

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE ISSUANCE
OF A CERTIFICATE TO CORRECT AND
SUPERCEDE THE CERTIFICATE RECORDED
ON PAGE 9587 STATE RECORD OF WATER
RIGHT CERTIFICATES

O R D E R

AUTHORIZING ISSUANCE OF CERTIFICATE
AND CANCELLING SUPERCEDED CERTIFICATE

The records of the State Engineer indicate that an application was received from Clair Reid June 18, 1930 for a permit to appropriate water from an unnamed stream for use on lands described as located in the SW $\frac{1}{4}$ of Section 13 and the NW $\frac{1}{4}$ of Section 24, Township 4 South, Range 4 West, W. M. Permit was issued accordingly, and proof was made by Mr. Reid to irrigate lands as follows:

24 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 13,
16 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 24,
Township 4 South, Range 4 West, W.M.,

and on April 21, 1932 a certificate was issued accordingly.

On January 12, 1950, Mr. Clair Evers stated to the State Engineer, That he is the son of W. A. Evers who is the present owner of the property formerly owned by Clair Reid on which property Mr. Reid intended to initiate a water right by filing application as set out above,

That he has been familiar with the property in question for twenty years, having irrigated the land for the last six years, and has personal knowledge that this is the land and the only land that has been irrigated under the right in question.

That the land described in the Clair Reid certificate of water right was never owned by Clair Reid nor by W. A. Evers and that the description is completely in error as to location as to its position in Sections 13 and 24,

That 48 acres of land have actually been irrigated on what is now the Evers property under the mistaken impression that the water right was in order and was correctly defined by the Reid certificate.

Mr. Clair Evers submitted a map in support of his statements relative to the error in location description in the Reid certificate, which map was made in the office of the Assessor of Yamhill County. According to Mr. Evers, section lines and forty lines on the map were located from data on file in the Assessor's Office and the County Surveyor's Office, and the location of irrigated areas and the position of the stream from which water is appropriated were superimposed on the map from aerial photographs on file in the office of the Agricultural Adjustment Administration.

From Mr. Evers' statement and supporting map, it appears that the lands that have been irrigated since the initiation of the water right in question are actually situated as follows and not as described in the certificate recorded on Page 9587 State Record of Water Right Certificates:


18 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$,
7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 13,
9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
14 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 24,
Township 4 South, Range 4 West, W.M.

NOW THEREFORE IT HEREBY IS ORDERED that a certificate be issued in the name of W. A. Evers, the present record owner of the property in question, and recorded on Page 17230 State Record of Water Right Certificates to correct and supercede the certificate recorded on Page 9587 State Record of Water Right Certificates, correctly describing the acreages that actually are and have been irrigated under the water right in question as being located as follows:

18 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$,
7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 13,
9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
14 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 24,
Township 4 South, Range 4 West, W.M.

IT IS FURTHER ORDERED that the superceded certificate recorded on Page 9587 State Record of Water Right Certificates be and the same hereby is cancelled.

Dated at Salem, Oregon this 28th day of April, 1950.


CHAS. E. STRICKLIN
State Engineer