Order to Dismiss
2. Postcard

Requested Action:

To be filed. If the order meets
the Court's approval, please
complete and return the enclosed
postcard.

JHJ/cj1

pc: Water Resources Department, Attn: Renee Moulan, Esq. w/copy of
Motion and Order to Dismiss
Department of Justice, Attn: Karen L. Moynahan, Esq. w/copy of
Motion and Order to Dismiss

100 Calapooia Street S.W., Albany, Oregon 97321-2291

RECEIVED

APR 23 2002

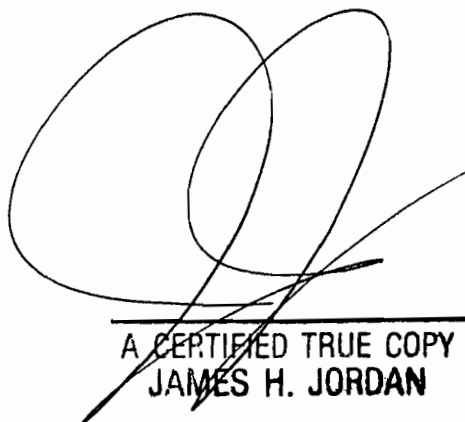
WATER RESOURCES DEPT

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APR 16 2002

Trial Division, Dept. of Justice
Salem, Oregon



A CERTIFIED TRUE COPY
JAMES H. JORDAN

IN THE CIRCUIT COURT OF THE STATE OF OREGON

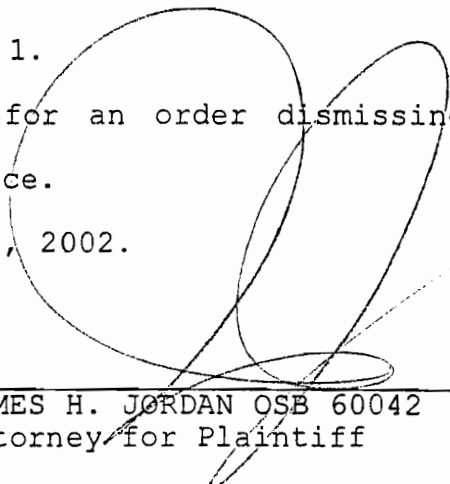
FOR THE COUNTY OF LINN

CAROL HOPEMAN JORDAN,) Case No. 011411
)
Plaintiff,) MOTION AND ORDER
) TO DISMISS
v.)
)
STATE OF OREGON, by and through the)
Oregon Water Resources Department,)
)
Defendant.)

1.

Plaintiff moves the Court for an order dismissing this case without costs and without prejudice.

Dated this 2^d day of April, 2002.



JAMES H. JORDAN OSB 60042
Attorney for Plaintiff

ORDER

Motion allowed _____

Page 1 MOTION AND ORDER TO DISMISS
[cj:\hope1-14-mod\dra#1\04-02-02]

RECEIVED

APR 23 2002

WATER RESOURCES DEPT.
SALEM, OREGON

LAW OFFICE
JAMES H. JORDAN
100 CALAPOOIA STREET S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

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Motion denied _____

Dated this _____ day of _____, 2002.

Circuit Court Judge

Submitted By:
James H. Jordan
Attorney at Law
OSB No. 60042
100 Calapooia Street S.W.
P. O. Box 983
Albany, OR 97321-0369
Telephone: 541-917-0100
Facsimile: 541-928-7370
E-Mail Address: jordaust@proaxis.com

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APR 3 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Page 2 MOTION AND ORDER TO DISMISS
[cj:\hope1-14-mod\dra#1\04-02-02]

LAW OFFICE
JAMES H. JORDAN
100 Calapooia Street S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

Gayla K. Austin
Law Clerk

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (541) 917-0100
Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

Transmittal Memo

**"COPY"
FOR YOUR
INFORMATION
JAMES H. JORDAN ATTORNEY**

Date: July 18, 2001

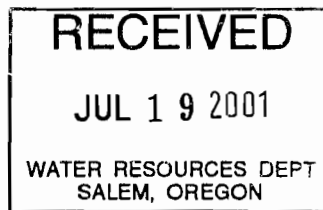
To: Capital Investigation Company
Attn: Danette Ficken
P.O. Box 5545
Salem, OR 97304

Regarding: Carol Hopeman Jordan v.
State of Oregon et al.
Linn County Circuit Court Case
No. 011411
Our File No. 1-14 (a)

Enclosures: 1. Certified True Copy of
Complaint
2. Original Summons
3. Copy of Complaint
4. Copy of Summons
5. Check Number 1053 in the
amount of \$25.00 for
service fee.

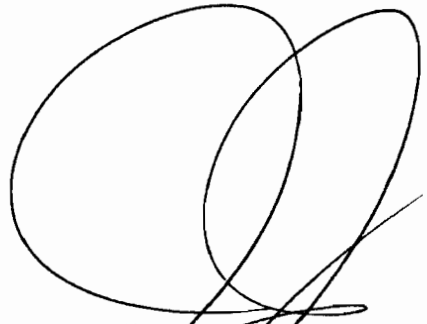
Requested Action: Please serve the Certified True
Copy of the Complaint and
original Summons on Attorney
General Hardy Myers at the
following address:

Attorney General's Office
1162 Court Street NE
Salem, OR 97310



Please return proof of service
together with the copy of the
complaint and Summons to this
office in the envelope provided.

JHJ/ttr
pc: Carol Hopeman Jordan w/copy of enclosures
Jerry Clark w/copy of enclosures


A CERTIFIED TRUE COPY
JAMES H. JORDAN

RECEIVED
JUL 19 2001
WATER RESOURCES DEPT
SALEM, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

CAROL HOPEMAN JORDAN,) Case No. 011411
)
Plaintiff,) COMPLAINT
) (PETITION TO COMPEL
v.) AGENCY ACTION --
) ORS 183.490)
STATE OF OREGON, by and through the)
Oregon Water Resources Department,)
)
Defendant.)

Plaintiff alleges:

1.

Plaintiff conducts her principal farming operations in Linn County, Oregon, and is the owner of the land which is the subject of this litigation.

2.

The Oregon Water Resources Department is a division of the State of Oregon and has the obligation to determine water rights

LAW OFFICE
JAMES H. JORDAN
100 CALAPOOIA STREET S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

1 pursuant to the provisions of Chapter 539 of the Oregon Revised
2 Statutes. In particular, the agency is directed to establish
3 procedures for the protection of water rights vested or initiated
4 prior to February 24, 1909. In accord with Chapter 539 of the
5 Oregon Revised Statutes, the Water Resources Department adopted
6 Division 28 of the Oregon Administrative Rules.

7 3.

8 Plaintiff, and Plaintiff's predecessors in ownership of
9 Plaintiff's property, acquired water rights which were vested prior
10 to February 24, 1909.

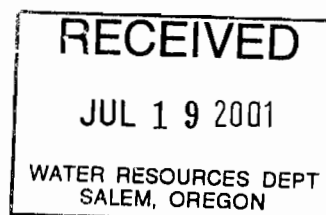
11 4.

12 On December 21, 1992, Dorothy F. Hopeman filed a Surface Water
13 Registration Statement which was assigned Application No. SWR-172 by
14 the Department. Dorothy F. Hopeman is now deceased, and the
15 property is now owned by the Plaintiff. A copy of the Surface Water
16 Registration Statement, pre-1909 Vested Water Right Claim, filed
17 with the Department on December 21, 1992, is attached as Exhibit "A"
18 to this Complaint, a copy of the Petition for Determination of Water
19 Rights is attached as Exhibit "B" to this Complaint, and a copy of
20 the Substitution of Petitioners for Determination of Water Rights is
21 attached as Exhibit "C" to this Complaint.

22 5.

23 In addition to the Petition, Plaintiff has requested that the
24 Department comply with the provisions of Chapter 539 of the Oregon
25 Revised Statutes and its Administrative Rules adopted pursuant to

26 Page 2 Complaint
[tr:hope1-14-cfdra#1:07-17-01]



LAW OFFICE
JAMES H. JORDAN
100 Calapooia Street S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

1 that statute by letters dated May 10, 1994, June 8, 2001 and various
2 other communications in the interim. The Department has failed to
3 take action in response to the Petition, has failed to adjudicate
4 Plaintiff's right to use of the water and has failed to comply with
5 OAR 690-028-0029, in the following particulars, among others:

6 (1) The Department has failed to endorse the Registration
7 Statement, file that statement and send an acknowledgment letter to
8 the Registrant or send a copy of the claim to the Water Master, as
9 required by OAR 690-028-0029(1);

10 (2) The Department has failed to publish a Notice of the
11 Registration in the Department's Public Notice of Applications or in
12 a newspaper within the general area of the claim, as required by OAR
13 690-028-0029(2);

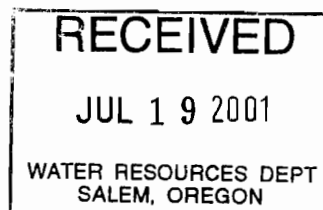
14 (3) The Department has failed to review the Registration to
15 identify new or conflicting uses of water and those persons who may
16 be impacted by enforcement of the claim, as required by OAR 690-028-
17 0029(3);

18 (4) The Director has failed to prepare a proposed Order of
19 Registration, as required by OAR 690-028-0029(4).

20 6.

21 Plaintiff has been severely prejudiced by the Department's
22 failure to act for the reason that those persons knowledgeable
23 concerning continuous use of the water on Plaintiff's property are
24 now deceased, including the original Petitioner, who was Plaintiff's
25 mother.

26 Page 3 Complaint
[tr:hope1-14-cfdra#1:07-17-01]



LAW OFFICE
JAMES H. JORDAN
100 Calapooia Street S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
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7.

Plaintiff is a beneficially interested party and is directly and adversely affected and aggrieved by the Agency's continuing failure to perform its obligations under the Statute and Administrative Rules.

8.

Plaintiff petitions the Court for an Order compelling the Defendant to comply with its obligations pursuant to the Oregon Revised Statutes and the Department's Administrative Rules.

9.

Plaintiff has performed all conditions precedent on her part required to be performed in requesting action by the Department. The request has been submitted for over eight and one-half years without any responsive action on the part of the Water Resources Department.

10.

The Oregon Water Resources Department has an obligation to perform the required action and has failed and omitted to do so and has unreasonably delayed taking action and making a decision.

11.

Plaintiff has no plain, speedy or adequate remedy in the ordinary course of law.

WHEREFORE, plaintiff prays for judgment as follows:

1. An Order compelling the State of Oregon, through its Water

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JUL 19 2001
WATER RESOURCES DEPT
SALEM, OREGON

LAW OFFICE
JAMES H. JORDAN
100 Calapooia Street S.W.
P.O. BOX 983
ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

1 Resources Department, to forthwith perform its obligations pursuant
2 to ORS Chapter 539 and the regulations of the Department contained
3 in Chapter 690, Division 28, of the Oregon Administrative Rules.

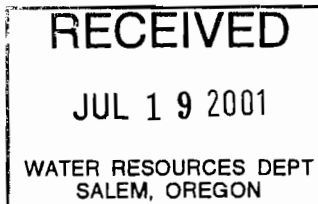
4 2. For such other and further relief as the Court deems just
5 and equitable.

6 Dated this 17th day of July, 2001.

7
8
9 JAMES H. JORDAN OSB 60042
Attorney for Plaintiff

10 Submitted By:
11 James H. Jordan
12 Attorney at Law
13 OSB No. 60042
100 Calapooia Street S.W.
14 P. O. Box 983
15 Albany, OR 97321
Telephone: 541-917-0100
Facsimile: 541-928-7370
E-Mail Address: jordaust@proaxis.com

16
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26 Page 5 Complaint
[tr:hope1-14-cfdra#1:07-17-01]



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JAMES H. JORDAN
100 Calapooia Street S.W.
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ALBANY, OREGON 97321-0369
Telephone (541) 917-0100 - Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

STATE OF OREGON
WATER RESOURCES DEPARTMENT

SURFACE WATER REGISTRATION STATEMENT
PRE-1909 VESTED WATER RIGHT CLAIM

1. Name of Registrant: Dorothy F. Hopeman
Mailing Address: c/o P. O. Box 983
Albany, OR 97321 Telephone No: 928-2166

2. Source of water: Willamette River
Tributary to: Columbia River

3. Purpose(s) for which water is used: Irrigation and stockwater.
(Irrigation, Stockwater, Domestic, Hydroelectric power, Industrial, Etc.)
If irrigation, total number of acres irrigated: 77.1 Acres

4. Priority Date

- a) Date of first use: February through May, 1854
b) Date water use development first initiated: Uncertain, but sometime in 1850's
c) Name of party who initiated development: Harvey Gordon and Walter Montieth

5. Amount of water claimed: 0.964 CFS, in CFS or GPM
(Water put to beneficial use)

6. Location of place of use:

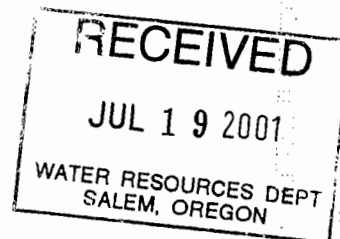
1 Sections, Township 11 N (S) Range 4 E (W)

12 Sections, Township 11 N (S) Range 4 E (W)

(Attach additional pages if necessary)

7. Usual period of use: 5 / 1 to 10 / 1
month day month day

EXHIBIT A
PAGE 1 OF 2



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion COUNTY

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS TO THE WATERS OF

the Willamette River AND ITS TRIBUTARIES, Tributary of Columbia River

Petition for Determination of Water Rights

TO THE WATER RESOURCES DIRECTOR OF OREGON:

The undersigned, your petitioner, respectfully represents:

FIRST: That he is a user of the waters of the above named stream for the purposes of irrigation and stockwater, and that he diverts water from said stream at a point situated in the see Exhibit "A" quarter of section township, range County, Oregon.

SECOND: That the waters of said stream and its tributaries are claimed by various claimants within the counties of Lane, Linn, Benton, Polk, Marion, Clackamas and Multnomah, State of Oregon.

WHEREFORE, your petitioner prays that a determination of the relative rights of the various claimants to the waters of said stream and its tributaries be had and made by you.

Dated this 7th day of June, 19 94.

Petitioner Dorothy F. Hopeman

Postoffice Address c/o P. O. Box 983 Albany, OR 97321

RECEIVED JUL 19 2001 WATER RESOURCES DEPT SALEM, OREGON

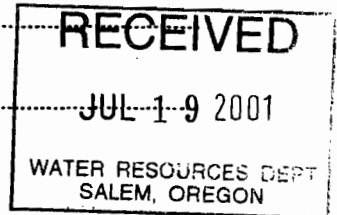
(OVER) EXHIBIT B

That the undersigned _____ of the waters of the above named stream, join with your petitioner in the above petition and hereby represent that there is urgent necessity for the determination of the various claims to the waters of said stream and its tributaries.

Petitioners

Postoffice Address

None



No.

BEFORE THE
WATER RESOURCES DIRECTOR
OF OREGON

Marion County

Stream Willamette River

Tributary of Columbia River

Petitioner Dorothy F. Hopeman

EXHIBIT PAGE 2 OF 3

**Petition for Determination of
Water Rights**

Office of the Water Resources Department,
Salem, Oregon.

Filed June, 19 94

Water Resources Director.

Exhibit "A"
Petition for Determination of Water Rights
Dorothy F. Hopeman, Petitioner

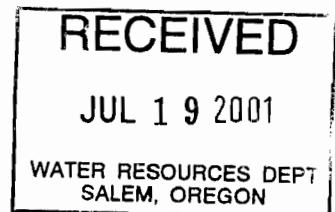
Petitioner diverts water from the Willamette River at points located in Linn County, Oregon, described as follows:

NE 1/4 SW 1/4 Sec. 1
SW 1/4 SW 1/4 Sec. 1
SE 1/4 SW 1/4 Sec. 1
SW 1/4 SE 1/4 Sec. 1
NE 1/4 NW 1/4 Sec. 12
NW 1/4 NE 1/4 Sec. 12

All of the foregoing are located in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon.

[gka:hope1.exe\dra#1\06-07-94]

EXHIBIT B
PAGE 3 OF 3



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion COUNTY

IN THE MATTER OF THE DETERMINATION OF THE
RELATIVE RIGHTS TO THE WATERS OF

the Willamette River

AND ITS TRIBUTARIES, Tributary of

Columbia River

**Substitution of Petitioners for
Determination of Water Rights**

Application No. SWR-172

TO THE WATER RESOURCES DIRECTOR OF OREGON:

The undersigned, respectfully represents:

ONE: Dorothy F. Hopeman, the original petitioner in this proceeding, is deceased.

TWO: Carol Hopeman Jordan received the property subject to the petition from the estate of Dorothy F. Hopeman and is now the owner of that property.

WHEREFORE, petitioner prays for determination as requested in the original "Petition for Determination of Water Rights" filed in this proceeding on June 7, 1994.

Dated this 7th day of June, 2001.

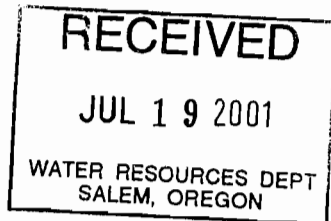
Petitioner

Postoffice Address

Carol Hopeman Jordan
Carol Hopeman Jordan

c/o PO Box 983 Albany, OR 97321

EXHIBIT C
PAGE 1 OF 1

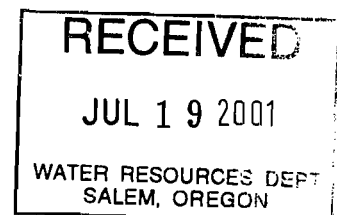


IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

CAROL HOPEMAN JORDAN,)
) Case No. 011411
)
 Plaintiff,)
) SUMMONS
)
 v.)
)
)
 STATE OF OREGON, by and through)
 the Oregon Water Resources)
 Department,)
)
 Defendant.)

TO: Attorney General Hardy Myers
Attorney General's Office
1162 Court Street NE
Salem, OR 97310

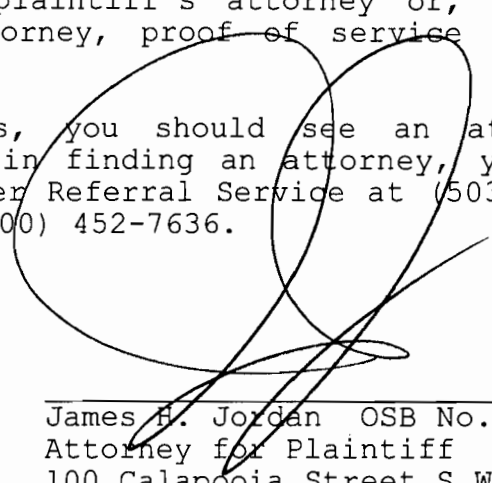
IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and defend the complaint filed against you in the above entitled cause within 30 days from the date of service of this summons upon you; and if you fail so to appear and defend, for want thereof, the plaintiff(s) will apply to the court for the relief demanded therein.



NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion", or "answer". The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.



James H. Jordan OSB No. 60042
Attorney for Plaintiff
100 Calapooia Street S.W.
P. O. Box 983
Albany, OR 97321

=====

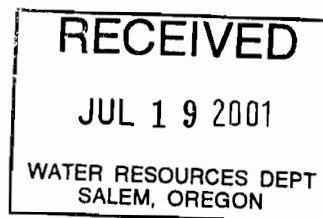
STATE OF OREGON, County of Linn) ss.

I, JAMES H. JORDAN, one of the plaintiff's attorneys, do hereby certify that I prepared the foregoing copy of Summons and have carefully compared the same with the original thereof; and that it is a true and correct copy of said original.

Albany, Oregon, dated the 17th day of July, 2001.

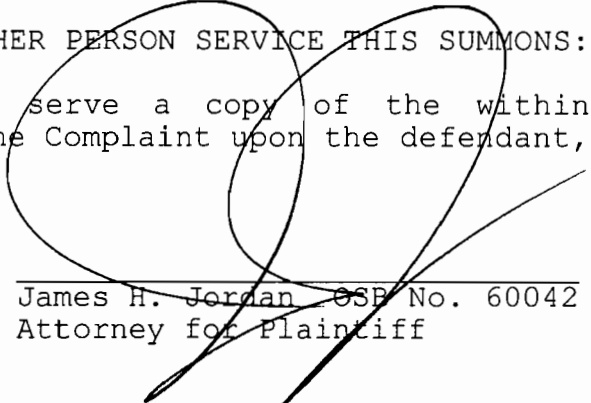


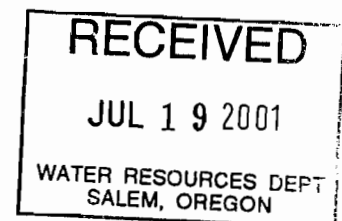
James H. Jordan OSB No. 60042
Attorney for Plaintiff



TO THE SHERIFF, OFFICER OR OTHER PERSON SERVICE THIS SUMMONS:

You are hereby directed to serve a copy of the within Summons, together with a copy of the Complaint upon the defendant, State of Oregon.


James H. Jordan OSP No. 60042
Attorney for Plaintiff



James H. Jordan Attorney at Law

Gayla K. Austin
Law Clerk

PO Box 983
Albany, Oregon 97321-0369
Telephone (541) 917-0100
Facsimile (541) 928-7370
E-Mail Address: jordaust@proaxis.com

June 8, 2001

Oregon Water Resources Department
Adjudication Section
3850 Portland Road NE
Salem, OR 97310

Re: Surface Water Registration Statement - Dorothy F. Hopeman
File No.: 1-14

Enclosed is a substitution of partys changing the petitioner in the pending proceeding from Dorothy F. Hopeman to Carol Hopeman Jordan, who is the daughter of Dorothy F. Hopeman, deceased, and the current owner of the property. Will you please change your records to indicate the correct petitioner.

These proceedings commenced on December 21, 1992. A number of letters were written to the Department after that date requesting action, but no action has been taken.

This letter is a formal demand for adjudication.

Will you please provide a letter advising whether or not the agency will proceed promptly with adjudication of this application. If not, the applicant intends to proceed with a petition to compel agency action pursuant to ORS 183.490.

Sincerely,

JAMES H. JORDAN
JHJ/bmf

RECEIVED

JUN 11 2001

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion COUNTY

IN THE MATTER OF THE DETERMINATION OF THE
RELATIVE RIGHTS TO THE WATERS OF

the Willamette River

AND ITS TRIBUTARIES, Tributary of

Columbia River

**Substitution of Petitioners for
Determination of Water Rights**

Application No. SWR-172

TO THE WATER RESOURCES DIRECTOR OF OREGON:

The undersigned, respectfully represents:

ONE: Dorothy F. Hopeman, the original petitioner in this proceeding, is deceased.

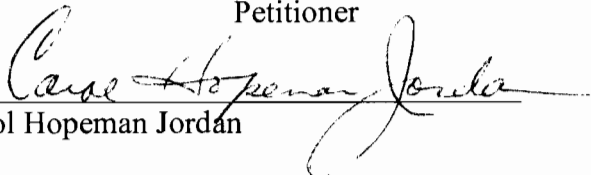
TWO: Carol Hopeman Jordan received the property subject to the petition from the estate of Dorothy F. Hopeman and is now the owner of that property.

WHEREFORE, petitioner prays for determination as requested in the original "Petition for Determination of Water Rights" filed in this proceeding on June 7, 1994.

Dated this 7th day of June, 2001.

Petitioner

Postoffice Address


Carol Hopeman Jordan

c/o PO Box 983 Albany, OR 97321

RECEIVED

JUN 11 2001

WATER RESOURCES DEPT
600 NE OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

June 13, 2001

James H Jordan
PO Box 983
Albany OR 97321-0369

RE: SWR- 172 Ownership update
Demand for adjudication

Dear Mr. Jordan,

This will acknowledge the receipt of the ownership update information naming Carol Hopeman Jordan as the current owner of the property involved in Surface Water Registration #172. A copy of your letter along with the "Substitution" form has been placed in the file.

As for the formal request for adjudication, there are currently no plans to address Surface Water Registrations or to initiate any new adjudications. The Department is currently involved in the adjudication of the Klamath River where 728 claims were filed and over 5600 contests have been received against either the claim or the Department's preliminary finding. With limited staff, it is impossible to project a specific time when the adjudication of the Willamette River will commence.

If have any other questions concerning this issue, please feel free to contact me personally at (503)378-8455 extension 295.

Sincerely,

Gerry Clark
Adjudications Specialist

cc: SWR-172



mailed
5-20-93

PUBLIC NOTICE OF FILING OF WATER USE APPLICATIONS

MAY/19/1993

A tabulation of applications for water-use authorizations (water rights) filed in the office of the Water Resources Director during the week of MAY/ 7/1993 to MAY/13/1993, is attached to this notice.

The applications include requests for both consumptive and non-consumptive water uses and for water right transfers.

The Water Resources Department will prepare a report of technical review for each of these applications listed above. The technical review will consider:

- * Legislative withdrawals
- * State Engineer withdrawals
- * Restrictions imposed by Basin Programs
- * Restrictions imposed by Scenic Waterway designations
- * Other Commission policies which may limit future use
- * Potential conflict with existing water rights
- * Water availability
- * Conditions generally imposed on water uses from the source, and
- * Other applicable standards.

The report of technical review will be distributed to the applicant and all interested parties. With respect to proposed water right transfers, the Water Resources Department will only consider the potential for conflict with existing water rights.

If you would like to receive a copy of the Department's report of technical review for any of the listed applications, please identify the application on the attached "comment form". Space is provided to list the application numbers of interest and any specific comments or concerns you may have. (Attach additional sheets if necessary.) The attached "comment form" must be received at the Salem office of the Water Resources Department by JUN/22/1993.

All correspondence and comments should be directed to the Oregon Water Resources Department at the following address:

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310 (503) 378-3066

When the report of technical review is provided, any interested party may file an "objection" to the analysis within 60 days of its' distribution. The Department will attempt to informally resolve issues raised in objections. Parties who can demonstrate a conflict with an existing water right may object and/or protest at any time before issuance of a permit, instream water right or approval of a transfer.

PLANNING DIRECTORS OF LOCAL GOVERNMENTS:

1. Please post this notice in a conspicuous location in the county courthouse.

For most surface water, groundwater, and transfer applications:

- a) The applicant has submitted to the Department either a land use information form completed by the local government or a receipt indicating that the local government has been notified of the intent to file the application.
 - b) If the applicant has only submitted the receipt, the local government has until JUN/22/1993 to transmit the land use form to the Water Resources Department. If the Department does not receive the land use form by this date, the State may presume the use is compatible with the local comprehensive plan.
3. For instream water right applications, we will presume the instream water right is compatible with your comprehensive plan unless notified by JUN/22/1993. If you believe an instream water right will not be compatible with your comprehensive plan, please provide the following information:
 - a) Identify and submit applicable policies or provisions in your comprehensive plan that relate to instream flow protection and/or other uses of the water under consideration.
 - b) Evidence that the local comprehensive plan provisions would provide a greater public benefit than the proposed instream water right.
 4. If you would like to schedule a meeting to discuss the proposed water use, please indicate this on the "comment form".
-

Curry

SWR #171 Earnest A. & Peter E. Bussmann
PO Box 269
Sixes, OR 97476

SIXES RIVER TRIBUTARY TO PACIFIC OCEAN FOR STOCKWATERING. 0.0175 CFS.
CLAIMED PRIORITY DATE: JUNE 3, 1901. T32S, R15W SECTION 5.

Linn

~~SWR #172/~~ Dorothy Hopeman
PO Box 983
Albany, OR 97321

WILLAMETTE RIVER TRIBUTARY TO COLUMBIA RIVER FOR IRRIGATION AND STOCKWATER.
0.964 CFS. CLAIMED PRIORITY DATE: FEBRUARY THROUGH MAY, 1854. T11S, R4W
SECTION 1,12.

Curry

SWR #173 James A. Bussmann
PO Box 211
Sixes, OR 97476

SUMMER'S CREEK (MADISON CREEK) AND SIXES RIVER TRIBUTARY TO SIXES RIVER
(MADISON CREEK) SUMMER'S CREEK FOR STOCKWATERING (200 HEAD CATTLE). 0.01
CFS. CLAIMED PRIORITY DATE: JUNE 3, 1901.
T32S, R15W SECTION 4,8,9.

Douglas

SWR #174 Rick D. and Karen Gibbons
PO Box 699
Riddle, OR 97469

SOUTH UMPQUA RIVER TRIBUTARY TO UMPQUA RIVER FOR IRRIGATION, STOCKWATER AND
DOMESTIC. 0.095 CFS. CLAIMED PRIORITY DATE: APRIL 14, 1908. T30S, R6W
SECTION 12.

Coos

SWR #175 Earnest A. Bussman
PO Box 269
Sixes, OR 97476

FAHY'S CREEK AND COQUILLE RIVER TRIBUTARY TO COQUILLE RIVER FOR STOCKWATERING
OF 450 HEAD OF CATTLE. 0.0225 CFS. CLAIMED PRIORITY DATE: JULY 1892. T28S,
R14W SECTION 8,17.

Coos

SWR #176 Russell N. Heller
PO Box 855
Coquille, OR 97423

CHERRY CREEK TRIBUTARY TO COQUILLE RIVER FOR IRRIGATION, STOCKWATER,
DOMESTIC. 0.01 CFS DOMESTIC, 0.002 CFS STOCKWATER, 0.0125 CFS IRRIGATION.
CLAIMED PRIORITY DATE: OCTOBER 1869. T27S, R11W SECTION 27.

Douglas

SWR #177 Phyllis A. Feldkamp Trust
PO Box 1306
Roseburg, OR 97470

CAVITT CREEK TRIBUTARY TO LITTLE RIVER FOR DOMESTIC. 0.01 CFS. CLAIMED
PRIORITY DATE: SEPTEMBER 29, 1906. T27S, R3W SECTION 14.

James H. Jordan Attorney at Law

RECEIVED

JUN - 9 1994

Gayla K. Austin
Certified Legal Assistant

WATER RESOURCES DEPT.
SALEM, OREGON

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (503) 928-2166
Facsimile (503) 928-7370

June 8, 1994

--COPY--
FOR YOUR
INFORMATION
JAMES H. JORDAN ATTORNEY

Senator Mae Yih
State Capitol Building
Room 5214
Salem, OR 97310

Representative Carolyn Oakley
3197 N.W. Crest Loop
Albany, OR 97321

Re: Determination of Vested Water Rights - Willamette River
Petition Pending Before the Water Resources Department
Surface Water Registration Statement - Pre-1909 Vested Water Rights
Filed by Dorothy F. Hopeman
Water Resources Department Number SWR-172
Our File No. 1-14

In December of 1992, Dorothy F. Hopeman filed a surface water registration statement with the Water Resources Department claiming vested water rights to the Willamette River for property she owns on Bryant Drive just west of the Albany city park.

Determination involves a lengthy process, including a determination of water rights for the Willamette River generally. I recently filed a petition for determination of water rights on the Willamette River on behalf of Mrs. Hopeman.

In making inquiries of the timing of the general adjudication of the Willamette River, and Mrs. Hopeman's claim, the Water Resources Department has advised that it can not give a specific date and that adjudication might begin "within the next few years."

I am writing this letter on behalf of Mrs. Hopeman to request your assistance in causing this matter to be scheduled in the near future. Our youngest witness is 82 years of age and the oldest witness is approximately 92 years of age. We are very concerned that several years' delay would substantially prejudice Mrs. Hopeman's ability to establish a vested claim.

In requesting your assistance, it is not our intent to be critical of the Water Resources Department. Apparently, the Department does have a severe workload and a shortage of people and funding. My suggestion would be to allocate special funding to the Department for the purpose of hiring an adjudication specialist and support staff to complete the adjudication process for the Willamette River. One of you or the Department may have other ideas concerning a better way to resolve this matter on a timely basis.

Two Rivers Market, Second Floor • 250 Broadalbin Street S.W. • Suite 255

RECEIVED

JUN - 9 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Mrs. Hopeman and I are aware that there is no easy resolution to this problem but we would appreciate whatever assistance you can provide.

Sincerely,

JAMES H. JORDAN
JHJ/cjl

pc: K & D Engineering, Inc., Attn: Jack Burrell
Dorothy F. Hopeman
Water Resources Department, Attn: Don Knauer
Water Resources Department, Attn: Reed Marbut

Gayla K. Austin
Certified Legal Assistant

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (503) 928-2166
Facsimile (503) 928-7370

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Transmittal Memo

RECEIVED

JUN 10 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Date: June 8, 1994

To: State of Oregon
Water Resources Department
158 12th Street N.E.
Salem, OR 97310-0210

Regarding: Dorothy F. Hopeman
Water Resources Department Number
SWR-172
Our File No. 1-14

Enclosures: Petition for Determination of Water
Rights

Requested Action: To be filed.

JHJ/cjl

pc: Dorothy F. Hopeman w/copy of enclosure
K & D Engineering, Inc., Attn: Jack Burrell w/copy of enclosure

RECEIVED

JUN 1 0 1994

WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

..... Marion COUNTY.....

IN THE MATTER OF THE DETERMINATION OF THE
RELATIVE RIGHTS TO THE WATERS OF

..... the Willamette River
AND ITS TRIBUTARIES, Tributary of
..... Columbia River

**Petition for Determination
of Water Rights**

TO THE WATER RESOURCES DIRECTOR OF OREGON:

The undersigned, your petitioner, respectfully represents:

FIRST: That he is a user of the waters of the above named stream for the purposes of
irrigation and stockwater, and that he diverts water from said stream
at a point situated in the see Exhibit "A" quarter of section,
township, range, County, Oregon.

SECOND: That the waters of said stream and its tributaries are claimed by various claim-
ants within the counties of Lane, Linn, Benton, Polk, Marion, Clackamas...
and Multnomah, State of Oregon.

WHEREFORE, your petitioner prays that a determination of the relative rights of the
various claimants to the waters of said stream and its tributaries be had and made by you.

Dated this 7th day of June, 1994.

Petitioner

Dorothy F. Hopeman
.....
Dorothy F. Hopeman

Postoffice Address

c/o P. O. Box 983
..... Albany, OR 97321

(OVER)

RECEIVED

JUN 10 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Exhibit "A"
Petition for Determination of Water Rights
Dorothy F. Hopeman, Petitioner

Petitioner diverts water from the Willamette River at points located in Linn County, Oregon, described as follows:

NE 1/4 SW 1/4 Sec. 1
SW 1/4 SW 1/4 Sec. 1
SE 1/4 SW 1/4 Sec. 1
SW 1/4 SE 1/4 Sec. 1
NE 1/4 NW 1/4 Sec. 12
NW 1/4 NE 1/4 Sec. 12

All of the foregoing are located in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon.

James H. Jordan Attorney at Law

Gayla K. Austin
Certified Legal Assistant

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (503) 928-2166
Facsimile (503) 928-7370

May 10, 1994

1 1994

Oregon Water Resources Department
Attn: Don Knauer, Adjudication Specialist
3850 Portland Road N.E.
Salem, OR 97310

Re: Surface Water Registration Statement - Dorothy F. Hopeman
Application No. SWR-172
Our File No. 1-14

On December 21, 1992, I filed a surface water registration statement relating to pre-1909 vested water rights claimed by Dorothy F. Hopeman. Subsequent to that time, additional maps, etc. had been provided to you by Mr. Jack Burrell of K & D Engineering, Inc. here in Albany.

① I believe that Mrs. Hopeman has now complied with all of the registration filing requirements. Will you please acknowledge that this belief is correct, or, advise me of any other items which need to be filed.

② To my knowledge, the Department has not complied with the provisions of ORS 539.240(6) and OAR 690-28-029. Assuming that the statement has been examined and found to be in proper form, will you please be sure that the statement has been endorsed and entered in the records of the Department and that notice of the registration has been published in the Department's public notice of applications. I would appreciate receiving a copy of the publication containing that notice. In addition, will you please provide a copy of the endorsed statement to this office so that the statement may be recorded in the deed records of Linn County.

④ On behalf of Mrs. Hopeman, and in accord with OAR 690-28-060, the Department is hereby requested to begin a general stream adjudication. If this letter is not sufficient to comply with the provisions of OAR 690-28-060, will you please provide a form of petition that the Department will require.

⑤ Because of the age of a number of witnesses, most of whom are in excess of 80 or 90 years old, it is important that this process begin in the near future. Will you please let me know the anticipated time for commencement of this adjudication process.

Sincerely,

JAMES H. JORDAN

JHJ/cjl

pc: K & D Engineering, Inc., Attn: Jack Burrell
Dorothy F. Hopeman

Two Rivers Market, Second Floor • 250 Broadalbin Street S.W. • Suite 255

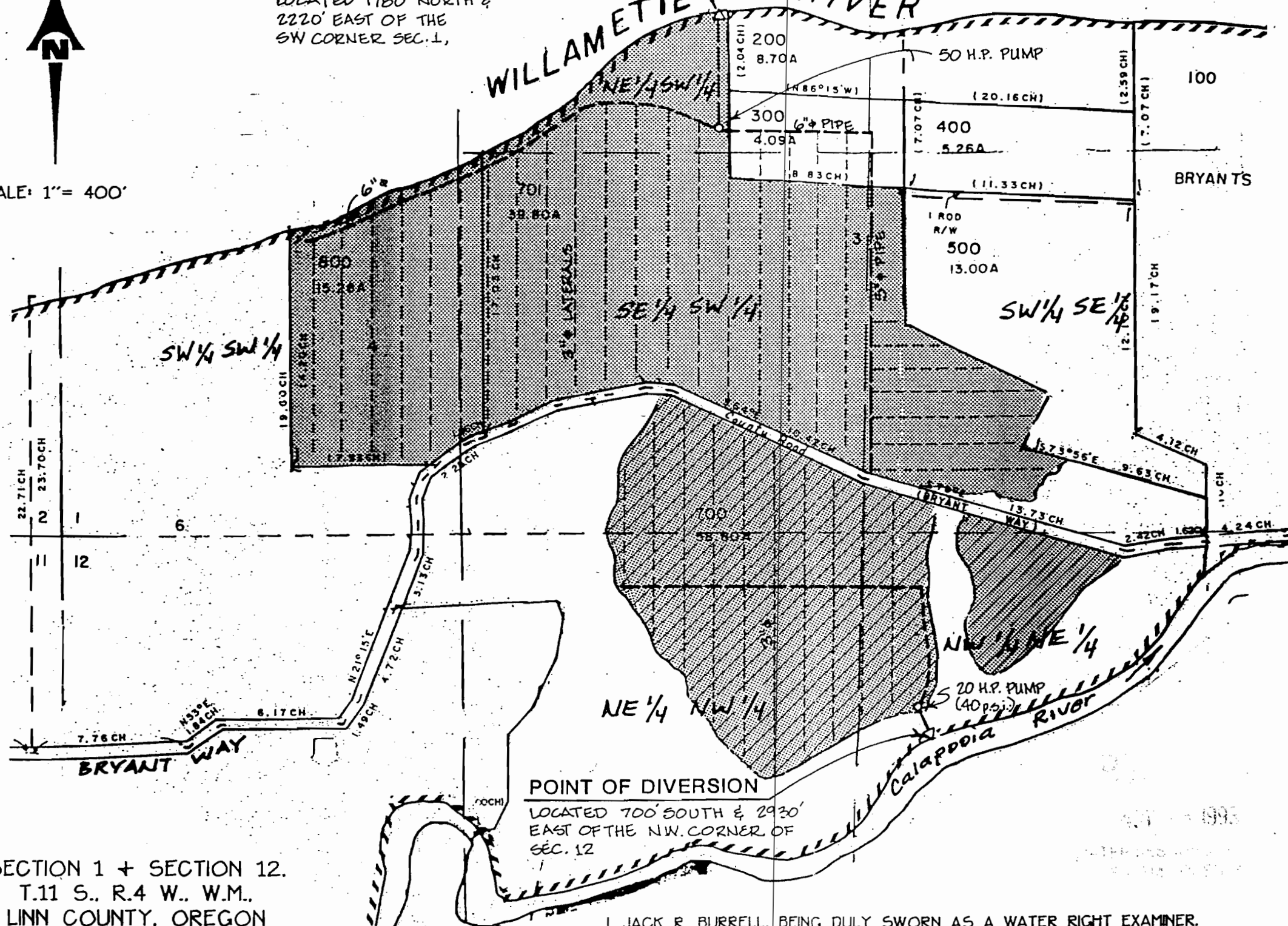


SCALE: 1" = 400'

POINT OF DIVERSION

LOCATED 1780' NORTH & 2220' EAST OF THE SW CORNER SEC. 1,

WILLAMETTE RIVER

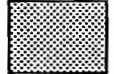
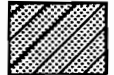


FINAL PROOF SURVEY
UNDER
APPLICATION
PRE-1909 VESTED WATER CLAIM
FOR
DOROTHY HOPEMAN

c/o P.O. BOX 983
ALBANY, OR 97321

DETERMINED BY:
K + D ENGINEERING, INC.
OCTOBER 13, 1993

LEGEND:

-  LAND CURRENTLY BEING WATERED FROM THE WILLAMETTE RIVER.
-  LAND CURRENTLY BEING WATERED FROM THE CALAPOOIA RIVER WHICH MAY HAVE BEEN IRRIGATED FROM THE WILLAMETTE RIVER IN THE PAST.

LAND IRRIGATED:

NE 1/4. SW 1/4 SEC. 1	5.0 AC.
SW 1/4. SW 1/4 SEC. 1	11.6 AC.
SE 1/4. SW 1/4 SEC. 1	33.0 AC.
SW 1/4. SW 1/4 SEC. 1	8.8 AC.
NE 1/4. NW 1/4 SEC. 12	11.7 AC.
NW 1/4. NE 1/4 SEC. 12	7.0 AC.
TOTAL CLAIM:	77.1 AC.

SECTION 1 + SECTION 12.
T.11 S., R.4 W., W.M.,
LINN COUNTY, OREGON

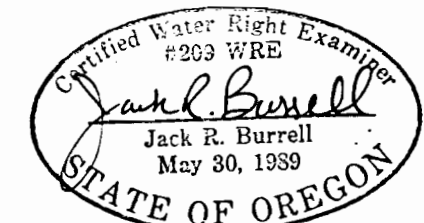
POINT OF DIVERSION

LOCATED 700' SOUTH & 2930'
EAST OF THE NW CORNER OF
SEC. 12

I, JACK R. BURRELL, BEING DULY SWORN AS A WATER RIGHT EXAMINER, LICENSE NO. 209, HAVE PREPARED THIS MAP FOR DOROTHY HOPEMAN ON THIS 13TH DAY OF OCTOBER, 1993. THE AREAS HATCHED REPRESENT THE ACREAGES THAT THE OWNER BELIEVES WERE IRRIGATED PRIOR TO 1909 AND ARE STILL BEING CURRENTLY IRRIGATED.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP'S LINES.

KD ENGINEERING, INC.
276 N.W. HICKORY STREET
POST OFFICE, BOX 725
ALBANY, OREGON 97321
PROJECT NO. 92-144
92144-1DWG M.M.S.



EXPIRATION DATE: 12/31/93

Please Note: We've moved!!

We're in the same building (at the opposite end) but our address is now:

K & D Engineering, Inc.
276 NW Hickory Street
P.O. Box 725
Albany, OR 97321

RECEIVED

NOV 15 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Please make note of this change in your records. Thank-you.

K & D ENGINEERING, INC
202 N.W. Hickory Avenue P.O. Box 725
ALBANY, OREGON 97321

RECEIVED

NOV 15 1993

DATE 11/12/93

WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT DOROTHY HOPEMAN
WATER RIGHT

TO

(503) 928-2583
FAX (503) 967-3458

Oregon Water Resources Dept.

3850 Portland Rd NE

Salem, OR 97310

Attn: Don Knauer

SWR-172

> Dear Don

I am in receipt of your November 3, 1993
correspondence asking for acreage of beneficial
use by 1/4 1/4 section.

The map does list this as highlighted
on the enclosure. Please let me know if
you are needing something more.

cc Jim Jordan

Thanks

SIGNED

Jane Bassell

PLEASE REPLY NO REPLY NECESSARY

Gayla K. Austin
Certified Legal Assistant

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (503) 928-2166
Facsimile (503) 928-7370

Transmittal Memo

RECEIVED

NOV - 8 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Date: November 2, 1993

To: Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

Regarding: Dorothy F. Hopeman
Application No. SWR-172
Our File No. 1-14

Enclosures: Original Final Proof Survey

JHJ/cjl

Gayla K. Austin
Certified Legal Assistant

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (503) 928-2166
Facsimile (503) 928-7370

RECEIVED

APR 9 1993

WATER RESOURCES DEPT
SALEM, OREGON

April 8, 1993

State of Oregon
Water Resources Department
Attn: Don Knauer
Adjudication Specialist
3850 Portland Road N.E.
Salem, OR 97310

Re: Application of Dorothy F. Hopeman
Filing No. SWR-172
Our File No. 1-14

I was surprised at the statement in your April 6, 1993, letter indicating that you thought it would be "a number of years in the future" before a hearing is set on this matter.

My client will be 81 years old this June. Several of her witnesses are in their 80's and one is at least 90 years of age. In all probability, a delay of "a number of years" will result in extreme prejudice to my client.

Please consider this letter a formal request to set this matter for a hearing within the next 90 days.

Sincerely,

JAMES H. JORDAN
JHJ/cjl

James H. Jordan Attorney at Law

Gayla K. Austin
Certified Legal Assistant

RECEIVED

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (503) 928-2166
Facsimile (503) 928-7370

APR 1 1993

WATER RESOURCES DEPT.
SALEM, OREGON

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 31, 1993

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

Re: Surface Water Registration Statement -
Pre-1909 Vested Water Right Claim
No. SWR-172
Registrant: Dorothy F. Hopeman
Our File No. 1-14

Enclosed are original affidavits of Dorothy F. Hopeman and Carol Hopeman Jordan dated March 30, 1993, filed in support of the above registration statement. Will you please add these affidavits to your file. We expect to be filing additional affidavits in the near future and are also researching additional information.

Will you please advise a date when this matter will be set for adjudication.

Sincerely,

JAMES H. JORDAN
JHJ/cjl
Enclosures

State of Oregon Water Resources Department

In the matter of Surface Water Registration
Statement - Pre-1909 vested water right claim
No. SWR-172

REGISTRANT: Dorothy F. Hopeman

RECEIVED

APR 1 1993

AFFIDAVIT

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON)
)
County of Linn) ss.

I, Carol Hopeman Jordan, being first duly sworn depose and say:

1.

I make this affidavit in support of the claim filed by Dorothy F. Hopeman.

2.

I am the daughter of Floyd M. Hopeman and Dorothy F. Hopeman and was born in Albany, Oregon, in 1937 and have lived in the vicinity for most of that time. I have been familiar with the property which is the subject of this proceeding since I was a small child.

3.

During my childhood and my adult life, I know of my own personal knowledge that water from the Willamette River was used on the Hopeman property on a continuing basis, without interruption, for both livestock and irrigation purposes since approximately 1943.

Dated signed: March 30, 1993.

Carol Hopeman Jordan

Carol Hopeman Jordan

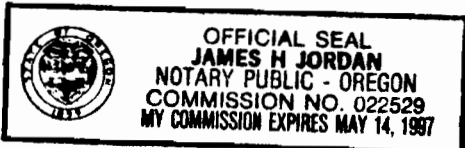
STATE OF OREGON)
)
County of Linn) ss.

Date: March 30, 1993

Personally appeared the above named Carol Hopeman Jordan and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Notary Public for Oregon
My Commission Expires:



LAW OFFICE
JAMES H. JORDAN

250 BROADALBIN STREET S.W., SUITE 255
P.O. BOX 983 • ALBANY, OREGON 97321-0369

State of Oregon Water Resources Department

In the matter of Surface Water Registration
Statement - Pre-1909 vested water right claim
No. SWR-172

RECEIVED

APR 1 1993

REGISTRANT: Dorothy F. Hopeman

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Linn)

I, Dorothy F. Hopeman, being first duly sworn depose and say:
1.

I make this affidavit in support of the claim which I have
filed with the State of Oregon Water Resources Department.
2.

I have resided continuously in Albany, Oregon, since 1934. I
have been familiar with the property since shortly after that date.
My late husband, Floyd M. Hopeman, and I became the owners of a
substantial portion of the property in 1954 and the balance of the
property, which is contiguous, in 1963.

Based upon my own personal knowledge of the property during
the years I have been acquainted with its use and based upon
information imparted to me by others over the many years I have
resided in Albany, and based upon information and belief, water
from the Willamette River has been in continuous use for livestock
and irrigation purposes since prior to 1909, without an
interruption of five years or more.
3.

The opinion expressed in this affidavit is based upon numerous
conversations with persons who resided in Albany for many years
both before and after 1909. Many of those individuals are now
deceased.

Dated signed: March 30, 1993.

Dorothy F. Hopeman
Dorothy F. Hopeman

STATE OF OREGON)
) ss.
County of Linn)

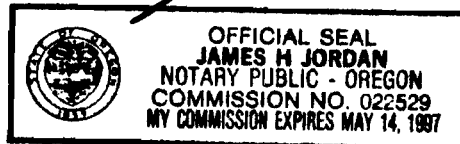
Date: March 30, 1993

Personally appeared the above named Dorothy F. Hopeman and
acknowledged the foregoing instrument to be her voluntary act and
deed.

Before me:

~~Notary Public for Oregon
My Commission Expires:~~

[gka:hope1.af3/dra#1/:03-24-93]



JAMES H. JORDAN

250 BROADALBIN STREET S.W., SUITE 255
P.O. BOX 983 • ALBANY, OREGON 97321-0389

State of Oregon Water Resources Department

In the matter of Surface Water Registration
Statement - Pre-1909 vested water right claim
No. SWR-172

RECEIVED

APR 28 1993

REGISTRANT: Dorothy F. Hopeman

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Linn)

I, Lillian Gray, being first duly sworn depose and say:

1.

I make this affidavit in support of the claim filed by Dorothy F. Hopeman.

2.

I am ninety (90) years of age and have lived in Albany, Oregon, since I was 13 years old. I am familiar with the property subject to this proceeding.

3.

During the 1920's a good friend of mine lived on Bryant Drive to the west of the Hopeman property. I often visited my friend and traveled on Bryant Drive past the Hopeman property on a regular basis.

4.

I know of my own personal knowledge that during the 1920's, and I believe probably as early as 1900, and believe probably for a substantial period of years after the 1920's, water from the Willamette River was used on the Hopeman property on a continuous basis, without interruption, for both livestock and irrigation purposes.

Dated signed: 4-26-1993 Lillian Gray

Lillian Gray

STATE OF OREGON)
) ss.
County of Linn)

Date: April 26, 1993

Personally appeared the above named Lillian Gray and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Gayla K. Austin
Notary Public for Oregon
My Commission Expires: 7/9/95

[gka:hope1.aff/dra#2/:03-24-93]



Gayla K. Austin
Certified Legal Assistant

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (503) 928-2166
Facsimile (503) 928-7370

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Transmittal Memo

APR 27 1993

APR 28 1993

Date:

April 27, 1993

WATER RESOURCES DEPT.
SALEM, OREGON

To:

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

Regarding:

Surface Water Registration
Statement - Pre-1909 Vested Water
Right Claim
No. SWR-172
Registrant: Dorothy F. Hopeman
Our File No. 1-14

Enclosures:

Original Affidavit of Lillian Gray

Requested Action:

For your file.

JHJ/cjl

Gayla K. Austin
Certified Legal Assistant

P.O. Box 983
Albany, Oregon 97321-0369
Telephone (503) 928-2166
Facsimile (503) 928-7370

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Transmittal Memo

DEC 21 1992

RECEIVED
ALBANY, OREGON

Date: December 21, 1992

To: Oregon Water Resources Department
Adjudication Section
3850 Portland Road N.E.
Salem, OR 97310

Regarding: Dorothy F. Hopeman
Surface Water Registration
Statement
Our File No. 1-14

Enclosures: 1. Surface Water Registration
Statement - Pre-1909 Vested
Water Right Claim
2. Check for the amount of
\$354.20

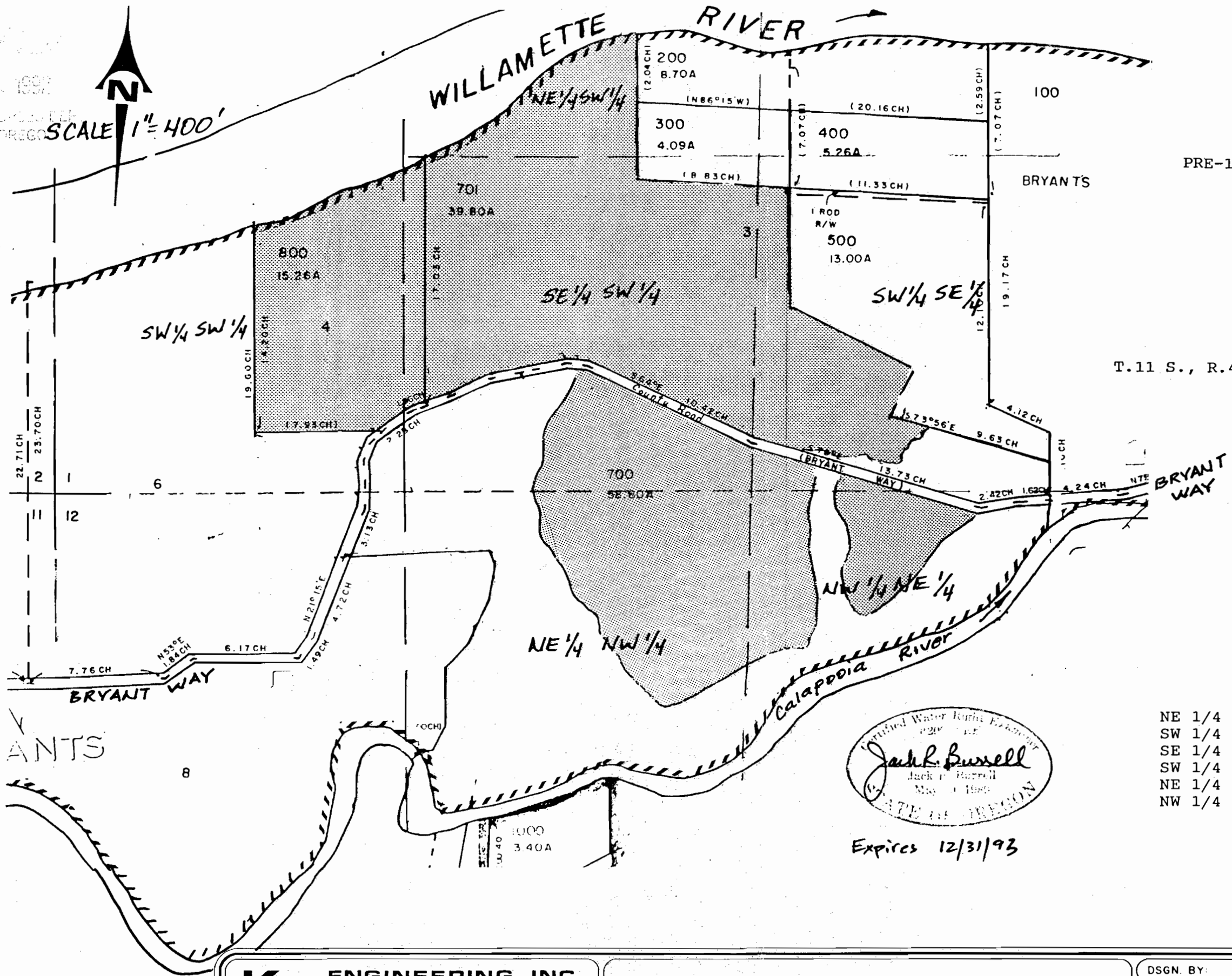
Requested Action: To be filed.

JHJ/cjl
pc: Mrs. Hopeman w/copy of enclosures
Jack R. Burrell w/copy of enclosures

DEC 2 1997
ATER R...
...OREGON



SCALE 1" = 400'

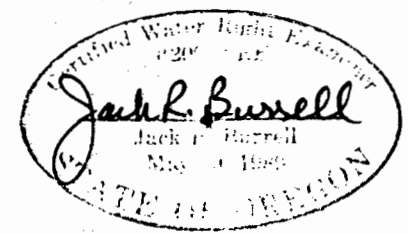


MAP OF
 PRE-1909 VESTED WATER CLAIM
 FOR
 DOROTHY HOPEMAN
 LOCATED IN
 SECTIONS 1 AND 12
 OF
 T.11 S., R.4 W, W.M., LINN COUNTY, OREGON

LAND IRRIGATION

NE 1/4 SW 1/4 SEC. 1	5.0 AC.
SW 1/4 SW 1/4 SEC. 1	11.6 AC.
SE 1/4 SW 1/4 SEC. 1	33.0 AC.
SW 1/4 SE 1/4 SEC. 1	8.8 AC.
NE 1/4 NW 1/4 SEC. 12	11.7 AC.
NW 1/4 NE 1/4 SEC. 12	7.0 AC.

TOTAL CLAIM: 77.1 AC.



Expires 12/31/93

KD ENGINEERING, INC.
 202 NW HICKORY STREET
 POST OFFICE BOX 725
 ALBANY, OREGON 97321

HOPEMAN WATER RIGHT

DSGN. BY:	SCALE: 1" = 400'	SHEET NO. 1
DWG. BY: JRB	DATE: 12/18/92	
CKD. BY:	PROJECT NO: 92-144	