

1  
Name Herman R. & Helen Hornecker  
By Route 2, Box 274 a  
Address Hillsboro, Oregon  
3125 S.W. Hill St.

Date filed July 1, 1948

Priority July 1, 1948

Action suspended until OK for cert

Returned to applicant

Date of approval January 17, 1949

#### CONSTRUCTION

Date for beginning January 17, 1950

Date for completion October 1, 1950

Extended to

Date for application of water

Extended to

#### PROSECUTION OF WORK

Form "A" filed January 24, 1950

Form "B" filed Sep 28, 1950

Form "C" filed

#### FINAL PROOF

Blank mailed

Proof received

Date certificate issued

November 20, 1957

Application No. R-23261  
Permit No. R-950  
Certificate No. 23515 39221

Stream Index, Page No. 2-62P  
see 23430

#### FEES PAID

Date	Amount	Receipt No.
<u>7/2/48</u>	<u>14.50</u>	<u>5105</u>
<u>9/29/48</u>	<u>0.50</u>	<u>5105</u>
<u>page 285</u>		
B. P. Fee		
<u>5/1/57</u>		<u>115675</u>
<u>5/1/57</u>	\$1 Cert. Fee	<u>115675</u>
<u>5/1/57</u>	<u>6825</u>	<u># 6.00</u>
FEES REFUNDED		
Date	Amount	Check No.

#### ASSIGNMENTS

Date	To Whom	Address	Volume	Page

#### REMARKS

The right herein granted is limited to the construction of Hornecker Res. and the storage of water from an unnamed stream (Rock Creek) to be appropriated under App. No. 23430, Per. No. 18494 for irrigation, domestic and stock. (l.o.a.f.)

**JAN 17 1950 CARD FOR A**



## NOTICE OF BEGINNING OF CONSTRUCTION

*OK*  
 We Herman R. and Helen Hornecker, the holder of Permit No. R-950  
 to appropriate the public waters of the state of Oregon, began the actual construction of the works described  
 therein on the 12 day of September, 1949

Remarks: area cleared of brush & trees felled. 8 truckloads  
 The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed

of concrete slab for cribbing & raised. 2 ft. ft of dam put  
up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.  
in with fence. 2 men employed. Work will again  
be resumed when water recedes

IN WITNESS WHEREOF, I have hereunto set my hand this 21 day of January, 1949

Herman R. Hornecker & Helen Hornecker, Ph 2, Box 274A, Hillsboro, Ore.  
 (Signature of Applicant) (Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is begun.

STATE PRINTING DEPT.

## NOTICE OF COMPLETION OF CONSTRUCTION

*OK*  
 I, Herman R. Hornecker, the holder of Permit No. R-950  
 to appropriate the public waters of the state of Oregon, completed the construction of the works described  
 therein on the 27<sup>th</sup> day of September, 1950

Remarks: \_\_\_\_\_  
 If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you

should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 28<sup>th</sup> day of September, 1950

Herman R. Hornecker, Ph 2, Box 274A Hillsboro, Ore.  
 (Signature of Applicant) (Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is completed.





Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

# Certificate of Water Right Ownership Update

## NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

*Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.*

### PROPERTY SELLER INFORMATION

Applicant(s): Joan Waters  
First Last  
Mailing address: N/A  
Purchased in 1970's  
City State Zip  
Phone:     
Home Work Other

### PROPERTY BUYER INFORMATION

Applicant(s): Clean Water Services c/o Steve Kebbe, Principal Engineer  
First Last  
Mailing address: 2550 S.W. Hillsboro Highway  
Hillsboro OR 97123  
City State Zip  
Phone: Main: 503-681-3600 Direct: 503-547-8198  
Home Work Other

### PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Washington Township: 1S Range: 2W Section: 9  
Tax lot number(s): 1400

Attach a copy of your property deed or legal description of the property.

Street address of water right property: N/A

**RECEIVED**

AUG 07 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: R23261 Permit #: R-950 Certificate or page #: 39221

Will all the lands associated with this water right be owned by the buyer? ☒ Yes ☐ No

Name of individual completing this form: Jeff Jones, P.E., WRE Phone: 503-225-9010  
Print

Signature: Jeff Jones Date: 8-2-2007





# CHICAGO TITLE INSURANCE COMPANY

10135 SE Sunnyside Road Suite 200

Clackamas, OR 97015

Phone (503) 786-3940 Fax (503) 653-7833

## =METROSCAN PROPERTY PROFILE= Washington (OR)

### OWNERSHIP INFORMATION

Reference Parcel # : 1S20900 01400  
 Parcel Number : R0338236 RTSQ: 02W -01S -09  
 Owner : Clean Water Services  
 CoOwner :  
 Site Address : 3235 SW Riv  
 Mail Address : 2550 SW Hillsboro Hwy Hillsboro Or 97123  
 Telephone : Owner: 503-681-3600 Tenant:

### SALES AND LOAN INFORMATION

Transferred : 11/19/2001 Loan Amount :  
 Document # : CF4688 Lender :  
 Sale Price : Loan Type :  
 Deed Type : Interest Rate :  
 % Owned : Vesting Type :

### ASSESSMENT AND TAX INFORMATION

Market Land : \$2,743,650 Exempt Amount :  
 Market Structure : \$31,000,000 Exempt Type :  
 Market Other : % Improved : 92  
 Market Total : \$33,743,650 Levy Code : 02920  
 06-07 Taxes : Millage Rate : 12.7679  
 Assessed Total : School Dist : Reedville

### PROPERTY DESCRIPTION

Map Grid : Class Code :  
 Census : Tract: Block:  
 NbrhdCd : 4TL2 MillRate :  
 Sub/Plat :  
 Land Use : 9491 Misc, Unified Sewerage Agency  
 Legal : ACRES 60.97, CODE SPLIT,  
 : NON-ASSESSABLE

### PROPERTY CHARACTERISTICS

Bedrooms :	Lot Acres : 60.97	Year Built :
Bathrooms :	Lot SqFt : 2,655,853	EffYearBlt :
Heat Method :	BsmFin SF :	Floor Cover :
Pool :	BsmUnfinSF :	Foundation :
Appliances :	BsmLowSF :	Roof Shape :
Dishwasher :	Bldg SqFt :	Roof Matl :
Hood Fan :	1stFlrSqFt :	InteriorMat :
Deck :	UpperFlrSF :	Paving Matl :
Garage Type :	Porch SqFt :	Const Type :
Garage SF :	Attic SqFt :	Ext Finish :
	Deck SqFt :	

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WATER RESOURCES DEPT  
SALEM, OREGON





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10135 SE Sunnyside Road Suite 200

Clackamas, OR 97015

Phone (503) 786-3940 Fax (503) 653-7833

## = METROSCAN PROPERTY PROFILE =

Washington (OR)

### OWNERSHIP INFORMATION

Reference Parcel # : 1S20900 01400  
 Parcel Number : R1492110 RTSQ: 02W -01S -09  
 Owner : Clean Water Services  
 CoOwner :  
 Site Address : 3235 SW Riv  
 Mail Address : 2550 SW Hillsboro Hwy Hillsboro Or 97123  
 Telephone : Owner: 503-681-3600 Tenant:

### SALES AND LOAN INFORMATION

Transferred : 11/19/2001 Loan Amount :  
 Document # : Cf4688 Lender :  
 Sale Price : Loan Type :  
 Deed Type : Interest Rate :  
 % Owned : Vesting Type :

### ASSESSMENT AND TAX INFORMATION

Market Land : \$262,350 Exempt Amount :  
 Market Structure : Exempt Type :  
 Market Other : % Improved :  
 Market Total : \$262,350 Levy Code : 02915  
 06-07 Taxes : Millage Rate : 11.4103  
 Assessed Total : School Dist : Reedville

### PROPERTY DESCRIPTION

Map Grid : Class Code :  
 Census : Tract: Block:  
 NbrhdCd : 4TL2 MillRate :  
 Sub/Plat :  
 Land Use : 9491 Miso, Unified Sewerage Agency  
 Legal : ACRES 5.83, CODE SPLIT,  
 : NON-ASSESSABLE

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AUG 07 2007

WATER RESOURCES DEPT  
 SALEM, OREGON

### PROPERTY CHARACTERISTICS

Bedrooms :	Lot Acres : 5.83	Year Built :
Bathrooms :	Lot SqFt : 253,954	EffYearBlt :
Heat Method :	BsmFin SF :	Floor Cover :
Pool :	BsmUnfinSF :	Foundation :
Appliances :	BsmLowSF :	Roof Shape :
Dishwasher :	Bldg SqFt :	Roof Matl :
Hood Fan :	1stFlrSqFt :	InteriorMat :
Deck :	UpperFlrSF :	Paving Matl :
Garage Type :	Porch SqFt :	Const Type :
Garage SF :	Attic SqFt :	Ext Finish :
	Deck SqFt :	



**WARRANTY DEED - STATUTORY FORM**  
(Individual - Corporation)

89-58315

Washington County

JOAN WATERS

Grantor, conveys and warrants to:

UNIFIED TERRACE AGENCY

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED DESCRIPTION SHEET

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

## ENCUMBRANCES:

THE ASSESSMENT ROLL AND THE TAX ROLL DISCLOSE THAT THE PREMISES HEREIN DESCRIBED WERE SPECIALLY ASSESSED AS FOREST LAND. IF THE LAND RECHES DISQUALIFIED FOR THE SPECIAL ASSESSMENT UNDER THE STATUTE, AN ADDITIONAL TAX MAY BE LEVIED. (AFFECTS: PARCELS II AND III). THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE PREMISES HEREIN, RECORDS PER NUMBER 87059571, 87059572, AND 87059573. SUBJECT TO THE STATUTORY POWERS OF THE UNIFIED TERRACE AGENCY. EASEMENT RECORDED AUGUST 23, 1994; BOOK 385, PAGE 361. EASEMENT RECORDED MAY 21, 1965; BOOK 533, PAGE 824. COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED AUGUST 3, 1973; BOOK 938, PAGE 810. EASEMENT RECORDED DECEMBER 3, 1987; PER NO.: 87059571. EASEMENT RECORDED DECEMBER 3, 1987; PER NO.: 87059572. EASEMENTS RECORDED DECEMBER 3, 1987; PER NO.: 87059573.

The true consideration for this conveyance is \$329,000.00.

Dated this NOVEMBER 17, 1989; If a corporate grantor, it has caused its name to be signed by order of its board of directors.

*Joan Waters*  
JOAN WATERS

STATE OF OREGON,  
County of WASHINGTON  
NOVEMBER 17, 1989 DATE

ACCEPTED BY: *Mary Y. Hickman*  
UNIFIED TERRACE AGENCY  
GENERAL MANAGER

Personally, the above named JOAN WATERS, appearing on the foregoing instrument, do hereby voluntarily

*Notary Public*  
My commission expires: 7/7/94

After recording, return and send the statements to:  
UNIFIED TERRACE AGENCY  
150 N. FIRST  
MILLSBORO, OREGON 97124

Record No. 538 34198 SK - Order No. 44317

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WATER RESOURCES DEPT  
SALEM, OREGON



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AUG 07 2007

WATER RESOURCES DEPT  
SALEM, OREGON**DESCRIPTION****PANEL I**

A portion of Lot 16, WITCH HAZEL LITTLE FARMS, a recorded subdivision in Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the south line of said Lot 16, which is North 89° 41' 30" East 291.5 feet from the southwest corner of said Lot 16; thence North 89° 41' 30" East, continuing along the said south line 388.0 feet to a point on the westerly right of way line of SW River Road (County Road No. 1178); thence along the arc of a 606.62 foot radius curve to the left (which has a chord that bears North 17° 33' 06" West 238.70 feet) an arc distance of 260.18 feet to a point of tangency; thence North 29° 50' 20" West, continuing along said westerly right of way, 73.0 feet to a point; thence South 61° 44' 00" West a distance of 311.87 feet to a point; thence South 0° 18' 10" East, a distance of 163.85 feet to the point of beginning.

**PANEL II**

Lot 16, WITCH HAZEL LITTLE FARMS, Washington County, Oregon.

EXCEPTING THEREFROM the following described property:

A portion of Lot 16 of WITCH HAZEL LITTLE FARMS, as shown on the duly recorded map and plat, and more particularly described as follows:

Beginning at an iron pipe at the southwest corner of said lot and running thence North 89° 20' East along the south line of said tract, a distance of 677.4 feet to a point on the westerly side of County Road No. 1178, a 60 foot wide road, said point being on a 606.7 foot radius curve to the left; thence following said curve (the long chord of which bears North 18° 12' West 253.9 feet) to a point; thence North 30° 22' West 184.5 feet along the westerly side of said road to a point; thence along a 543.8 foot radius curve to the left (the long chord of which bears North 38° 26' West 152.3 feet) 153.0 feet to a point; thence North 46° 31' West along the westerly side of said road 29.3 feet to a point; thence leaving the westerly side of said road and running South 35° 12' West 875.3 feet to the place of beginning, in Washington County, Oregon.

**PANEL III**

Lot 19, WITCH HAZEL LITTLE FARMS, Washington County, Oregon.

Together with that portion of the vacated street and being more particularly described as follows:

Beginning at the northeast corner of Lot 19, WITCH HAZEL LITTLE FARMS, Washington County, Oregon; thence West along the north line of said Lot 19 to the northeast of that certain tract of land conveyed to John and Louise Gelsich by deed recorded in Book 286, Page 215; thence North 20 feet to a point which bears South 1° 00' East 20 feet from the southeast corner of Lot 15, WITCH HAZEL LITTLE FARMS; thence West parallel to the south line of said Lot 15 to the east line of SW River Road; thence Northwesterly along the east line of said road to the south line of said Lot 15; thence East along the south line of Lots 15 and 14 to the southwest corner of Lot 13; thence south along the southerly extension of the west line of Lot 13, a distance of 20 feet; thence East parallel with the south line of Lot 13 to a point which bears North 20 feet from the true point of beginning; thence South 20 feet to the true point of beginning.

EXCEPTING THEREFROM the following described tract of land described in Deed to John Gelsich, et al, recorded in Book 286, Page 215, Washington County Deed Records, said tract being more fully described as follows:

Beginning at the northwest corner of Tract 19 of WITCH HAZEL LITTLE FARMS, a duly recorded subdivision in Section 9, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, and running thence North 89° 41' 46" East along the north line of said Tract 19, a distance of 278.66 feet to an iron pipe which bears South 01° 00' East 40.00 feet from the southeast corner of Tract 15 of said subdivision; thence South 01° 00' East, parallel with the east line of said Tract 19, a distance of 100.0 feet to an iron pipe; thence South 89° 41' 46" West parallel with the north line of said Tract 19, a distance of 166.18 feet to a point on the westerly line thereof, from which point an iron pipe bears North 89° 41' 46" East, 3.0 feet; thence North 48° 58' West, along said westerly line 151.42 feet to the place of beginning, from which an iron pipe bears North 89° 41' 46" East, 20.0 feet.

ALSO EXCEPTING THEREFROM the following described tract of land described in Deed to John Gelsich, et al, recorded in Book 395, Page 445, Washington County Deed Records, said tract being more fully described as follows:

Beginning at an iron pipe marking the southeast corner of that certain tract of land conveyed to Louise and John I. Gelsich in Tract 19, WITCH HAZEL LITTLE FARMS, Section 9, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, which



point, bears South 01° 00' East 140.80 feet from the southeast corner of Tract 15, WITH  
HARRIS LITTLE FARM; thence continuing South 01° 00' East, 10.00 feet to an iron rod;  
thence South 78° 44' West 119.50 feet to an iron rod on the westerly line of said Tract  
15; thence along the westerly line North 48° 58' West 52.13 feet to a point (from which  
an iron pipe bears North 89° 41' 46" East 4.88 feet); thence North 89° 41' 46" East  
166.18 feet along the south line of said Welch tract as described in Book 206, Page  
215, Washington County Deed Records to the place of beginning.

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AUG 07 2007

WATER RESOURCES DEPT  
SALEM, OREGONSTATE OF OREGON  
County of WashingtonI, Donald W. Moore, Register of Deeds and  
Recorder for the County of Washington, Oregon, do hereby  
certify that the within and foregoing is a true and  
correct copy of the original as the same appears in my  
office.

Doc: 89058315

Rect: 22790

23.00

11/30/1989 02:55:44PM



Reservoir-121-747

67-4236-124

## STATE OF OREGON

COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HERMAN E. &amp; HELEN HORNECKER

of 3125 SW River Road, Hillsboro

State of 97123 Oregon has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of  
an unnamed stream, tributary of Rock Creek, appropriated under application  
number 23430, permit number 18494

for the purposes of

Irrigation

under Reservoir Permit No. 2-950 of the State Engineer, and that said right to store said  
waters has been perfected in accordance with the laws of Oregon; that the priority of the right  
hereby confirmed dates from July 1, 1948

that the amount of water entitled to be stored each year under such right, for the purposes afore-  
said, shall not exceed 1.0 acre foot

The reservoir is located in

SE 1/4 S24  
As projected within T. Stewart MCG 43  
Section 9  
T. 1 S., R. 2 W., W. K.

This certificate is issued to correctly locate the reservoir and supersedees  
certificate of water right heretofore issued to Herman E. and Helen Hornecker  
and recorded at page 23515, Volume 17, State Record of Water Right Certificates.

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AUG 07 2007

WATER RESOURCES DEPT  
SALEM, OREGON

WITNESS the signature of the State Engineer, affixed

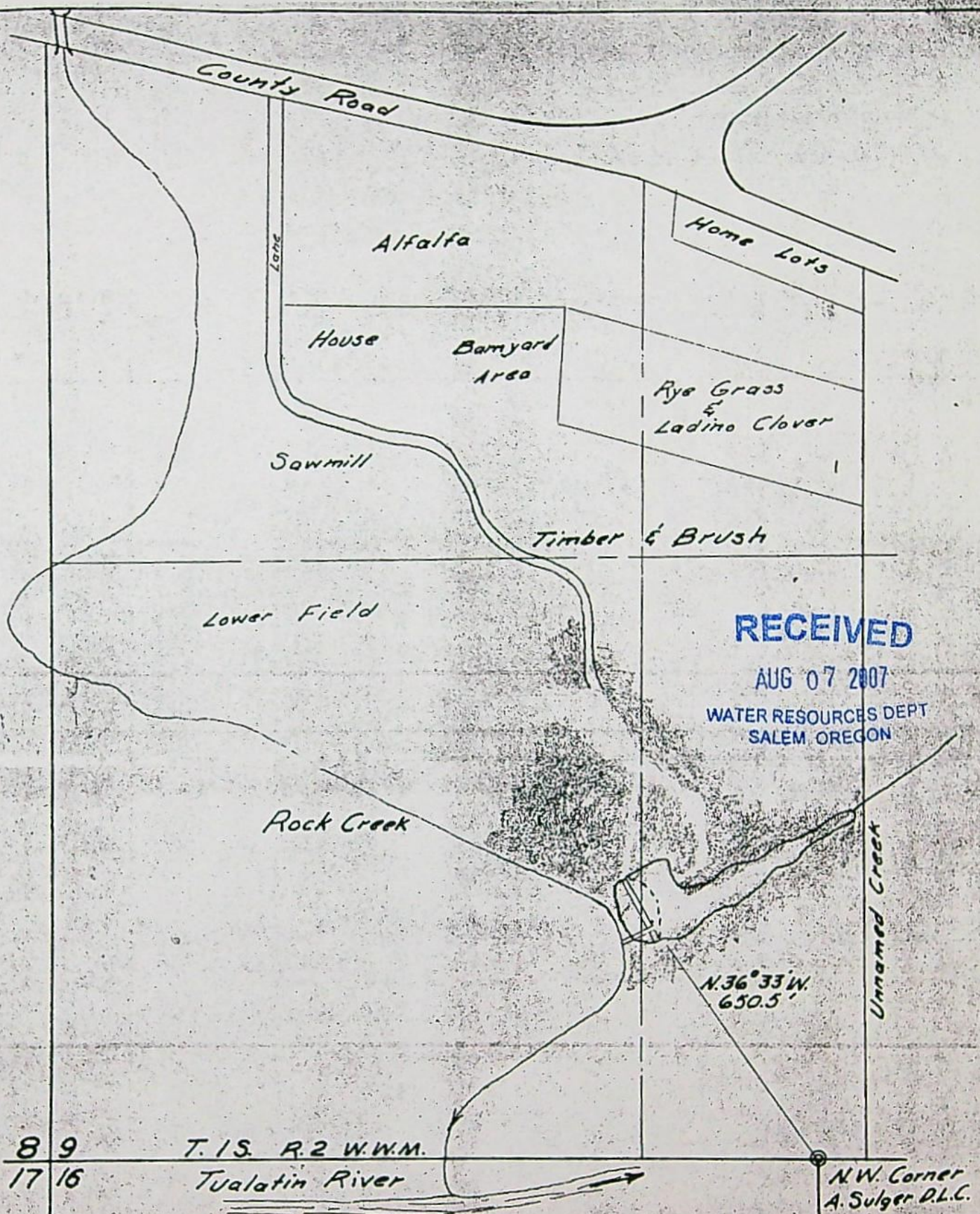
this date, May 31, 1973

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 39221





The base map and location tie were traced from the application map prepared and certified to by Vernon H. Rosebraugh, Oregon Certificate No. 2078. The outline of the dam, reservoir surface and field boundaries are sketched in, with brush area adjacent to reservoir shaded green. Application Numbers R-23261 and 23430; Permit Numbers R-950 and 18494.

*Chris L. Wheeler*  
Chris L. Wheeler  
Assistant State Engineer





Murray, Smith & Associates, Inc.  
Engineers/Planners

121 S.W. Salmon, Suite 900 ■ Portland, Oregon 97204-2919 ■ PHONE 503.225.9010 ■ FAX 503.225.9022

**RECEIVED**

AUG 07 2007

**LETTER OF TRANSMITTAL**

WATER RESOURCES DEPT  
SALEM, OREGON

To: Oregon Water Resources Department Date: August 6, 2007  
725 Summer St. N.E., Suite A Job No. 06-0794.411  
Salem, OR 97301 Re: Clean Water Services  
Certificate of Water Right  
Attn.: Water Rights Division Ownership Update

WE ARE SENDING YOU: ☒ Attached ☐ Under separate cover  
☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples  
☐ Specifications ☐ Copy of letter ☐ Change Order ☐ \_\_\_\_\_

Copies	Date	Description	Appl.
1	08/02/07	Certificate 59991 Ownership Update form with attachments	19257
1	08/02/07	Certificate 20013 Ownership Update form with attachments	21453
1	08/02/07	Certificate 22048 Ownership Update form with attachments	26463
1	08/02/07	Certificate 35409 Ownership Update form with attachments	42578
1	08/02/07	Certificate 38313 Ownership Update form with attachments	25611
1	08/02/07	Certificate 12233 Ownership Update form with attachments	74435
1	08/02/07	Certificate 23105 Ownership Update form with attachments	28486
1	08/02/07	Certificate 39221 Ownership Update form with attachments	823261
1	08/02/07	Certificate 39222 Ownership Update form with attachments	23430
1	08/02/07	Certificate 48414 Ownership Update form with attachments	30117
1	08/02/07	Certificate 48491 Ownership Update form with attachments	53537

THESE ARE TRANSMITTED as checked below:

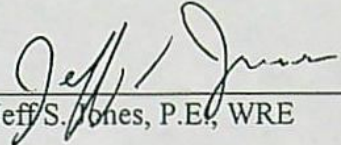
☒ For approval ☐ Approved as submitted ☐ Resubmit\_copies for approval  
☒ For your use ☐ Approved as noted ☐ Submit\_copies for distribution  
☐ As requested ☐ Returned for corrections ☐ Return\_corrected prints  
☐ For review/comment ☐ \_\_\_\_\_



**REMARKS:** On behalf of Clean Water Services, we are submitting the enclosed Ownership Update forms with attachments for the eleven water right certificates listed above. Please do not hesitate to contact me at 503-225-9010 with any questions or comments you may have regarding the enclosed. Thank you.

COPY TO: Steve Kebbe, P.E., WRE  
Clean Water Services

SIGNED:

  
Jeff S. Jones, P.E., WRE

**RECEIVED**

AUG 07 2007

WATER RESOURCES DEPT  
SALEM, OREGON



## Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
<a href="#">Select</a>	HERMAN R HORNBECKER ▷ 3125 SW RIVER RD HILLSBORO, OR 97123	R23261	R950	23515				CN
<a href="#">Select</a>	HERMAN R/HELEN HORNECKER ▷ 3125 SW RIVER RD HILLSBORO, OR 97123	R23261	R950	39221				NC

[Help understanding and working with the Water Rights Information System](#)

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)



Water Right Information Query Results	
<b>Contact Information</b>	<b>Documents</b> <small>View all scanned documents</small>
<b>▼ Current contact information</b> HERMAN R. HORNBECKER ▶ 3125 SW RIVER RD HILLSBORO, OR 97123	▶ Application: R 23261 <a href="#">digital map</a> ▶ Permit: R 950 <a href="#">document</a> , <a href="#">digital map</a> ▶ Certificate: 23515 <a href="#">document</a> , <a href="#">digital map</a> , <a href="#">paper map</a> ▶ Order(s)
<b>Water Right Information</b>	
Status: Cancelled County: Washington File Folder Location: Salem	
<b>Point(s) of Diversion</b>	
▶ POD 1 - UNNAMED STREAM > ROCK CREEK	
<b>Place(s) of Use</b> <small>Add TRS grouping</small>	
▶ Use - STORAGE (Primary); Priority Date: 7/1/1948	
<b>Water Right Genealogy</b>	
— No genealogy records available for this water right, try the family link below instead.	

[View Water Rights in same Family](#)[Help understanding and working with the Water Rights Information System](#)[Report Errors with Water Right Data](#)[Return to WRIS Query](#)



Superseded by

Cert. No. 39221

## STATE OF OREGON

COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That HERMAN R. AND HELEN HORNECKER  
 of 3125 S. W. River Rd., Hillsboro, State of Oregon, has made proof  
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of  
 an unnamed stream, tributary of Rock Creek, to be appropriated under Application  
 No. 23430, Permit No. 18494.

irrigation

for the purposes of

under Reservoir Permit No. R-950 of the State Engineer, and that said right to store said  
 waters has been perfected in accordance with the laws of Oregon; that the priority of the right  
 hereby confirmed dates from July 1, 1948.

that the amount of water entitled to be stored each year under such right, for the purposes afore-  
 said, shall not exceed 1.0 acre-feet.

(SE 1/4 SW 1/4 &  
 The reservoir is located in Section 9 SW 1/4 SW 1/4, Tp. 1 S., R. 2 W., W. M.  
 as projected within T. Stewart DLC #43

WITNESS the signature of the State Engineer,

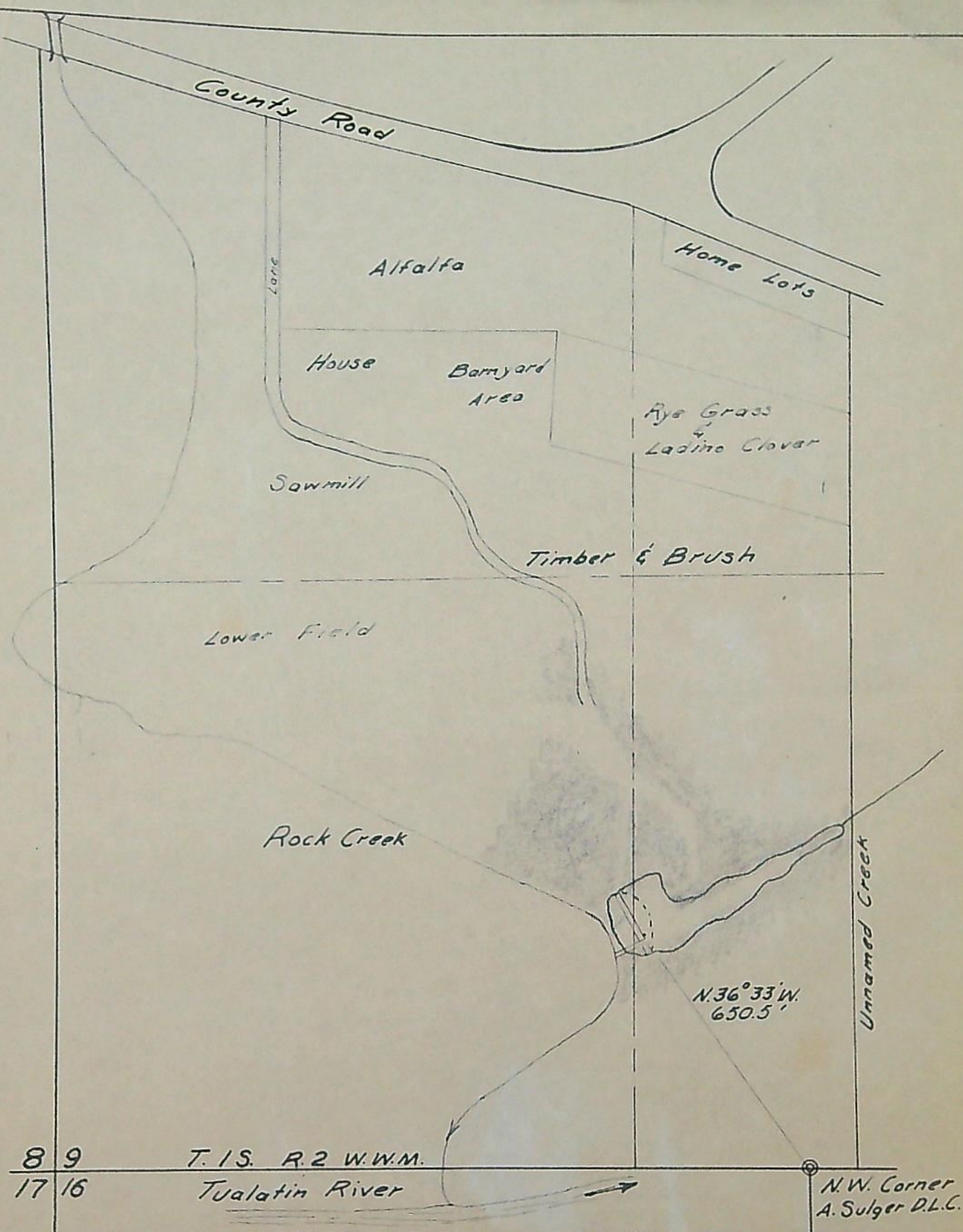
affixed this 20th day  
 of November, 19 57.

~~LEWIS A. STANLEY~~

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 17, page 23515.

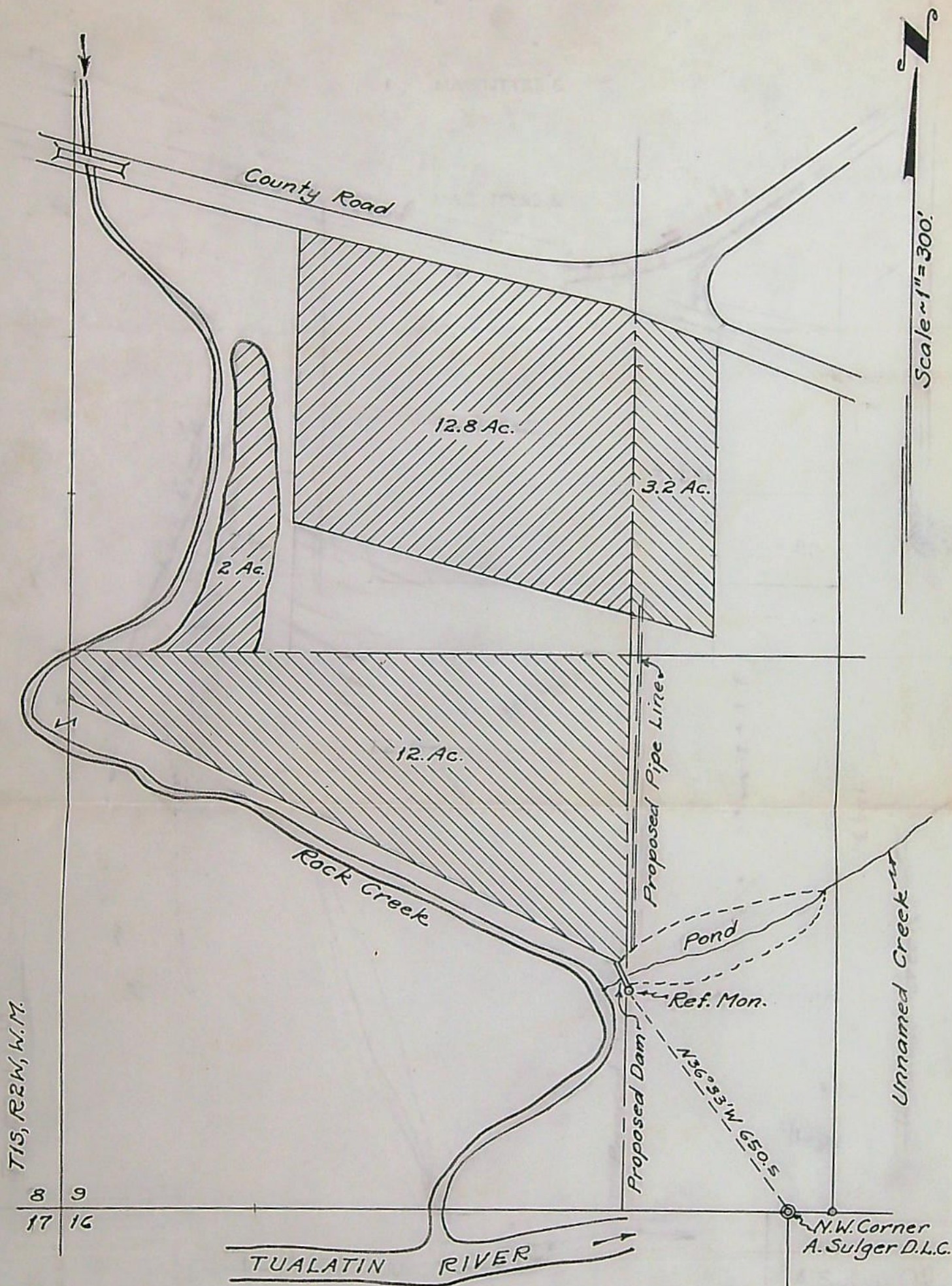




The base map and location tie were traced from the application map prepared and certified to by Vernon H. Rosebraugh, Oregon Certificate No. 2078. The outline of the dam, reservoir surface and field boundaries are sketched in, with brush area adjacent to reservoir shaded green. Application Numbers R-23261 and 23430; Permit Numbers R-950 and 18494.

*Chris L. Wheeler*  
 Chris L. Wheeler  
 Assistant State Engineer





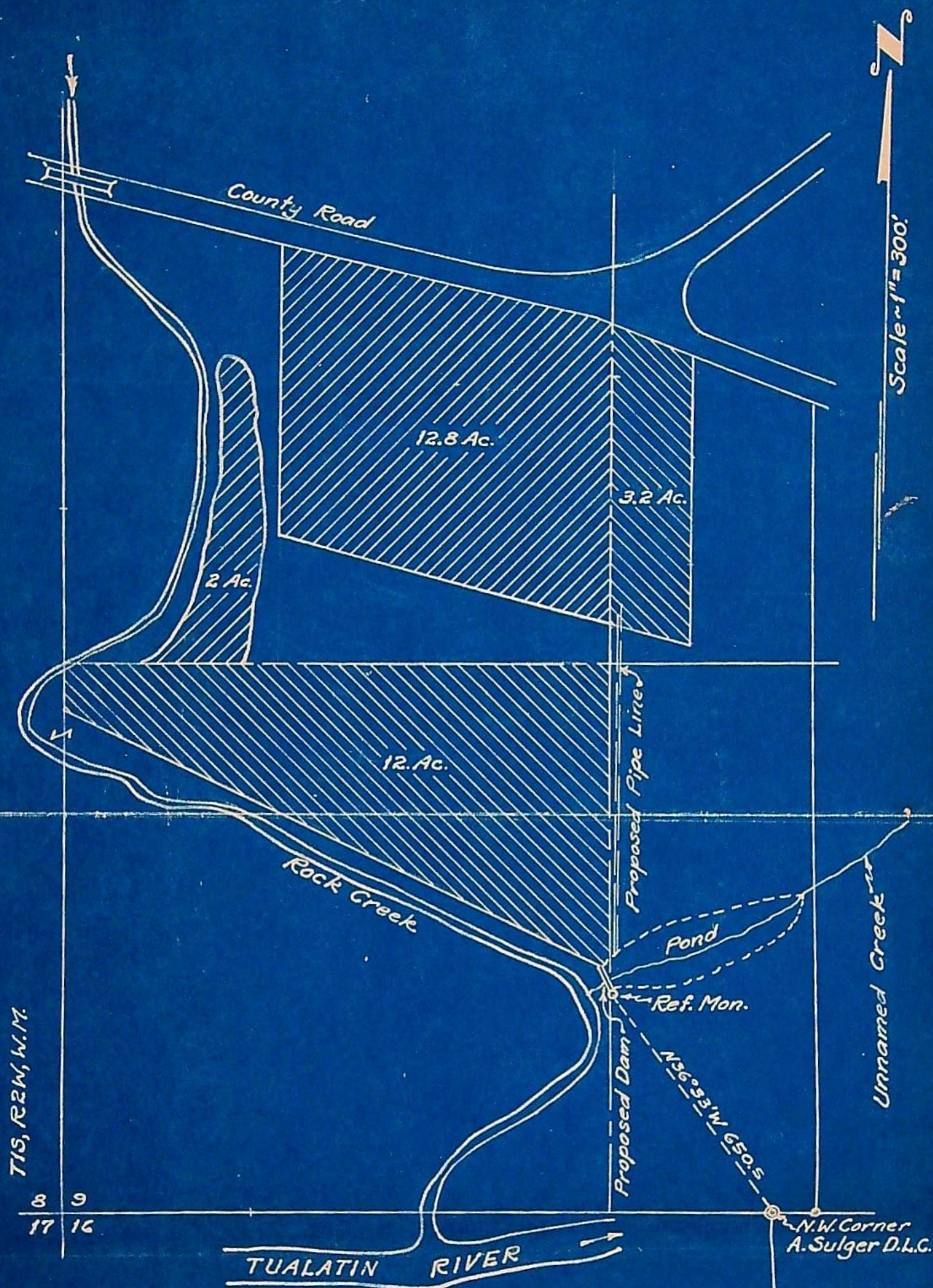
I, Vernon H. Rosebraugh of Hillsboro, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on September 7, 1948; that the monument shown on the map, consisting of a 1" x 36" iron pipe driven 30" into the ground, is N 36° 33' W 650.5 feet from the northwest corner of the Abram Sulger D. L. C. No. 61 in T 1 S, R 2 W, W. M.

RECEIVED  
SEP 20 1948  
STATE ENGINEER  
SALES OREGON

*Vernon H. Rosebraugh*  
Oregon Certificate No. 2078.

Application No. R-23261  
Permit No. R-950 23430 18494





I, Vernon H. Rosebraugh of Hillsboro, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on September 7, 1948; that the monument shown on the map, consisting of a 1" x 36" iron pipe driven 30" into the ground, is N 36° 33' W 650.5 feet from the northwest corner of the Abram Sulger D. L. C. No. 61 in T 1 S, R 2 W, W. 14.

*Vernon H. Rosebraugh*  
Oregon Certificate No. 2078.

Application No. R-23261  
23430  
Permit No. R-950 18491

23430

2-627



## STATE OF OREGON

COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That *Nart Land Company*  
~~HERMAN R. AND HELEN HORNECKER~~  
 of *615 S.W. Canyon Court Portland*  
~~3125 SW River Rd., Hillsboro~~, 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  
 an unnamed stream and reservoir constructed under Application No. R-23261, Permit  
 No. ~~R-950~~  
 a tributary of Rock Creek for the purpose of  
 irrigation  
 under Permit No. 18494 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 September 20, 1948

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
 The point of diversion is located in the ~~SW $\frac{1}{4}$ SW $\frac{1}{4}$  & SE $\frac{1}{4}$ SW $\frac{1}{4}$~~ , as projected within Thomas  
 Stewart DLC #43, Section 9, Township 1 South, Range 2 West, W.M.  
*2040 ft. S. & 1480 ft. E from the W $\frac{1}{4}$  Cor. Sec. 9.*

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 from direct flow 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 from direct flow and  
 storage from reservoir constructed under Permit No. R-950,

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:

*0.1* ~~0.3~~ acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8

*1.7* ~~0.7~~ acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Thomas Stewart DLC #43  
*11.7* ~~12.7~~ acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Thomas Stewart DLC #43  
*6.4* ~~6.2~~ acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Thomas Stewart DLC #43  
 0.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Thomas Stewart DLC #43

Section 9

Township 1 South Range 2 West W.M.

*Correctly locate the place of use*

This certificate is issued to confirm a change in \_\_\_\_\_ approved by an  
 order of the State Engineer entered \_\_\_\_\_, and supersedes certificate of  
 water right heretofore issued to *Herman R. & Helen Hornecker* and recorded at page *23516*,  
 Volume *17*, State Record of Water Right Certificates. (\*)

this 20th day of November, 19 57.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 23516.



## STATE OF OREGON

COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That *Wart Land Company*  
~~HERMAN R. AND HELEN HORNECKER~~  
*6415 S.W. Canyon Court Portland*  
 of ~~3125 SW River Rd., Hillsboro~~, 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  
 an unnamed stream and reservoir constructed under Application No. R-23261, Permit  
 No. R-950  
 a tributary of Rock Creek for the purpose of  
 irrigation  
 under Permit No. 18494 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 September 20, 1948

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
 The point of diversion is located in the ~~SW $\frac{1}{4}$ SW $\frac{1}{4}$  & SE $\frac{1}{4}$ SW $\frac{1}{4}$~~ , as projected within Thomas  
 Stewart DLC #43, Section 9, Township 1 South, Range 2 West, W.M.  
*2040 ft. S. & 1480 ft. E from the W $\frac{1}{4}$  Cor. Sec. 9.*

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 from direct flow 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 from direct flow and  
 storage from reservoir constructed under Permit No. R-950,

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:

0.1 ~~0.3~~ acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8

1.7 0.7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Thomas Stewart DLC #43  
 11.7 12.7 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Thomas Stewart DLC #43  
 6.4 6.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Thomas Stewart DLC #43  
 0.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Thomas Stewart DLC #43

Section 9

Township 1 South, Range 2 West, W.M.

\* The appropriation of water as allowed herein is limited to the terms and condi-  
 tions of a stipulation between Catherine and Odlat R. Merrill and Herman R.  
 and Helen Hornecker dated August 9, 1955, on file in the office of the State  
 Engineer.

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 20th day of November, 19 57.

LEWIS A. STANLEY

State Engineer



## STATE OF OREGON

COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That *North Land Company*  
~~HERMAN R. AND HELEN HORNECKER~~  
*6415 S.W. Canyon Court, Portland*  
 of ~~3125 S. W. River Rd., Hillsboro~~, State of Oregon, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of  
 an unnamed stream, tributary of Rock Creek, to be appropriated under Application  
 No. 23430, Permit No. 18494.

for the purposes of  
 irrigation

under Reservoir Permit No. R-950 of the State Engineer, and that said right to store said  
 waters has been perfected in accordance with the laws of Oregon; that the priority of the right  
 hereby confirmed dates from July 1, 1948,

that the amount of water entitled to be stored each year under such right, for the purposes afore-  
 said, shall not exceed 1.0 acre-feet.

The reservoir is located in ~~Section 9~~ *(SE 1/4 SW 1/4 & Sec 9)*, Tp. 1 S., R. 2 W., W.M.  
 as projected within T. Stewart DLC #43

*Correctly locate the reservoir*  
 This certificate is issued to ~~confirm a change in~~ \_\_\_\_\_ approved by an  
~~order of the State Engineer entered~~ \_\_\_\_\_, and supersedes certificate of  
 water right heretofore issued to *Herman R. & Helen Hornecker* and recorded at page 23515,  
 Volume 17, State Record of Water Right Certificates.

of November, 19 57.

LEWIS A. STANLEY  
 State Engineer.

Recorded in State Record of Water Right Certificates, Volume 17, page 23515.



## STATE OF OREGON

COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That *North Land Company*  
~~HERMAN R. AND HELEN HORNECKER~~  
 of *6415 S.W. Canyon Court, Portland*  
~~3125 S. W. River Rd., Hillsboro~~, State of Oregon, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of  
 an unnamed stream, tributary of Rock Creek, to be appropriated under Application  
 No. 23430, Permit No. 18494.

irrigation

for the purposes of

under Reservoir Permit No. R-950 of the State Engineer, and that said right to store said  
 waters has been perfected in accordance with the laws of Oregon; that the priority of the right  
 hereby confirmed dates from July 1, 1948,

that the amount of water entitled to be stored each year under such right, for the purposes afore-  
 said, shall not exceed 1.0 acre-feet.

The reservoir is located in ~~Section 9~~ *(SE $\frac{1}{4}$ SW $\frac{1}{4}$  & SW $\frac{1}{4}$ SW $\frac{1}{4}$ )* *Sec 9*, Tp. 1 S., R. 2 W., W.M.  
 as projected within T. Stewart DLC #43

WITNESS the signature of the State Engineer,

affixed this 20th day  
 of November, 19 57.

.....LEWIS A. STANLEY.....  
 State Engineer.

Recorded in State Record of Water Right Certificates, Volume 17, page 23515.







Permit No. R-950Application No. R-23261County Washington

## Proof of Appropriation of Water

1. Name Hermon R. and Helen Hornecker 2. Address Rt. 2, Box 274 A, Hillsboro, Oregon
3. Source of supply Unnamed stream
- Tributary of Rock Creek
4. Amount of water 1.0 acre foot 5. Priority date July 1, 1948
6. Use Irrigation - the right herein granted is limited to the construction of Hor-  
necker Reservoir and the storage of water from an unnamed stream, tributary of Rock  
Creek, to be appropriated under Application No. 23430, Permit No. 18494 for irrigation and  
domestic and stock.
7. Location of point of diversion SE SW As Proj w/in T. Stewart Sec. 9 Tp. 1 S Rg. 2 W, W. M.  
(Legal Subdivision) DLC #43
8. The description of land given below corresponds to that shown in the permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
1 S	2 W	9	<u>SW 1/4 SW 1/4 SE SW</u> <u>As Proj w/in T. Stewart</u> <u>DLC #43</u>	<u>Res</u>

Land on which water is to be used is part of the property described by appropriator as follows:



## DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ..... ft.; length on top, ..... ft.;  
length on bottom, ..... ft.; material used and character of construction, .....  
.....
- (b) Give description of headgate: Width, ..... ft.; depth, ..... ft.; material used and character  
of construction, .....  
.....
- (c) Size of canal: Width on top (at waterline), ..... ft.; width on bottom, ..... ft.; depth of  
water, ..... ft.; grade, ..... ft. fall per 1,000 ft. Actual capacity, ..... sec.-ft.  
Give general description: .....  
.....
- (d) Pipe line: Description of intake, .....  
.....  
Length of pipe, ..... ft.; size at intake, ..... in.; size at ..... ft. from intake, ..... in.; size  
at place of use, ..... in. Difference in elevation between intake and place of use, ..... ft.  
Is grade uniform? ..... Actual capacity of pipe line, ..... sec.-ft.  
Give general description: .....  
(Material: Steel, wrought, cast iron, wood stave, etc.)  
.....
- (e) Pumping plant: Give size and type of pump, .....  
Suction lift, ..... ft.; discharge lift, ..... ft. Type of motor used .....  
Horsepower rating, ..... H. P. Actual capacity of pump, ..... sec.-ft.
10. During what months is water beneficially used? .....
11. State character of soil .....  
Kind of crops raised .....
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area  
of land irrigated, or place of use? .....
13. If not, wherein is such map in error? .....  
.....
14. Domestic use: Give number of families actually using water at this time .....
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give  
extent and method of such use .....  
.....



# STATE ENGINEER'S RECEIPT

## STATE OF OREGON

Salem, Ore., May 1 195 7 File No. \_\_\_\_\_  
 Received from Herman P. & Helen Hornecker  
 \$ 1- Cash ☐ M.O. ☒ Check ☐ 3.00 M.O.

Appl. ☐  
 Per. ☒ R-950  
 Trsf. ☐  
 Reg. ☐

### Examination fees:

Surface water \_\_\_\_\_ \$ \_\_\_\_\_  
 Ground water \_\_\_\_\_ \$ \_\_\_\_\_  
 Well registration \_\_\_\_\_ \$ \_\_\_\_\_  
 Transfer \_\_\_\_\_ \$ \_\_\_\_\_

### Recording fees:

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

### Miscellaneous fees:

Blueprinting ☐  
 Copying ☐  
 Certification ☐ \$ \_\_\_\_\_  
 Misc. Recording ☐  
 Protest ☐  
 Extension of time ☐

Publication of notice \_\_\_\_\_ \$ \_\_\_\_\_  
 Quadrangle account \_\_\_\_\_ \$ \_\_\_\_\_  
 Adjudication fee \_\_\_\_\_ \$ \_\_\_\_\_  
 Annual power license fee \_\_\_\_\_ \$ \_\_\_\_\_

### Certificate Recording fees:

### Recording fees:

Surface water \_\_\_\_\_ \$ 1-  
 Ground water \_\_\_\_\_ \$ \_\_\_\_\_

Well driller license fee \_\_\_\_\_ \$ \_\_\_\_\_  
 All other \_\_\_\_\_ \$ \_\_\_\_\_

### Hydroelectric Comm. fee

Filing \_\_\_\_\_ \$ \_\_\_\_\_  
 Investigation \_\_\_\_\_ \$ \_\_\_\_\_  
 License \_\_\_\_\_ \$ \_\_\_\_\_  
 Misc'l. \_\_\_\_\_ \$ \_\_\_\_\_

### Carey Act fees

\_\_\_\_\_ \$ \_\_\_\_\_

11567

STATE ENGINEER

By Lillian Gauder



December 3, 1957

Herman R. and Helen Hornecker  
3125 S. W. River Road  
Hillsboro, Oregon

Dear Sir and Madam:

The certificates confirming the rights under your permit Numbers R-950 and 18494, as set out in the final proof of appropriation forms you signed and submitted, are in the process of being issued with the next group. After the certificates have been issued, they will be recorded in the county records and later mailed to you.

The statement and proof of claim should be filed only if you wish to be a party to the adjudication proceedings so as to be in a position to contest the claims of others, or are intending to claim vested rights in addition to those allowed in the certificates.

The rights acquired through the permits and to be evidenced by the certificates are valid and remain so regardless of the adjudication proceedings.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh



May 3, 1957

Herman R. & Helen Hornecker  
3125 S. W. River Road  
Hillsboro 4, Oregon

Dear Sir and Madam:

Enclosed is our receipt No. 11568 in the amount of \$1 in payment of certificate recording fee covering Permit No. R-950 and receipt No. 11569 in the amount of \$1 in payment of certificate recording fee covering Permit No. 18494.

Also enclosed is our refund check No. 6825 in the amount of \$1 covering excess recording fees paid on Permit No. R-950.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Trevor Jones, Assistant

bks

Enc: receipts, refund check



R-23261  
23430

March 22, 1957

Herman R. and Helen Hornecker  
Route 2, Box 274 A  
Hillsboro, Oregon

Dear Sir and Madam:

We are enclosing herewith for completion, final proof in connection with the incomplete water right represented by your Permit No. 18494 granting a right to the use of 0.25 cfs of the waters of unnamed stream and reservoir construction under Permit No. R-950 for irrigation.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your Permit. The proof should be dated and signed by you on the second sheet under the Affidavit of Appropriator and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory fee of \$1, a Certificate of Water Right will be issued confirming the rights thereunder and, after being recorded in the records of Washington County, will be forwarded to you.

In the interest of economy and due to the fact that your completed project was examined by a representative of this department, it is not necessary that your signature be made before a Notary Public, nor that the signatures of witnesses be affixed to the proof.

Yours very truly,

*Lewis A. Stanley*  
LEWIS A. STANLEY  
State Engineer

Form 117

1d

Enclosure

P.S. Please note: There is a \$1 certificate recording fee for each permit.



August 10, 1955

Hare, Sturgis & Burdett  
Attorneys at Law  
First National Bank Building  
Hillsboro, Oregon

Attention: Mr. Francis E. Sturgis

Gentlemen:

This will acknowledge receipt of your letter of August 9 in regard to the State Engineer's order dated August 5, 1954, and transmitting six copies of the stipulation in the matter of Permit Numbers R-950 and 18494 in the name of Herman R. and Helen Hornecker.

The copies have been signed by Mr. Stanley and five copies are enclosed.

I have taken the liberty to insert "R" before Permit No. 950 under paragraph Number 8 of the stipulation.

As soon as we have received a copy of the court order dismissing the appeal we will vacate the order of August 5, 1954 and enter a new one in accordance with the stipulation.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Chris L. Wheeler, Assistant

GIN:eh

enc. 5



June 15, 1955

Mr. O. R. Merrill  
Rt. 2, Box 271  
Hillsboro, Oregon

Dear Mr. Merrill:

In answer to your request in your letter of May 26, enclosed is a copy of the State Engineer's order dated August 5, 1954 and reports of Chris L. Wheeler, Assistant State Engineer, in the matter of your protests against the issuance of certificates confirming applications of Herman R. and Helen Hornecker.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:ld  
enc.





STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

REFER TO R-23261  
FILE NO. 23430

May 25, 1955

Mr. Robert N. Torbet  
Clerk of Washington County  
Hillsboro, Oregon

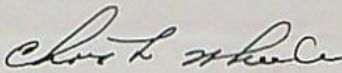
Dear Mr. Torbet:

On September 2, 1954, this office furnished material to Mr. Francis E. Sturgis of the firm Hare, Sturgis and Burdett, Attorneys at Law, to be used in connection with an appeal by Mr. Sturgis to the Circuit Court of an Order of the State Engineer dated August 5, 1954, in the matter of Permits No. R-950 and 18494.

It would be very much appreciated if you would advise whether or not the suit was filed and if so, what disposition of the case has been made. Thank you very much for any information you may have.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By   
Chris L. Wheeler, Assistant

RECEIVED  
MAY 31 1955  
STATE ENGINEER  
SALEM, OREGON

CLW:bc Case No. 18153. Herman P. & Helen Hornecker.

Above Case was Filed Sept 3, 1954 and there has been no Disposition.

R. n. Torbet, County Clerk  
BY. V. Brown.



May 25, 1955

Mr. Robert N. Torbet  
Clerk of Washington County  
Hillsboro, Oregon

Dear Mr. Torbet:

On September 2, 1954, this office furnished material to Mr. Francis E. Sturgis of the firm Hare, Sturgis and Burdett, Attorneys at Law, to be used in connection with an appeal by Mr. Sturgis to the Circuit Court of an Order of the State Engineer dated August 5, 1954, in the matter of Permits No. R-950 and 18494.

It would be very much appreciated if you would advise whether or not the suit was filed and if so, what disposition of the case has been made. Thank you very much for any information you may have.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:bc



R-23261  
23430

September 2, 1954

Here, Sturgis and Burdett  
Attorneys at Law  
First National Bank Building  
Hillsboro, Oregon

Attention: Mr. Francis E. Sturgis

Gentlemen:

Pursuant to your letter of August 23, enclosed is a  
certified transcript of certain documents pertaining to Permit  
Numbers R-950 and 13494 in the name of Herman R. and Helen  
Wornecker.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh  
enc.



R-23261  
23430

September 2, 1914

Hare, Sturgis and Burdett  
Attorneys at Law  
First National Bank Building  
Hillsboro, Oregon

Attention: Mr. Francis E. Sturgis

Gentlemen:

Pursuant to your letter of August 23, enclosed are  
certified copies of the matter pertaining to Permit Numbers  
R-950 and 18494 in the name of Herman R. and Helen Hornecker.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh  
enc.



Permit No. R-950Application No. R-23261County Washington**Proof of Appropriation of Water**

1. Name Hermon R. and Helen Hornecker 2. Address Rt. 2, Box 274 A, Hillsboro, Oregon
3. Source of supply .....
- Tributary of .....
4. Amount of water ..... 5. Priority date July 1, 1948  
Stock and domestic
6. Use Irrigation - the right herein granted is limited to the construction of Hor-  
necker Reservoir and the storage of water from an unnamed stream, tributary of Rock  
Creek, to be appropriated under Application No. 23430, Permit No. 18494 for irrigation and  
domestic and stock.
7. Location of point of diversion ..... Sec. .... Tp. .... Rg. ...., W. M.  
 (Legal Subdivision)
8. The description of land given below corresponds to that shown in the permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
	Willamette Meridian			

Land on which water is to be used is part of the property described by appropriator as follows:



## DESCRIPTION OF WORKS

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

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

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

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

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

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

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

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

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

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

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



**AFFIDAVIT OF APPROPRIATOR**

STATE OF OREGON,

County of .....

} ss.

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

IN WITNESS WHEREOF, I have hereunto set my hand this ..... day  
of ....., 19.....

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

Notary Public for Oregon

[Notarial Seal]

My commission expires .....

**AFFIDAVIT OF WITNESSES**

STATE OF OREGON,

County of .....

} ss.

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

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

Notary Public for Oregon

[Notarial Seal]

My commission expires .....



# REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I, \_\_\_\_\_, do hereby certify that I have made an inspection of the works described herein and in Permit No. \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of \_\_\_\_\_  
(Quantity of water in second-feet or acre-feet)  
and I recommend the issuance of water right certificate for this amount.

## NOTICE TO INSPECTORS

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

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)



August 19, 1954

Hare, Sturgis and Burdett  
Attorneys at Law  
First National Bank Building  
Hillsboro, Oregon

Attention: Mr. E. Francis Sturgis

Gentlemen:

This will acknowledge receipt of your letter of August 16 regarding your intention to appeal the Order of the State Engineer in the matter of Permit Numbers R-950 and 18494 in the name of Herman R. and Helen Hornecker.

In regard to your proposed appeal, your attention is respectfully called to the following sections: ORS 536.060, ORS 19.030, ORS 19.040 and ORS 19.070.

It has been the practice in appeals from orders of the State Engineer to file the notice of appeal and undertaking with the State Engineer where it designates the clerk of the court in the above sections. Within ten days after the filing the undertaking, we will prepare and mail to you for filing a transcript on appeal which will include certified copies of the Order of the State Engineer, Notice of Appeal, Undertaking and permits involved. Since the hearing was not recorded by a court reporter and no transcript was made, it cannot be included.

In the matter of orders approving or rejecting applications, ORS 537.200 provides that appeals must be taken within 30 days from the date of mailing a copy of the order of the State Engineer to the applicant or objector. This is also followed in appeals from orders of the State Engineer relating to transfers of point of diversion, place of use or character of use of water as provided in ORS 540.530. The section under which the hearing on the Hornecker permits was held does not specify the time within which the Notice of Appeal must be filed but it has been the practice to file it within 30 days also.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:ch



Permit No. 18494

Application No. 23430

County Washington

## Preliminary Data for Proof of Appropriation of Water

1. Name Herman R. and Helen Hornecker 2. Address Rt. 2, Box 274 A, Hillsboro, Oregon  
An unnamed stream and reservoir constructed under Application  
3. Source of supply Number R-23261, Permit No. R-950.  
Tributary of Rock Creek (Tualatin River)  
0.01 domestic and stock  
4. Amount of water 0.39 0.38 for irrigation 5. Priority date September 20, 1948  
Domestic, Stock and  
Irrigation - 1/30th - or its equivalent for each acre irrigated from direct flow  
6. Use and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for  
each acre irrigated during the irrigation season of each year from direct flow and storage  
from reservoir constructed under Permit No. R-950.

7. Location of point of diversion SE<sup>1</sup><sub>4</sub>SW<sup>1</sup><sub>4</sub> Sec. 9 Tp. 1 S Rg. 2 W, W. M.  
(Legal Subdivision)
8. The description of land given below corresponds to that shown in the permit covering land to be irrigated, or, if for other purposes, the place of use.

[illegible]

Land on which water is to be used is part of the property described by appropriator as follows:



## REPORT OF PERSON MAKING INSPECTION

Description of works: .....

I, ....., do hereby certify that I have made an inspection of the works described herein and in Permit No. ...., on the ..... day of ....., 19....., and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of .....  
(Quantity of water in second-feet or acre-feet)  
and I recommend the issuance of water right certificate for this amount.

### NOTICE TO INSPECTORS

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

.....  
(Name)

.....  
(Title)



RECEIVED  
MAY 31 1955  
STATE ENGINEER  
SALEM, OREGON

Rt. 2 Box 271,  
Hillsboro, Ore.  
5-28-1955

Chas E. Stricklin Ref. to file  
State Engineer, No 28486  
Salem, Ore.

Dear Mr Stricklin:-

Would you please  
send me a copy of your decree  
in the case of Merrill vs Harneker  
in the matter of water rights on  
"The unnamed stream."

You sent John Hall a copy  
but I did not receive one & John's  
copy has been miss placed.

Mr Harneker is appealing  
from your decision & I would  
very much like a copy of your decree.

Thanking you in advance  
I remain

Respectfully  
O. R. Merrill.



# APPLICATION FOR REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE

(No collection of surcharge is required on international registered mail)

State Engineer

(Name of sender)

Salem, Oregon

(Address)

hereby applies for the registration of the articles described below and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed or the known or estimated cost of duplication in the case of nonnegotiable securities.

Affix stamp here for additional copies of this bill

Postmark and date of receipt

(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) Postage (exclusive of other charges or fees)	(4) Regis- try fee	(5) Fee paid for return receipt	(6) Delivery restrict- ed—Fee paid	(7) Full value or cost of dupli- cation if nonnegotiable securities *	(8) Surcharge on entire contents of article	(9) REMARKS †
1	149532 Francis E. Sturgis, First National Bank Bldg, Hillsboro Ore.	.06	.30	.07				
2	149353 John H. Hall, Yeon Building, Portland 4, Oregon	.06	.30	.07				
3								
4								
5								

\* When an article contains matter declared for full value and that for which the cost of duplication is declared, enter in column (7) the sum of the declarations for "full value" and "cost of duplication."

† Show in "Remarks" column (9) class postage paid if other than first or if international mail. Also use this column to indicate "F" if "Fragile"; "SD" if "Special-Delivery"; "AM" if "Air Mail"; and "C. O. D." and amount due sender if registered C. O. D. mail.

U. S. GOVERNMENT PRINTING OFFICE 16-16-5793-0

Total number of pieces listed by sender two  
(Write number here in words)

Total number of pieces received at post office \_\_\_\_\_

Postmaster, per \_\_\_\_\_  
(Name of receiving employee)

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)



BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF PERMIT )  
NUMBERS R-950 and 18494 )  
IN THE NAME OF HERMAN R. )  
AND HELEN HORNECKER - - )

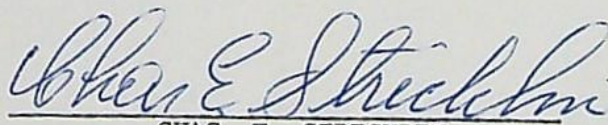
PROOF OF SERVICE  
OF ORDER

STATE OF OREGON )  
County of Marion ) ss.

I, CHAS. E. STRICKLIN, State Engineer of the State of Oregon, do hereby certify that after the hearing held upon the above entitled permits I made and entered an Order on August 5, 1954 determining the extent to which the appropriations under Permit Numbers R-950 and 18494 have been completed.

That I did on the 5th day of August 1954, send by registered mail certified copies of said Order to John H. Hall, attorney for the protestant, O. R. Merrill and Francis E. Sturgis, attorney for the permittees, Herman R. Hornecker and Helen Hornecker; that envelopes containing such copies were securely sealed, with all postage fully prepaid thereon and addressed to the attorneys for the protestant and protestee at their post office addresses, as given by them in making their appearance at said proceeding; and that such envelopes were duly deposited and registered in the U. S. Post Office at Salem, Oregon, as shown by the registry receipts hereto attached, numbered 49352 and 49353.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of September 1954.

  
CHAS. E. STRICKLIN  
State Engineer



August 25, 1954

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Building  
Hillsboro, Oregon

Re: Application No. R-23261 - 23430

Dear Mr. Sturgis:

This will acknowledge receipt of your letter of August 23rd together with the Notice of Appeal and Undertaking of Costs on Appeal of Herman R. Hornecker and Helen Hornecker.

If no exceptions are taken to the surety within the period provided by law, we will prepare the transcript containing the documents referred to in your letter and forward the same to you for filing.

With regard to your request that the reporter who took the testimony at the time of the hearing supply you with a transcript thereof, as you will no doubt remember, these proceedings were not reported and the only record was that obtained by the use of a tape recorder. We have not had this transcribed and we do not have the personnel available to prepare such a transcript. If you desire a copy of this it is suggested that you arrange to have someone come to this office and prepare the same or, if you can obtain the use of a Webster Echo Tape, the machine used to record the hearing, we will lend you the tapes. These tapes can only be played back on a Webster Echo Tape and the machine used at the hearing was one borrowed from the Bureau of Labor. We only have access to this machine when it is not being used in either their Salem or Portland office.

Your attention is directed to that said by our Supreme Court relative to the transcript of proceedings before the State Engineer in the case of Broughton's Est. v. Central Oregon Irrigation District, 165 Or. at page 455, where it is stated that:



Mr. Francis E. Sturgis

-2-

August 25, 1954

"There is no opportunity for any party to make a record before the state engineer, except by the grace of that officer alone. As a matter of fact, the first place that an objector to an order of the state engineer has a chance to make a record is on appeal, when the cause first enters a court of record."

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

CES:VC



WILLIAM G. HARE  
FRANCIS E. STURGIS  
JAMES E. BURDETT

**Hare, Sturgis & Burdett**  
ATTORNEYS AT LAW  
FIRST NATIONAL BANK BUILDING  
Hillsboro, Oregon  
TELEPHONE 181

August 23, 1954

Mr. Chris L. Wheeler, Assistant  
Water Resources Department  
State of Oregon  
Salem, Oregon

Re: File No. R 23261  
23430

**RECEIVED**  
AUG 25 1954  
**STATE ENGINEER**  
**SALEM, OREGON**

Dear Mr. Wheeler:

I enclose herewith Notice of Appeal signed by myself as attorney for Herman R. Hornecker and Helen Hornecker, with service thereof accepted by John H. Hall. I also enclose herewith Undertaking for costs on appeal, executed by United Pacific Insurance Co., with service of copy thereof accepted by John H. Hall, attorney for O. R. Merrill.

Will you please prepare transcript for filing in the Circuit Court, and either mail the same directly to me or advise me as to the date you are mailing it to R. N. Torbet, clerk of the court, and I will deposit with the clerk the regular filing fee. If your practice requires me to forward the filing fee to you, for remittance to the clerk with the transcript, please advise.

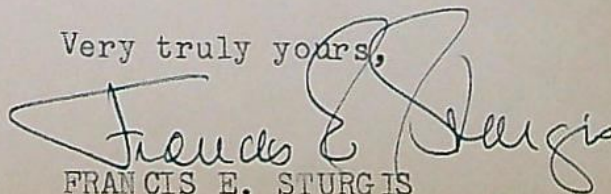
It is my understanding that the protestant has five days to except to the surety, but in view of the fact that it is a surety company's bond, I believe the appeal may be deemed perfected as of date of filing.

As I understand the statute, you will attach to the transcript the original permit of Herman R. and Helen Hornecker, the protest filed by O. R. Merrill, the answer filed by Horneckers, a copy of the order, the notice of appeal and the bond. Since the statute requires that the appellants file the transcript, I would appreciate it if you would forward the papers to me when completed.

Would you please have your reporter who took down the testimony supply me with a copy of all of the testimony offered at the hearing? I would like to have this for purposes of cross-examination at the time of the appeal. When it has been transcribed, please advise me the cost thereof, and I will remit by return mail.

Thanking you very kindly, I remain

Very truly yours,

  
FRANCIS E. STURGIS

FES:ij  
Enclosures



## Canal System or Pipe Line—

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

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

(c) Length of pipe, 800 ft.; size at intake, 6" in.; size at 600 ft. from intake 4" in.; size at place of use 2" in.; difference in elevation between intake and place of use, 15' ft. Is grade uniform? yes Estimated capacity, .10 sec. ft.

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

Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
1 S	2 W	9	SW <sup>1</sup> of SW <sup>1</sup>	120
			NW <sup>1</sup> of SW <sup>1</sup>	148
			NE <sup>1</sup> of SW <sup>1</sup>	32
				30.0

Real Property owned by HERMAN HORNECKER and HELEN HORNECKER. Property on which water is to be used is a part of that more explicitly described by applicant as follows: Part of that certain 80-acre tract of land in T. 1 S. R. 2 W. W. M. conveyed to John C. Dunzer by deed recorded at page 64 of Book Q, Washington County, Oregon, Deed Records, and more particularly described as follows: Beginning at a point on the center line of County Road No. 1135 where said centerline intersects the center of the main channel of Rock Creek, which point bears south 150.3 feet and east 28.6 feet from an iron pipe marking the one-quarter corner between Sections 8 and 9 in T. 1 S. R. 2 W. W. M., and running thence south 77° 33' east on the centerline of said County Road 853.2 feet to a point from which an iron pipe bears south 3° 21' west 30.4 feet; thence south 3° 21' west 1343.5 feet to a 1/2" iron pipe; thence north 86° 28' west 357.0 feet to a point in the center of the main channel of said Rock Creek, from which point a 1/2" iron pipe bears south 86° 28' east 25.3 feet; thence upstream along the center of the main channel of said Rock Creek, with its meanderings thereof, north 86° 28' west 226.9 feet; north

(If more space required, attach separate sheet) (continued under Remarks)

(a) Character of soil ..... loam and semi-beaverdam  
(b) Kind of crops raised ..... ladino clover, Fescue, alfalfa & timothy

## Power or Mining Purposes—

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

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

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

(Head)

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

..... of Sec. ....



(Continued from Item 8)

40° 06' west 98.5 feet; north 85° 57' west 157.5 feet; north 37° 59' west 111.2 feet; north 25° 31' east 147.3 feet; north 60° 01' east 305.4 feet; north 18° 29' east 265.5 feet; north 0° 10' west 360.4 feet; and north 35° 05' west 510.7 feet to the place of beginning.

A part of Section 9, T. 1 S. R. 2 W. W. M., more particularly described as follows, to-wit: Beginning at the southwest corner of Witch Hazel Little Farms Tract 1 to 26, on the south line of said Section 9; thence west, along said south line to the center of Rock Creek; thence northerly, along the center line of said Rock Creek to the southwest corner of the Herman Hornecker tract as described in deed recorded November 9, 1940, Book 194, page 67, Deed Records; thence South 86° 28' east, along the south line of said tract, 357.0 feet to the southeast corner thereof; thence north 3° 21' east, along the east line of said tract, 1343.5 feet to the center line of County Road No. 1135; thence southeasterly, along the center line of said County Road to the west line of Witch Hazel Little Farms, Tract 1 to 26; thence south, along the west line of With Hazel Little Farms to the point of beginning, subject to the rights of the public in roads and highways.



R-23261  
23430

August 5, 1954

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Building  
Hillsboro, Oregon

Dear Mr. Sturgis:

Enclosed please find certified copy of the State Engineer's Order modifying permits in the matter of Permit Numbers R-950 and 13494 in the name of Herman R. and Helen Hornecker, also copies of the reports of the investigations by Mr. Chris L. Wheeler of this office.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh  
enc. 3  
cc Herman R. and Helen Hornecker  
REGISTERED



R-23261  
23430

August 5, 1954

Mr. John H. Hall  
Attorney at Law  
Yeon Building  
Portland 4, Oregon

Dear Mr. Hall:

Enclosed please find certified copy of the State Engineer's Order modifying permits in the matter of Permit Numbers R-950 and 10494, in the name of Herman R. and Helen Hornecker, also copies of the reports of the investigations by Chris L. Wheeler, of this office.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh  
enc. 3  
cc O. R. Merrill

REGISTERED



R-23261  
23430

August 5, 1954

Mr. Arleigh Berget  
Watermaster District No. 17  
Route 1, Box 222  
Forest Grove, Oregon

Dear Mr. Berget:

Enclosed please find copy of the State Engineer's Order modifying permits in the matter of Permit Numbers R-950 and 18414 in the name of Herman R. and Helen Hornecker and copies of the reports of the investigations made by Mr. Chris L. Wheeler of this office.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:ch  
enc. 3



WILLIAM G. HARE  
FRANCIS E. STURGIS  
JAMES E. BURDETT

Hare, Sturgis & Burdett  
ATTORNEYS AT LAW  
FIRST NATIONAL BANK BUILDING  
Hillsboro, Oregon  
TELEPHONE 181

February 15, 1954

Hon. Chas. E. Stricklin  
State Engineer  
Salem, Oregon

RECEIVED  
FEB 17 1954  
STATE ENGINEER  
SALEM, OREGON

Dear Sir:

Would you please be kind enough to send me an original and two copies of subpoena in behalf of Herman and Helen Hornecker, protestees, in that hearing to be held on Thursday, February 18, in the County Court room here in Hillsboro.

Thanking you very kindly, I remain

Very truly yours,

*Francis E. Sturgis*

FES:ij

FRANCIS E. STURGIS



R-23261  
23430

January 18, 1954

Mr. John H. Hall  
Attorney at Law  
Yeon Building  
Portland 4, Oregon

Dear Mr. Hall:

Pursuant to your request in your letter of January 12, enclosed is a subpoena signed by the State Engineer to Mr. Berget in the matter of issuance of certificates confirming the rights under Permit Numbers R-950 and 18494.

In accordance with the provisions of ORS 537.430, the matter of services and costs of witness is the responsibility of the party calling them and this office assumes no responsibilities in connection therewith.

The reason for the postponement of the hearing is that I had overlooked the requirement of 30 days notice by registered mail, as required by ORS 537.420, in protests of this nature. Most hearings before the State Engineer do not require a 30 day registered notice.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh  
enc.



R-23261  
23430

January 12, 1954

Mr. Harry M. Seabold  
County Judge  
County Court  
Hillsboro, Oregon

Dear Mr. Seabold:

This will acknowledge receipt of and thank you for your letter of January 6 relative to a room for our hearing.

I believe the Juvenile Officers office or any room which would seat 12 to 15 people would be satisfactory. However, the hearing has been postponed from January 22 to February 18 at 10:00 a.m. It would be very much appreciated if you would have a room available at this time for the hearing.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh



January 12, 1954

Mr. John H. Hall  
Attorney at Law  
Yeon Building  
Portland 4, Oregon

Dear Mr. Hall:

With reference to the protest which you filed for Mr. O. R. Merrill against the certificates confirming the rights under Permit Nos. R-950 and 18494 in the name of Herman R. and Helen Hornecker, the date for the hearing which had been tentatively set for January 22, as you were advised by my letter of December 21, has been postponed to February 18, 1954, at 10:00 a.m. in the County Courthouse at Hillsboro.

The grounds for cancellation as set out in the protest are summarized as follows:

1. that the reservoir constructed by protestees is inadequate, does not comply with the requirements of the laws of the State of Oregon or the Rules and Regulations of the State Engineer, and is so faulty in construction that at least one-half of the water attempted to be impounded leaks from said reservoir and is wasted, and the beneficial use of said water is of no benefit to any one;
2. that the waters of Rock Creek are available to the protestees and flow through their land in more than sufficient quantity to satisfy their needs;
3. that ever since protestees filed their original applications as herein described, they have used the waters of Rock Creek exclusively for irrigation, domestic and stock purposes, and during said period of time have failed and neglected to use the waters of said unnamed stream for any of said purposes.

In accordance with the provisions of ORS 537.420 you should appear at this time to show cause why the certificates confirming the rights under Permit Numbers R-950 and 18494 should not be issued and the permits cancelled, as requested in your protest received in this office October 26, 1953.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh  
REGISTERED  
cc. O. R. Merrill



January 12, 1954

Helen & Herman R. Hornecker  
Route 2, Box 274A  
Hillsboro, Oregon

Dear Sir and Madam:

In connection with the protest filed by O. R. Merrill against the certificates confirming the rights under your Permit Numbers R-950 and 18494, the date for the hearing which had been tentatively set for January 22, as you were advised by my letter of December 21, has been postponed to February 18, 1954, at 10:00 a.m. in the County Courthouse at Hillsboro.

The grounds for cancellation as set out in the protest are summarized as follows:

1. that the reservoir constructed by the protestees is inadequate, does not comply with the requirements of the laws of the State of Oregon or the Rules and Regulations of the State Engineer, and is so faulty in construction that at least one-half of the water attempted to be impounded leaks from said reservoir and is wasted, and the beneficial use of said water is of no benefit to any one;
2. that the waters of Rock Creek are available to the protestees and flow through their land in more than sufficient quantity to satisfy their needs;
3. that ever since protestees filed their original applications as herein described, they have used the waters of Rock Creek exclusively for irrigation, domestic and stock purposes, and during said period of time have failed and neglected to use the waters of said unnamed stream for any of said purposes.

In accordance with the provisions of ORS 537.420 you should appear at this time to show cause why the certificates confirming the rights under Permit Nos. R-950 and 18494 should be issued.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh  
REGISTERED



R-23261  
23430  
20486

January 5, 1954

Mr. W. A. Tupper  
County Clerk  
Hillsboro, Oregon

Dear Mr. Tupper:

A hearing before the State Engineer in the matter of a protest filed by Mr. O. R. Merrill against the issuance of certificates confirming the rights under Permit Numbers R-950 and 18494 in the name of Herman R. and Helen Hornecker has been tentatively scheduled for January 22, 1954 at 10:00 a.m. in Hillsboro.

Will you please advise us if you have a room which would be available for our use for the hearing. Thank you very much for your cooperation.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CIN:eh



R-23261  
23430  
28486

December 21, 1953

Herman R. and Helen Hornecker  
Route 2, Box 274A  
Hillsboro, Oregon

Dear Sir and Madam:

On October 26, 1953, a protest was filed in this office by Mr. O. R. Merrill through his attorney, John H. Hall, against the issuance of a certificate under Permit Numbers R-950 and 18495. The protest contained a statement that you were served a copy by registered mail.

In matters of this kind, unless you cancel your permits or reach an agreement whereby the protest will be withdrawn, it is necessary for this office to hold a hearing and on the basis of the evidence submitted enter an order approving the permits and uses made, after which a certificate may be issued or cancelling the permits when showing of sufficient cause.

The date for the hearing has been tentatively set for January 22, 1954 in Hillsboro. If this date is not satisfactory to you, I would suggest that you contact Mr. Merrill's attorney, John H. Hall, and arrange a date which would be suitable to both you and the protestant for the hearing and, if possible, this date may then be set.

Enclosed is a copy of my letter to Mr. Hall relative to the date of the hearing.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Chris L. Wheeler, Assistant

CLW:eh  
cc. John B. Hall



October 28, 1953

Mr. John H. Hall  
Attorney at Law  
Yeon Building  
Portland 4, Oregon

Re: Applications Nos. R-23261, 23430  
Permits Nos. R-950, 18494

Dear Mr. Hall:

This will acknowledge receipt of your letter and the protest of O. R. Merrill against the issuance of certificates to Herman R. and Helen Hornecker under the above permits, together with check of Mr. Merrill in the amount of \$2, protest filing fee, for which our receipt No. 384 is enclosed.

A time will be set for hearing in this matter, which time will be satisfactory to you and to your client as well as the protestees.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

CES:VC  
Enc.

cc - Herman R. and Helen Hornecker



R-23261  
23430  
20486

December 21, 1953

Mr. John H. Hall  
Attorney at Law  
Yoon Building  
Portland 4, Oregon

Dear Mr. Hall:

With reference to the protest which you filed for Mr. O. R. Merrill against the issuance of a certificate confirming the rights under Permit No. R-950 and 18495 in the name of Herman R. and Helen Hornecker and our letter of October 28, I am tentatively setting the date for the hearing in this matter for January 22, 1954 at Hillsboro.

If this date is not satisfactory to you, it will be appreciated if you would contact the Horneckers and arrange a date that will be suitable to both parties and advise me. If our schedule can be arranged, this date can then be set for the hearing.

Enclosed is a copy of my letter to Mr. and Mrs. Hornecker regarding the hearing.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh  
enc.

cc. Herman R. & Helen Hornecker



JOHN H. HALL  
ATTORNEY AT LAW  
YEON BUILDING  
PORTLAND 4, OREGON

October , 1953

Hon. Chas. E. Stricklin,  
State Engineer,  
Salem, Oregon.

RECEIVED  
OCT 28 1953  
STATE ENGINEER  
SALEM, OREGON

Dear Sir:

I am enclosing an original protest of Mr. O. R. Merrill concerning the issuance of certain permits to appropriate water in Washington County, Oregon.

I am also enclosing Mr. Merrill's check to cover your fee for filing said protest.

Please advise me or Mr. Merrill or both as to the time and place of said hearing.

Very truly yours,

*John H. Hall*

n/h  
enc-2-



September 25, 1951

Herman R. & Helen Hornecker  
Route 2, Box 274 A  
Hillsboro, Oregon

Dear Sir and Madam:

In reply to your letter of September 24, 1951, relative to your Permit No. 18494, this will advise you that there is no provision in the law under which proof can be made and certificate issued covering a part of the water right represented by a State Engineer's Permit, leaving the remainder of the right incomplete and in force.

As I interpret your letter, you have not made complete application of water under your Permit No. 18494, and I am therefore enclosing a form for your convenience in submitting an application for an extension of time.

The application for an extension should be executed before a notary public and submitted to the State Engineer with the statutory \$2.00 filing fee.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

ENH:dlh

Enc.



23430  
R-23261

October 19, 1950

Mr. Herman R. Hornecker  
Route 2, Box 274-A  
Hillsboro, Oregon

Dear Mr. Hornecker:

This will acknowledge receipt of your letter of October 6, stating that you had sent in Form B, notice of completion of construction of the dam for application No. R-23261, permit No. R-950.

According to the terms of application No. 23430, permit No. 18494 for 0.39 cubic feet of water per second from an unnamed stream for domestic and stock use and for the irrigation of 30 acres, completion of construction should have been made by October 1, 1950 for that permit also. I believe that you got the two permits confused or you assumed that form B, notice of completion of construction, which you submitted, covered both permits. We did receive the Form B that you submitted from Portland September 26. It has been filed with other material pertaining to permit No. R-950.

I am enclosing in this letter Form B that should be submitted for your permit No. 18494 if construction has been completed. If construction necessary toward the irrigation of your 30 acres has not been completed, an extension of time should be requested by you.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Robert D. Conklin, Assistant

RDC:bml  
Encl.



January 25, 1950

Herman R. and Helen Hornecker  
Route 2 Box 274-A  
Hillsboro, Oregon

Dear Sir and Madam:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit No. R-950 in the name of **Herman R. and Helen Hornecker.**

This report has been filed with other matter pertaining to the water right, and the permit is in good standing until October 1, 1950, when under its terms, construction should be completed.

Very truly yours,

*Chas. E. Stricklin*

CHAS. E. STRICKLIN  
State Engineer



R-23261

Herman R. & Helen Hornecker  
Rt. 2, Box 274 A      January 17, 1949  
Hillsboro, Oregon

Dear Sir & Madam:

Herewith you will find Application No. R-23261,  
Permit No. R-950, together with blueprint.



23430  
R-23261

September 30, 1948

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Building  
Hillsboro, Oregon

Dear Mr. Sturgis:

This will acknowledge receipt of your letter of the 24th inst., relative to Applications No. 23430 and R-23261, filed by Herman R. Hornecker and Helen Hornecker of Hillsboro, Oregon, for the right to construct a reservoir and store water therein. It appears from an examination of these applications that all the data has been furnished with the exception of the legal description of the lands to be irrigated with the water to be stored. A description of the lands as shown by the deed of the applicant will be sufficient for this purpose.

On receipt of this description these applications will be placed in line for approval and issuance of a permit. There is inclosed herewith our Receipt No. 5491 as evidence of the payment of \$25.50 by you.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

CES:RN  
INCL.



Francis E. Sturgis  
ATTORNEY AT LAW  
FIRST NATIONAL BANK BUILDING  
Hillsboro, Oregon  
TELEPHONE 181

September 16, 1948

Mr. Ed K. Humphrey  
Assistant State Engineer  
Salem, Oregon

Re: File No. R-23261

Dear Sir:

This will acknowledge receipt of your letter of September 13th. Please be advised that the delay in resubmitting the applications has been occasioned by our inability to get an engineer to make the necessary survey and map to submit with the application.

As soon as the engineer has completed it, it will be forwarded to you.

Very truly yours,

*Francis E. Sturgis*

FES:eb



R-23261

September 13, 1948

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Building  
Hillsboro, Oregon

Dear Mr. Sturgis:

If you will submit the secondary application to accompany Application No. R-23261, in the name of Herman R. and Helen Hornecker, as explained in our letters of August 10 and July 7, the secondary application can be filed and the reservoir application given further consideration.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

EKH:vc



August 10, 1948

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Bldg.  
Hillsboro, Oregon

Dear Mr. Sturgis:

For your convenience in completing the secondary application in the name of Herman R. and Helen Hornecker for a permit to appropriate 0.37 cubic foot of water per second from an unnamed stream for irrigation and domestic use, as explained in our letter of July 7, I am returning the application herewith.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

EKH:mjo

Enc.



July 7, 1948

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Bldg.  
Hillsboro, Oregon

Dear Mr. Sturgis:

This will acknowledge receipt of your letter of June 30 transmitting an application in the name of Herman R. and Helen Hornecker for a permit to construct Hornecker Reservoir and to store therein one acre foot of the waters of an unnamed stream and an application in the same names for a permit to appropriate water from an unnamed stream for the irrigation of 30 acres of land, together with fees in the amount of \$14.50 for which our Receipt no. 5108 is enclosed.

The application for a permit to construct a reservoir and store water has been filed and given No. R-23261.

The map accompanying an application for a permit to appropriate water must be drawn on transparent tracing cloth or tracing paper showing all of the important items of the proposed appropriation, including the location of the required reference monument by a distance and bearing tie to a recognized Government survey corner, as explained on Pages 6 and 8 of the enclosed copy of the Rules and Regulations of the State Engineer.

Maps made on the four-section plats furnished by this office prior to the enactment of Chapter 88, Oregon Laws of 1947 are not now acceptable.

With the thought that it may be of assistance to you in preparing or having prepared the required map, I am returning herewith the sketch which was submitted with the Hornecker applications.

On receipt of the required map and the balance due in fees in the amount of \$25.50, as explained in the Rules and Regulations, the Hornecker application for a permit to appropriate water for irrigation and domestic use will be filed and the matter of the approval of both applications by issuance of permits will be given consideration.



Mr. Francis E. Sturgis

-2-

July 7, 1948

When the map is submitted will you please also advise the number of families to be supplied with domestic water under the applications in question and authorize me to add this information to the secondary application.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

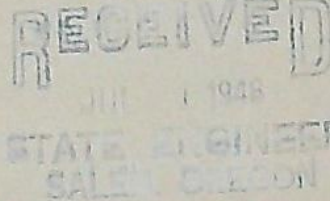
By  
Ed K. Humphrey, Assistant

EKH:dh  
Enc. 3



Francis E. Sturgis  
ATTORNEY AT LAW  
FIRST NATIONAL BANK BUILDING  
Hillsboro, Oregon  
TELEPHONE 181

June 30, 1948



Honorable Chas. E. Stricklin  
State Engineer  
Salem, Oregon

Dear Sir:

Enclosed herewith please find the following:

1. Application for permit to appropriate public water signed by Herman Hornecker and Helen Hornecker, being an application to appropriate .37 cubic feet per second to be used for irrigation and domestic use on thirty acres of land as shown on the map thereto attached, in Section 9, T2S, R2W;
2. Application for permit to construct a reservoir and to store for beneficial use the unappropriated waters of the State of Oregon, covering a dam to be located in part of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 9, T2S, R1W, specifications of which dam are attached to the application.

If I correctly compute the acre feet of water, it is far under the three million gallons and under the ten foot height designated by statute.

Your assistant, Fred Schlophall called at my office some few days ago but I was not available, therefore, I could not take him over this proposed installment and appropriation, however, if any one of your office force desires to check into this matter personally, if he will drop me a line in advance setting a definite time for a meeting I will be very pleased to go with him.

I am enclosing herewith my check in the sum of \$14.50 representing the sum of \$5.00 for application fee to appropriate water, \$5.00 application fee for reservoir, and \$4.50 irrigation fee up to thirty acres. If I have computed the necessary fees erroneously, please advise and I will remit by return mail any additional fee that is required to be paid.

My client would appreciate very much having an early reply to his application so that, if possible, he may start in the construction of the dam while the water level in the ground is at the lowest possible ebb. My client is going to put in a fill and a roadway



orable Chas. E. Stricklin

June 30, 1948

-2-

at the site of the proposed dam irrespective of whether or not the application is granted, as it is necessary for him to have it to pass from one portion of his place to another, however, the type of fill that would be constructed would be entirely different if it can be used as a dam for his reservoir applied for herewith.

Thanking you very kindly for your attention to these matters,  
I remain

Very truly yours,

*Francis E. Surgo*

FES:eb  
enc.



June 16, 1948

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Building  
Hillsboro, Oregon

Dear Mr. Sturgis:

I am sorry to have missed you when I called at your office recently in regard to the construction of the dam by your client, as covered by your letter of June 3, 1948 and previous correspondence.

In your letter of June 3rd you state the height of the dam will be 7 feet but you have not stated what the amount of water to be impounded will be. If this is 3,000,000 gallons or more it will still be necessary to file plans and specifications with the State Engineer and to secure his approval thereof before construction of the dam is started.

There is enclosed in duplicate a mimeographed sheet with instructions and blanks to be filled in, one copy to be returned to this office with the applications in case the dam is less than 10 feet high or impounds less than 3,000,000 gallons.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

By  
Ferd Schlapkohl, Engineer

FS:sk  
Encls.



June 16, 1948

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Building  
Hillsboro, Oregon

Dear Mr. Sturgis:

I am sorry to have missed you when I called at your office recently in regard to the construction of the dam by your client, as covered by your letter of June 3, 1948 and previous correspondence.

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Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

By  
Ferd Schlapkohl, Engineer

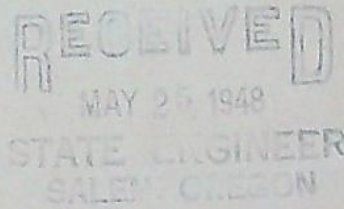
FS:gk  
Encls.



Francis E. Sturgis  
ATTORNEY AT LAW  
FIRST NATIONAL BANK BUILDING  
Hillsboro, Oregon  
TELEPHONE 181

May 24, 1948

Honorable Chas. E. Stricklin  
State Engineer  
Salem, Oregon



Dear Sir:

I have a client who is desirous of installing a dam across a little creek which is an unnamed tributary of Rock Creek, a tributary of the Tualatin River in Washington County, Oregon. He desires to put in a dam some twelve feet high, seventy feet in length with a twenty foot base. The purpose is to hold flood waters from the winter for irrigation during the summer months.

I have before me application form for permit, 3M-4-45 and I note at the bottom thereof that a different form of application is provided for storage works. Will you, therefore, please send me necessary forms so that proper application may be made.

Very truly yours,

A handwritten signature in cursive script that reads "Francis E. Sturgis".

FES:eb



Misc.  
Dam File  
Addressed  
Envelope

May 25, 1948

Mr. Francis E. Sturgis  
Attorney at Law  
First National Bank Building  
Hillsboro, Oregon

Dear Mr. Sturgis:

Pursuant to your request by letter dated the 24th inst., there is enclosed herewith blanks for use in making application to store water and blanks for use in making application to appropriate the water stored.

Under Oregon laws one is required to file an application to store water and to file a secondary application to appropriate the stored water. The blanks for use in making application to store water are the blanks which are used in making application to appropriate water from surface streams. You can also, in the same application, cover the water to be stored in the reservoir and also the direct flow. For instance, your client may desire to appropriate the direct flow as long as the same is available and when this is insufficient use the stored water. These rights can be covered in the same application (see Section 116-425).

Oregon laws also require the filing of plans and specifications with the State Engineer and securing the State Engineer's approval in writing before beginning of construction of all dams 10 feet or more in height and storing in excess of 3 million gallons (see Section 116-502, 503). The manner of determining the height of the dam as covered by our Rules and Regulations is the height from the lowest point in the stream channel on the center line of the dam to the top of the dam, not to the water surface in the reservoir.

Under Oregon laws covering the practice of professional engineers it will be noted that the plans and specifications are to be prepared by a registered professional engineer.

If any additional information is desired kindly advise.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

CES:sk  
Encls. 6



Francis F. Sturgis  
ATTORNEY AT LAW  
FIRST NATIONAL BANK BUILDING  
Hillsboro, Oregon  
TELEPHONE 181

June 3, 1948

Honorable Chas. E. Stricklin  
State Engineer  
Salem, Oregon

Dear Sir:

This will acknowledge receipt of your letter of May 25th enclosing application for a permit to construct a reservoir and store water which you sent me in response to my letter directed to you under date of May 24th.

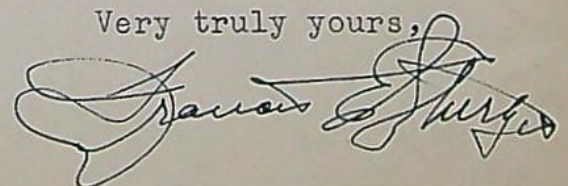
I have conferred further with my client and he advises me that I was mistaken in stating a dam height of twelve feet. He advises me that he proposes to put in a dam of seven feet in height to be constructed of earth fill with log cribbing, including a head gate which he will lift in the fall of the year when the Tualatin Valley floods to secure his supply of water for the following summer's irrigation.

The entire dam will be located on my client's property which is in the overflow of the flood area of the Tualatin River. Will you please advise me if it is possible to secure a permit without the necessity of a registered engineer's submitting specifications and plans. The expense of this item would be considerable to my client and would undoubtedly require a different type of construction than my client planned to use. The present plans are to use a bulldozer and bulldoze dirt in for a fill using the bulldozer to pack the dirt and immediately upon the fill's being completed, planting the same to rose bushes and grass to prevent erosion.

The floodgate will be constructed in log cribbing or cement so that it can be lifted before the floods start and thereby avoid any erosion from the sides or the top of the dam.

Please advise me if a permit could be issued if all facts are proper without formal plans and specifications of a registered engineer. Thanking you very kindly for an immediate reply, I remain

Very truly yours,





NOTICE TO PROSPECTIVE BUILDERS OF DAMS LESS THAN  
10 FEET IN HEIGHT OR IMPOUNDING LESS THAN 3,000,000 GALLONS.

Under Oregon laws the builder is not required to submit plans and specifications, prepared by a registered professional engineer, for approval of the State Engineer for the construction of dams less than 10 feet in height or storing less than 3,000,000 gallons of water (9.2 acre feet or the amount that will cover 9.2 acres of land 1.0 foot in depth). It is of much importance to the builder of these small dams that a safe structure be built as should the dam fail the owner will not only lose his investment but will be legally responsible for any damage to the property of others resulting from such failure.

Following are some of the requirements to be followed by the proposed builders of these small dams:

- (1) Width of crest of dam should be not less than 8 feet;
- (2) Upstream slope not steeper than 3 horizontal to 1 vertical; and
- (3) Downstream slope not steeper than 2 horizontal to 1 vertical;
- (4) Spillway channel should be constructed around either end of dam but not over top. It should have at least twice the capacity required to carry heavy winter flows or spring runoffs without overtopping the dam and should be lined if necessary to prevent erosion. (This is important as experience has shown that insufficient spillway capacity is the principle cause of failure of small dams.) Water passing over spillway should be returned to creek channel at a sufficient distance downstream to prevent erosion of embankment; and depth to bottom of channel at point of control of water surface in reservoir should be not less than 2 feet below crest of dam.
- (5) All brush, stumps, roots and vegetable matter of all kinds should be cleared from area to be occupied by base of dam and from borrow pits.
- (6) Asphalt dipped corrugated iron pipe with gate at inlet end should be installed to permit draining reservoir. Pipe to be bedded in a trench in the natural ground and not on filled ground.
- (7) Not less than two cut-off collars should be constructed. These collars should be constructed of concrete with a thickness of not less than 6 inches and should extend from the outside of the pipe a distance of not less than 18 inches in all directions. These cut-off collars should be constructed above or upstream from the center of the dam.
- (8) Material placed in embankment should be free from brush, stumps, roots and vegetable matter of all kinds.
- (9) Material should be brought in and placed in embankment from ends of dam and spread in thin layers not over 6 inches thick and compacted by carryalls or bulldozers traveling parallel to center line of dam.



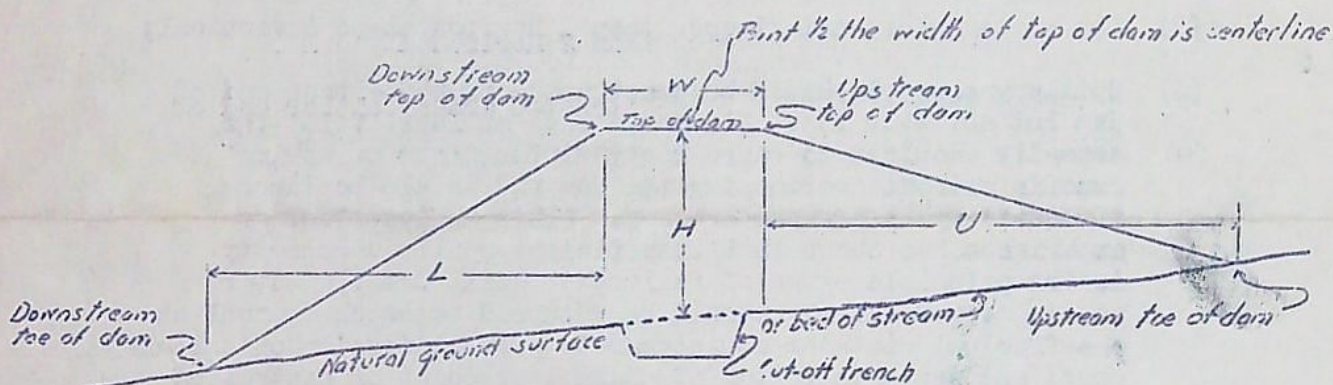
# RECEIVED

SEP 27 1948

STATE ENGINEER  
SALEM, OREGON

Before a permit is issued approving an application proposing the construction of a dam less than 10 feet high and storing less than 3,000,000 gallons of water, the information following the sketch below must be filled with the State Engineer. The height is measured from the lowest point of the ground surface or from the lowest point in the stream bed on the downstream side, to the top of the dam on the center line of the dam. The data required is that of the maximum section or at the point where the dam is to be highest above the natural ground surface or stream bed.

All dams will be inspected by the State Engineer or his assistant before certificate of water right is issued.



## Earth Dam:

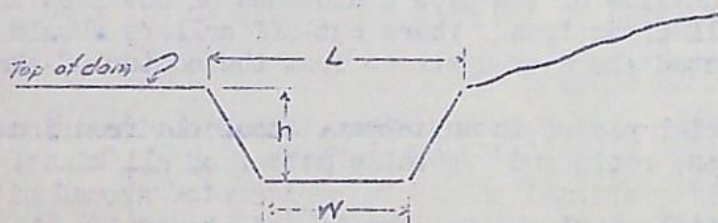
Top width of dam indicated on sketch by letter "w" is 8' feet.

Height of dam measured from top of dam to ground surface or bed of stream on center line of dam or a point 1/2 the top width of the dam, indicated on sketch by letter "H" is 7 feet.

The horizontal distance from upstream top of dam to upstream toe indicated on sketch by letter "U" is 20 feet.

The horizontal distance from downstream, indicated on sketch by letter "L" is 30 feet.

## Spillway:



Bottom width of spillway, indicated on sketch by letter "w" is 2 feet.

Top width of spillway, indicated on sketch by letter "L" is 2 feet.

Distance between top of dam and bottom of spillway at the upper end, indicated on sketch by letter "h" is 3 feet.



R-23261

NOTICE TO PROSPECTIVE BUILDERS OF DAMS LESS THAN  
10 FEET IN HEIGHT OR IMPOUNDING LESS THAN 3,000,000 GALLONS.

OK  
J.S.

Under Oregon laws the builder is not required to submit plans and specifications, prepared by a registered professional engineer, for approval of the State Engineer for the construction of dams less than 10 feet in height or storing less than 3,000,000 gallons of water (9.2 acre feet or the amount that will cover 9.2 acres of land 1.0 foot in depth). It is of much importance to the builder of these small dams that a safe structure be built as should the dam fail the owner will not only lose his investment but will be legally responsible for any damage to the property of others resulting from such failure.

Following are some of the requirements to be followed by the proposed builders of these small dams:

- (1) Width of crest of dam should be not less than 8 feet;
- (2) Upstream slope not steeper than 3 horizontal to 1 vertical; and
- (3) Downstream slope not steeper than 2 horizontal to 1 vertical;
- (4) Spillway channel should be constructed around either end of dam but not over top. It should have at least twice the capacity required to carry heavy winter flows or spring runoffs without overtopping the dam and should be lined if necessary to prevent erosion. (This is important as experience has shown that insufficient spillway capacity is the principle cause of failure of small dams.) Water passing over spillway should be returned to creek channel at a sufficient distance downstream to prevent erosion of embankment; and depth to bottom of channel at point of control of water surface in reservoir should be not less than 2 feet dam.

Stumps, roots and vegetable matter of all kinds removed from area to be occupied by base of dam and pits.

1 corrugated iron pipe with gate at inlet end installed to permit draining reservoir. Pipe to be in trench in the natural ground and not on filled

two cut-off collars should be constructed. Collars should be constructed of concrete with a thickness of not less than 6 inches and should extend from the pipe a distance of not less than 18 inches on each side. These cut-off collars should be constructed 10 feet or more upstream from the center of the dam.

Embankment should be free from brush, stumps, and vegetable matter of all kinds.

Material should be brought in and placed in embankment in thin layers not over 6 inches thick and compacted by carryalls or bulldozers traveling across the center line of dam.

Reservoir OK.  
15 feet but see  
field  
C.E.S.  
9/24/44



NOTICE TO PROSPECTIVE BUILDERS OF DAMS LESS THAN  
10 FEET IN HEIGHT OR IMPOUNDING LESS THAN 3,000,000 GALLONS.

Under Oregon laws the builder is not required to submit plans and specifications, prepared by a registered professional engineer, for approval of the State Engineer for the construction of dams less than 10 feet in height or storing less than 3,000,000 gallons of water (9.2 acre feet or the amount that will cover 9.2 acres of land 1.0 foot in depth). It is of much importance to the builder of these small dams that a safe structure be built as should the dam fail the owner will not only lose his investment but will be legally responsible for any damage to the property of others resulting from such failure.

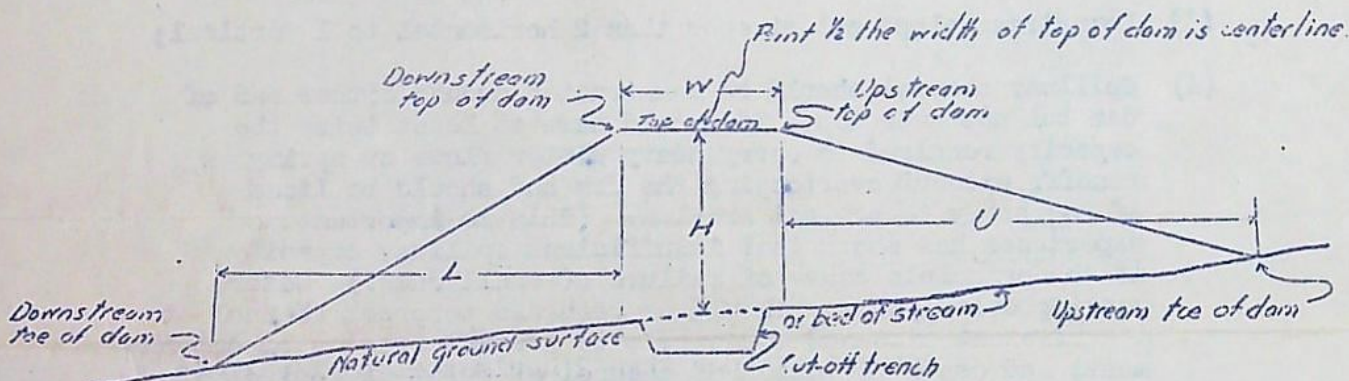
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- (6) Asphalt dipped corrugated iron pipe with gate at inlet end should be installed to permit draining reservoir. Pipe to be bedded in a trench in the natural ground and not on filled ground.
- (7) Not less than two cut-off collars should be constructed. These collars should be constructed of concrete with a thickness of not less than 6 inches and should extend from the outside of the pipe a distance of not less than 18 inches in all directions. These cut-off collars should be constructed above or upstream from the center of the dam.
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Before a permit is issued approving an application proposing the construction of a dam less than 10 feet high and storing less than 3,000,000 gallons of water, the information following the sketch below must be filed with the State Engineer. The height is measured from the lowest point of the ground surface or from the lowest point in the stream bed on the downstream side, to the top of the dam on the center line of the dam. The data required is that of the maximum section or at the point where the dam is to be highest above the natural ground surface or stream bed.

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#### Earth Dam:

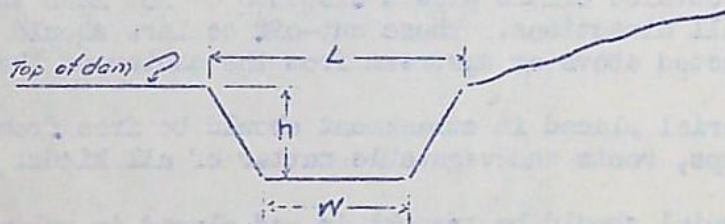
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The horizontal distance from downstream, indicated on sketch by letter "L" is 30 feet.

#### Spillway:



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Top width of spillway, indicated on sketch by letter "L" is 2 feet.

Distance between top of dam and bottom of spillway at the upper end, indicated on sketch by letter "h" is 3 feet.