

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICA-)
TION OF CARL HOWARD FOR THE)
APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM SOUTH)
YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 2808

On May 10, 1973, Carl Howard filed an application in the office of the State Engineer for the approval of a change in place of use of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Permit No. 31416 was issued in the name of Buernell Seibel, for the use of not to exceed 1.05 cubic feet per second of water from South Yamhill River for the irrigation of, among other lands, 1.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 14.9 acres on NW $\frac{1}{4}$ SW $\frac{1}{4}$, 5.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.6 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of March 10, 1966. These lands are irrigated from a point of diversion located 320 feet South and 1400 feet West from the Easterly SE corner of Martin D.L.C. No. 37, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M. Proof satisfactory to the State Engineer of complete application of water to beneficial use was submitted May 30, 1973.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5 and 2.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 5 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a

change in place of use of water.

Mr. Clayton Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

Buarnell Seibel, mortgage holder of the land involved, has submitted written approval of the changes in place of use of water.

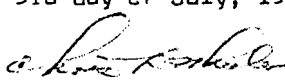
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 1.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 14.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 5.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.6 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of March 10, 1966, be severed therefrom and simultaneously and without loss of priority transferred to 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, and 2.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 5 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that a certificate of water right be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Carl Howard confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 3rd day of July, 1973.


CHRIS L. WHEELER
State Engineer