

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION OF)
SAMUEL B. SWEENEY FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM A WELL)

ORDER APPROVING
TRANSFER NO. S-179

On January 20, 1966, Samuel B. Sweeney of Dayton, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from a well, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Phillips B. Sweeney and recorded at page 28516, Volume 20, State Record of Water Right Certificates, confirms a right for the use of the waters of Sweeney Irrigation Well for the irrigation of 8.7 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.4 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, 0.9 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 35.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.4 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 4 South, Range 3 West, W.M., with a date of priority of December 13, 1955.

These lands are irrigated from Sweeney Irrigation Well, the point of diversion of said well being located 39 chains south and 25 chains east from the northerly NE corner of Smith Donation Land Claim 47, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 4 South, Range 3 West, W.M.

The applicant herein proposes to irrigate said lands by means of a well, the point of diversion of said well being located North 23 degrees 15' West 460 feet from the W $\frac{1}{4}$ corner of Section 20, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 4 South, Range 3 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 point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Jack E. Sceva, Geologist for this Department, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water. to-wit:

From a well located 39 chains south and 2.5 chains east from the northerly NE corner of Smith Donation Land Claim No. 47, being within the SW¹/₄ NW¹/₄ of Section 20, Township 4 South, Range 3 West, W.M.

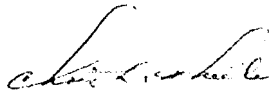
To a well approximately 125 feet deep and withdrawing water from the same ground water reservoir tapped by the above described well and located North 25 degrees 15' West 460 feet from the W¹/₄ corner of Section 20, being within the SE¹/₄ NE¹/₄, Section 19, Township 4 South, Range 3 West, W.M.

for the irrigation of 8.7 acres in the SE¹/₄ NE¹/₄, 3.4 acres in the NW¹/₄ NW¹/₄, 1.0 acre in the NE¹/₄ SE¹/₄, Section 19, 0.9 acre in the NW¹/₄ NW¹/₄, 35.5 acres in the SW¹/₄ NW¹/₄, 7.4 acres in the SE¹/₄ NW¹/₄, 1.0 acre in the NE¹/₄ SW¹/₄ and 5.5 acres in the NW¹/₄ SW¹/₄, Section 20, Township 4 South, range 3 West, W.M., with a date of priority of December 15, 1955, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1966.

It is FURTHER ORDERED that certificate of water right heretofore issued to Phillips B. Sweeney and recorded at page 28516, Volume 20, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of point of diversion, a certificate of water right shall be issued to Samuel B. Sweeney confirming said change in point of diversion.

Dated at Salem, Oregon, this 3rd day of March, 1966.



CHRIS L. EBBELER, State Engineer