

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION OF)
HERRING BROTHERS FOR APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 4859

On August 7, 1981, an application was filed in the office of the Water Resources Director by Bland Herring for Herring Brothers for approval of a change in place of use of water from Williamson Creek and Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 28756, Volume 21, State Record of Water Right Certificates, in the name of Frederick C. Herring, describes a right which includes the use of not to exceed 0.074 cubic foot per second from Williamson Creek and Reservoir for irrigation of a certain 9.0 acres in SW 1/4 NW 1/4, Section 14, Township 3 South, Range 3 West, WM, with a date of priority of August 31, 1951.

Water for the said right is diverted from a point located 2,030 feet North and 450 feet West from the Southeast Corner of Williamson DLC 46, being within the NW 1/4 SE 1/4 of Section 14, Township 3 South, Range 3 West, WM.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 9.0 acres in SW 1/4 SE 1/4, Section 14, Township 3 South, Range 3 West, WM.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

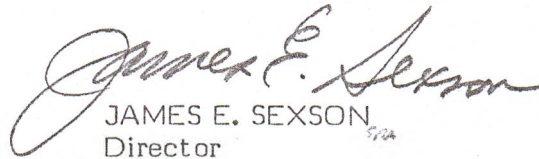
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 28756, Volume 21, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

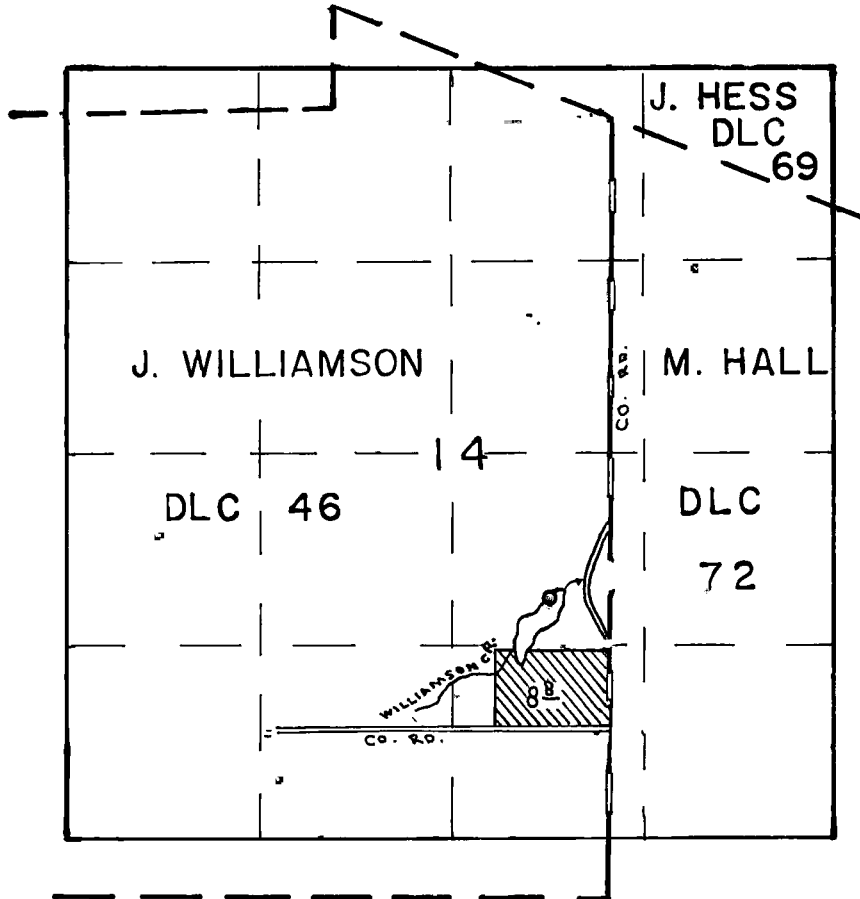
Dated at Salem, Oregon this 17th day of September, 1981.


JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

6868A

T. 3 S., R. 3 W. WM.



DIV. PT LOC.: 2030' N. & 450' W. OF SE COR. DLC 46

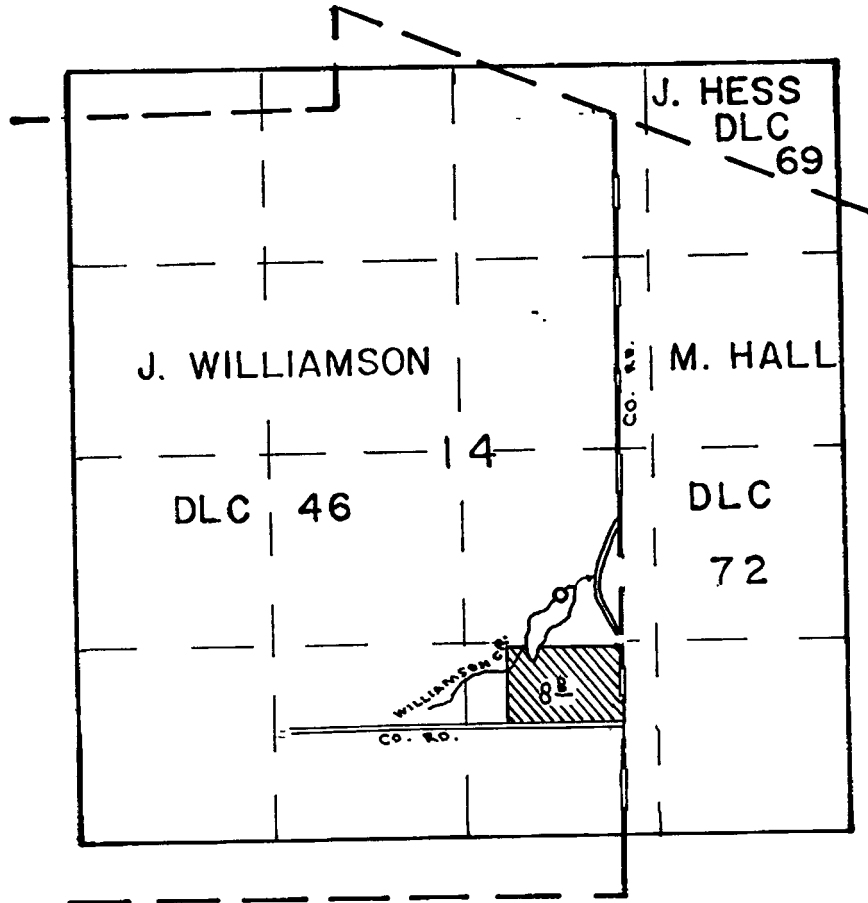
FINAL PROOF SURVEY
UNDER

TRANSFER 4859
IN NAME OF

HERRING BROS.

Surveyed JUL 12 1984, by P. PAGTER

T. 3 S., R. 3 W. WM.



DIV. PT. LOC.. 2030' N. & 450' W. OF SE COR. DLC 46

FINAL PROOF SURVEY
UNDER

TRANSFER 4859
IN NAME OF

HERRING BROS.

Surveyed JUL. 12. 1984, by P. PAGTER.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FREDERICK C. HERRING

of 717 Sheriden Street, Newberg, State of Oregon 97132, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Williamson Creek and reservoir constructed under Permit R-1309

a tributary of Chehalem Creek for the purpose of irrigation of 88.8 acres

under Permit No. 20999 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 August 31, 1951

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 0.726 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Williamson DLC 46, Section 14, T3S, R3W, WM; 2,030 feet North and 450 feet West from SE Corner, Williamson DLC 46.

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 R-1309,

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:

SEE NEXT PAGE

12.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Williamson DLC 46
12.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Williamson DLC 46
16.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Williamson DLC 46
17.8 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Williamson DLC 46
1.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Williamson DLC 46
27.5 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Williamson DLC 46

Section 14
Township 3 South, Range 3 West, WM

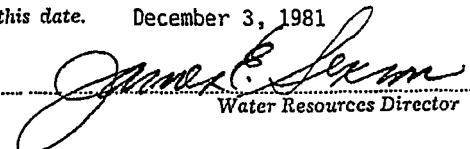
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 28756, Volume 21, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 17, 1981, approving Transfer 4859.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board

WITNESS the signature of the Water Resources Director, affixed

this date. December 3, 1981


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44 , page 50408

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HERRING BROTHERS
c/o BLAND HERRING
ROUTE 3, BOX 196
NEWBERG, OREGON 97132

confirms the right to use the waters of WILLIAMSON CREEK AND RESERVOIR CONSTRUCTED UNDER APPLICATION NO. R-26385, PERMIT NO. R-1309, a tributary of CHEHALEM CREEK, for IRRIGATION OF 8.8 ACRES.

This right was perfected under Permit 20999. The date of priority is AUGUST 31, 1951. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.074 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 14, AS PROJECTED WITHIN J. WILLIAMSON DLC 46, TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.; 2030 FEET NORTH AND 450 FEET WEST FROM THE SE CORNER OF DLC 46.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

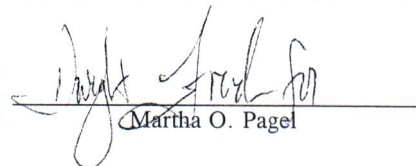
SW 1/4 SE 1/4 8.8 ACRES
AS PROJECTED WITHIN J. WILLIAMSON DLC 46
SECTION 14
TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.

This certificate is issued to confirm a change in place of use approved by an order of the Water Resources Director entered September 17, 1981, and together with Certificate 50408, supersedes Certificate 28756, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

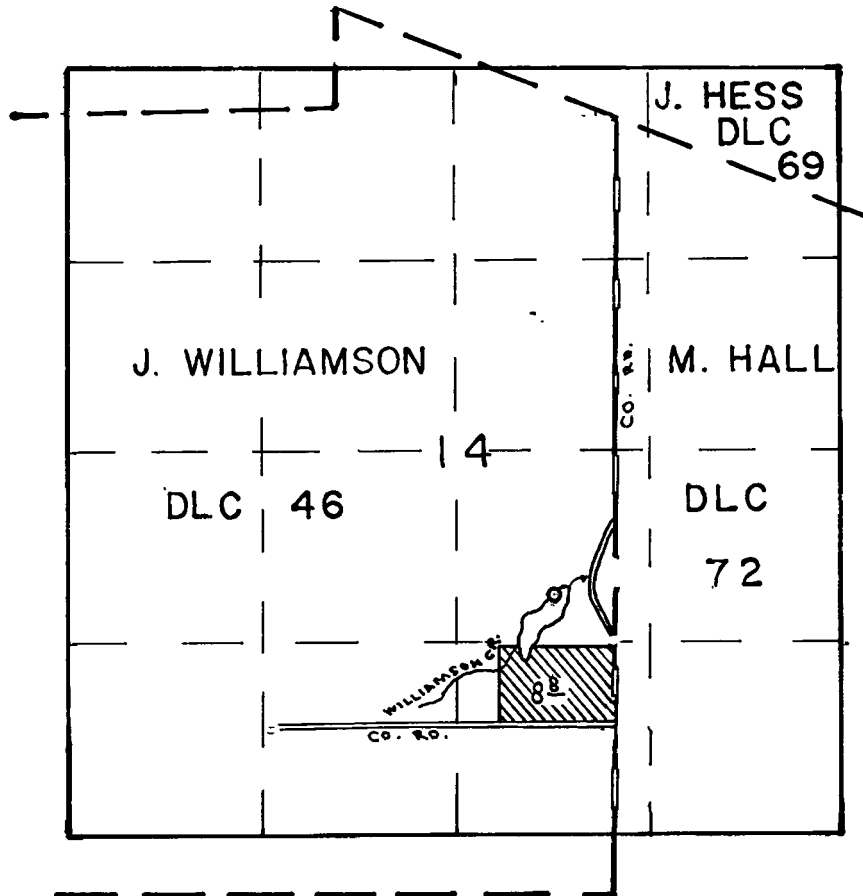
WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76448.

T-4859.SB

T. 3 S., R. 3 W. WM.



DIV. PT. LOC.: 2030' N. & 450' W. OF SE COR. DLC 46

FINAL PROOF SURVEY
UNDER

TRANSFER 4859
IN NAME OF

HERRING BROS.

Surveyed JUL...12... 1984, by ..P....PAGTER.....

WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12th STREET NE
SALEM, OR 97301

ADDRESS SERVICE REQUESTED

SALEM
MAR-3'00
OR
PB METER
6855335
U.S. POSTAGE
0.55

RETURNED TO SENDER
NO SUCH STREET

RETURNED TO SENDER
NO SUCH STREET

Originally mailed 3/3/00.

Final certificate returned
to this office by postoffice on
3/7/00. Letter sent to county
assessor's office asking for
property owners mailing
address on 4/6/00. On
4/10/00 assessor gave us
new address:

4/19/00
Remail certificate
to:

→ Hering Lea O., Trust
13195 NE Red Hills Rd.
Newberg, OR 97132 - JCB

RETURNED TO SENDER
MOVED, LEFT NO ADDRESS
- NOT DELIVERABLE AS ADDRESSED
- DELIVERED TO INCORRECT ADDRESS
- DELIVERED - NOT KNOWN
- NO SUCH STREET - NUMBER
- NO MAIL IN THIS ENVELOPE
- INSUFFICIENT ADDRESS
- NO MAIL RECEPTACLE
- BOX CLOSED NO ORDER
DATE _____ ROUTE # _____ CARR. WGT _____

HEARING BROTHERS
C/O BLAND HERRING
RT 3 BOX 96
NEWBERG OR 97132

T-4859

FIRST CLASS



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

March 3, 2000

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263, or toll free (within Oregon) at 1-800-624-3199, ext. 263.

Front Page of Certificate 76448.

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original to certificate holder, copy to file



RECEIVED

APR 10 2000

WATER RESOURCES DEPT.
SALEM, OREGON

RSALET279920APR07000004

0

NEXT ACTIVITY

YAMHILL COUNTY
REAL PROPERTY SALES ENTRY

PIN #: R3314 01400

001 ACCOUNT#: 70274

PCA: 5513 STAT: 131 NEIGHBORHOOD: RL33 LEVY CODE(S): 29.2

A/C/D INSTRUMENT YEAR/NBR: 1999 4276 RECORDED DATE:03011999

INSTRUMENT: BS VOL: PAGE: 0 SALE DATE:02121999

CONSIDERATION: COURT DEC: PROCESS DATE:03091999

SALES PRICE: 0 SETTLEMENT: QUAL. CODE: 06

BARE LAND SALE: SALE INCLUDES MH:

NAME: HERRING LEA O TRUST

BILLING ADDRESS: 13195 NE RED HILLS RD

NEWBERG OR

97132 - 0000

BILL 0 2535089

A/C/D PARTIES O/B TO GRTR GTEE

HERRING LEA O X 2535090

HERRING LEA O & BLAND CO-TRUSTEES FOR 0 X 2535091

HERRING LEA O TRUST 0 X 2535092

A 0

A 0

APPLY SALE TO: REVISION#: 0-OR- MULT PINS: N DONE (Y/N): N XMT @

14:23:54:61 INQUIRY REQUEST



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

April 6, 2000

YAMHILL COUNTY ASSESSOR
COURTHOUSE
535 NE 5TH STREET
MCMINNVILLE OR 97128

RECEIVED

APR 10 2000

WATER RESOURCES DEPT.
SALEM, OREGON

REFERENCE: File T-4859

Could you please provide this office with the name and address of the current owner of the lands shown on the enclosed map print?

Your assistance is appreciated.

Sincerely,

MRS. TIMMIE C. BRANDT
Office Specialist I

tcb

Enclosure



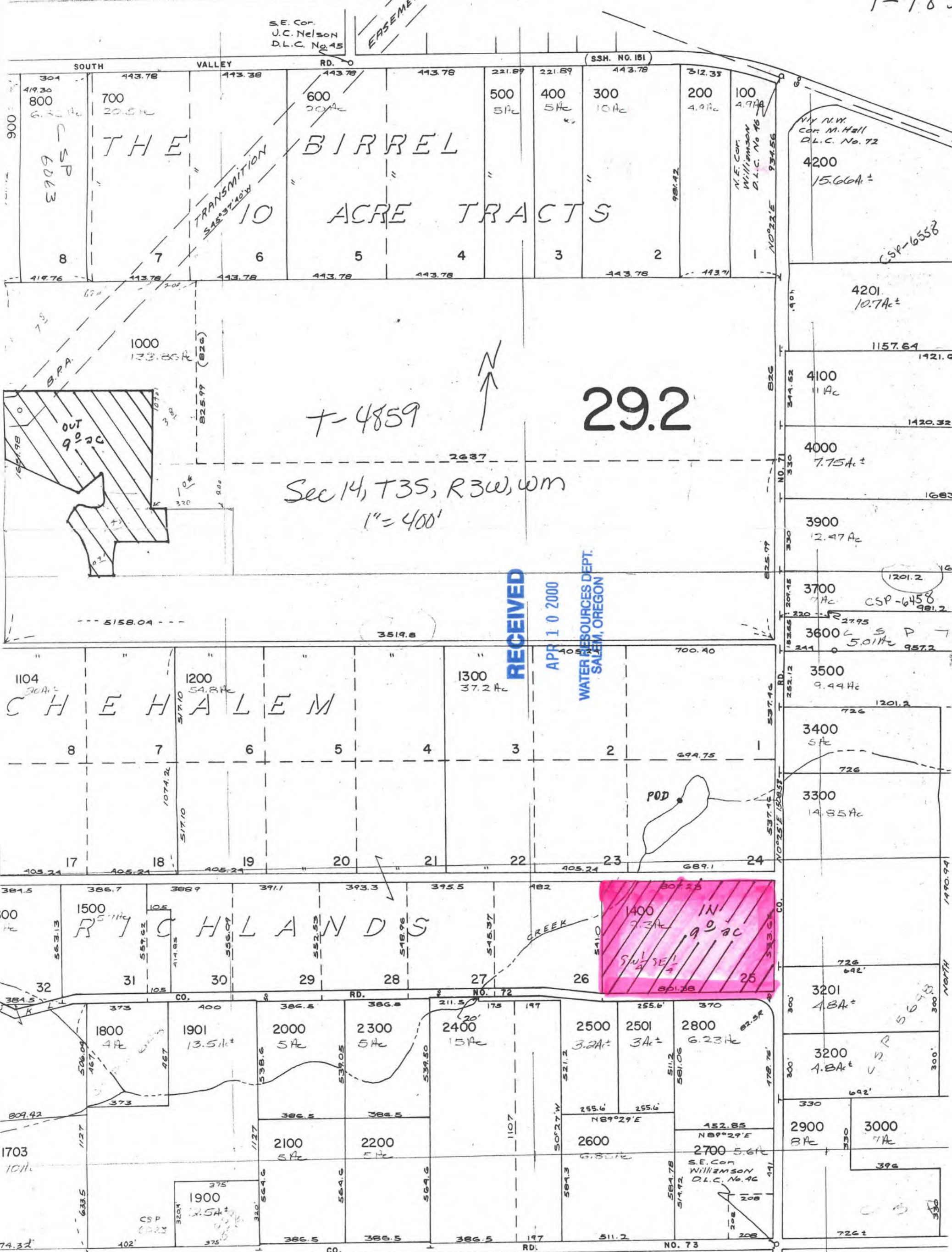
T-4859

YAMHILL COUNTY

1" = 400'

SEE MAP 3 3 11

T-4859



T-4859

29.2

Sec 14, T3S, R3W, W.M.
1" = 400'

RECEIVED
APR 10 2000
WATER RESOURCES DEPT.
SALEM, OREGON

1400
9.3Ac
IN
9.9Ac
S 1/2 SE 1/4
601.28

1703
1011

CSP
6524

CSP-6558

S 67.8

S 67.8

S 67.8

Yamhill County
YAMHILL COUNTY ASSESSOR
535 E. 5th ST., ROOM 135
McMINNVILLE, OREGON 97128-4592



Water Resources Dept
Commerce Bldng
158 12th St N.E.
Salem OR. 97301-4172

97301+4172





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

April 6, 2000

YAMHILL COUNTY ASSESSOR
COURTHOUSE
535 NE 5TH STREET
MCMINNVILLE OR 97128

REFERENCE: File T-4859

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Your assistance is appreciated.

Sincerely,

MRS. TIMMIE C. BRANDT
Office Specialist I

tcb

Enclosure



SECTION 14 T.3S. R.3W. W.M.

T-4859

YAMHILL COUNTY

1" = 400'

SEE MAP 3 3 11

T-48

S.E. Cor.
J.C. Nelson
D.L.C. No. 45

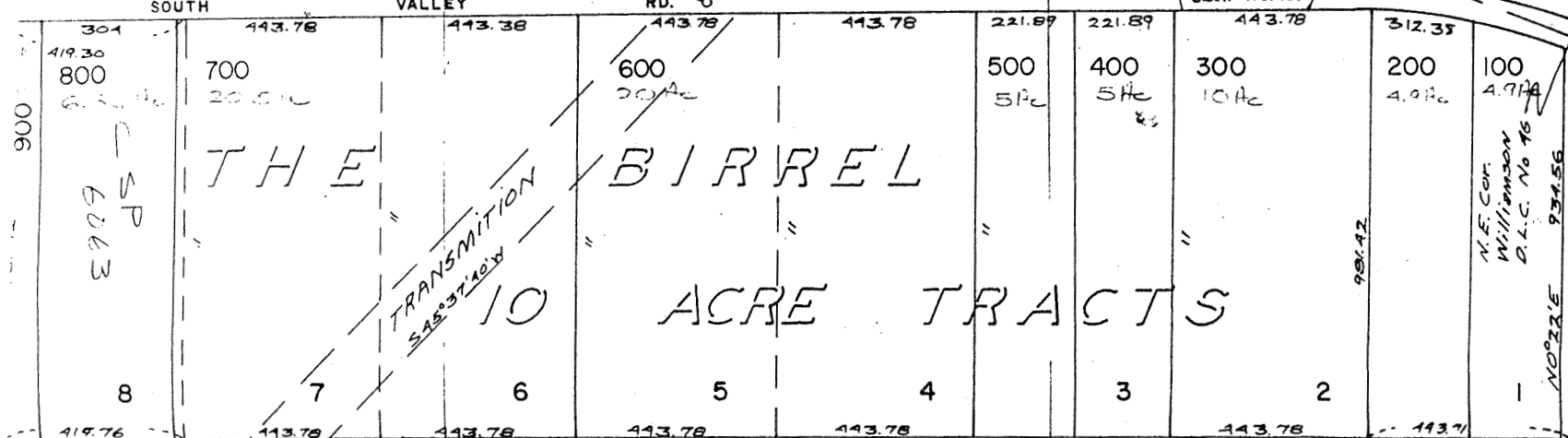
ERSEMENT

(SSH. NO. 151)

SOUTH

VALLEY

RD. 0



N.W. Cor.
M. Hall
D.L.C. No. 72

4200
15.66Ac±

CSP-6558

4201
10.7Ac±

1157.64

4100
11Ac

1420.3

4000
7.75Ac±

168

3900
12.47Ac

1201.2
CSP-6458

3700
7Ac±

981.2

3600
5.01Ac

957.2

3500
9.44Ac

1201.2

3400
5Ac

726

3300
14.85Ac

726

3201
4.8Ac±

726
642'

3200
4.8Ac±

642'

330

2900
8Ac

300

3000
7Ac

300

330

2700
5.6Ac

300

2600
5.8Ac

300

2501
3Ac±

300

2500
3.2Ac±

300

2400
15Ac

300

2300
5Ac

300

2000
5Ac

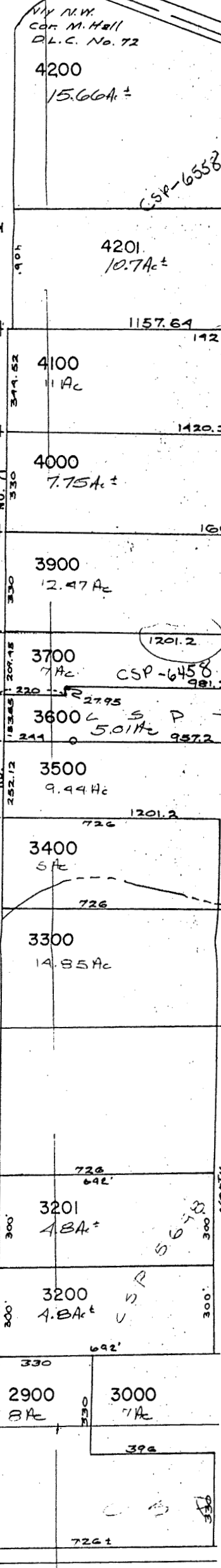
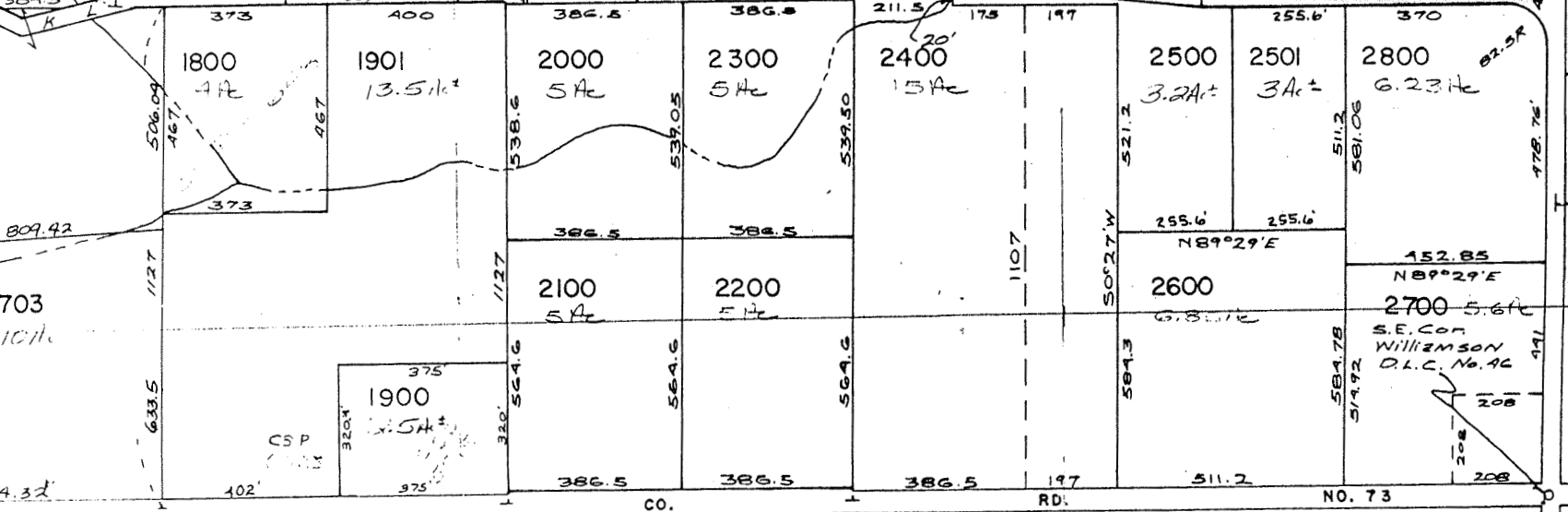
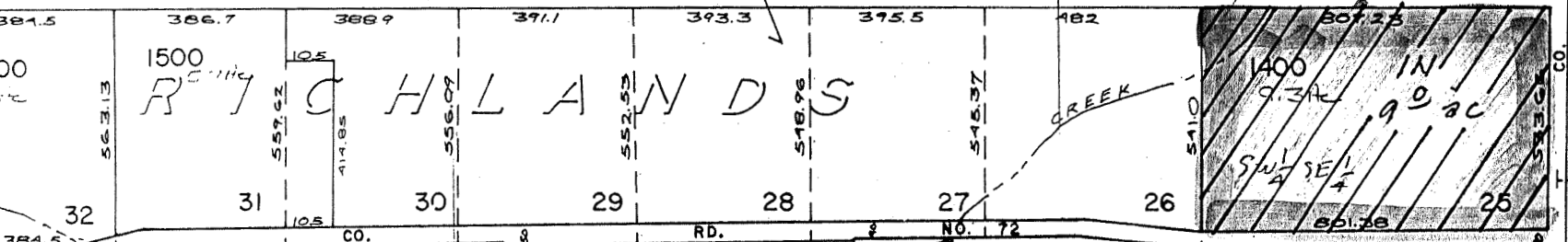
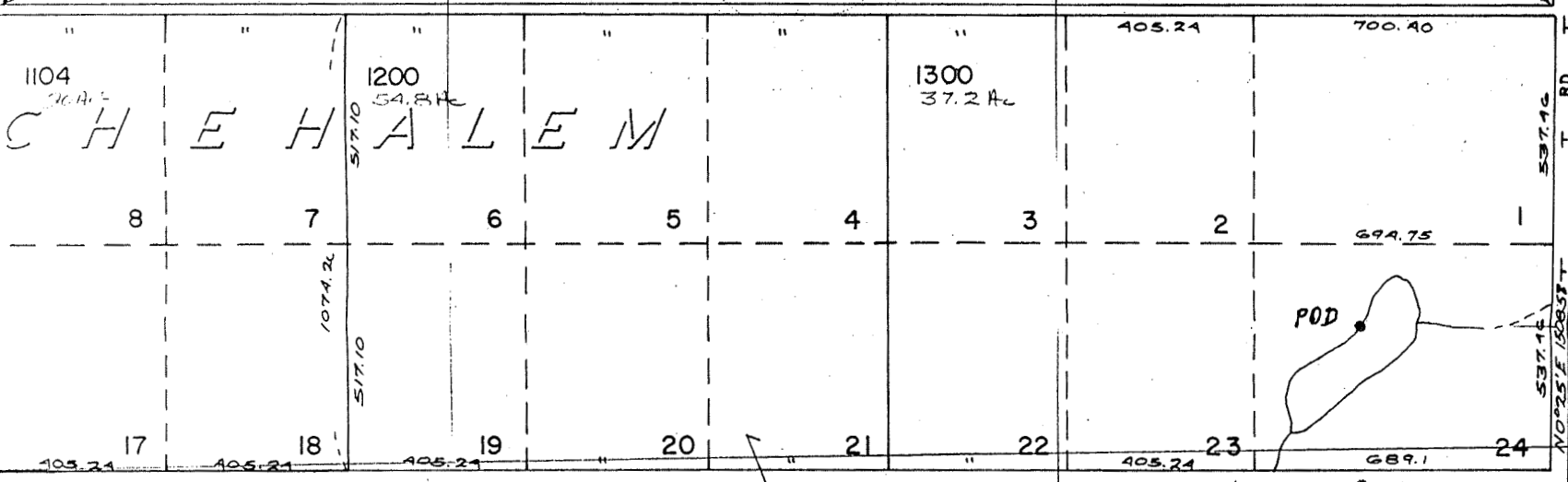
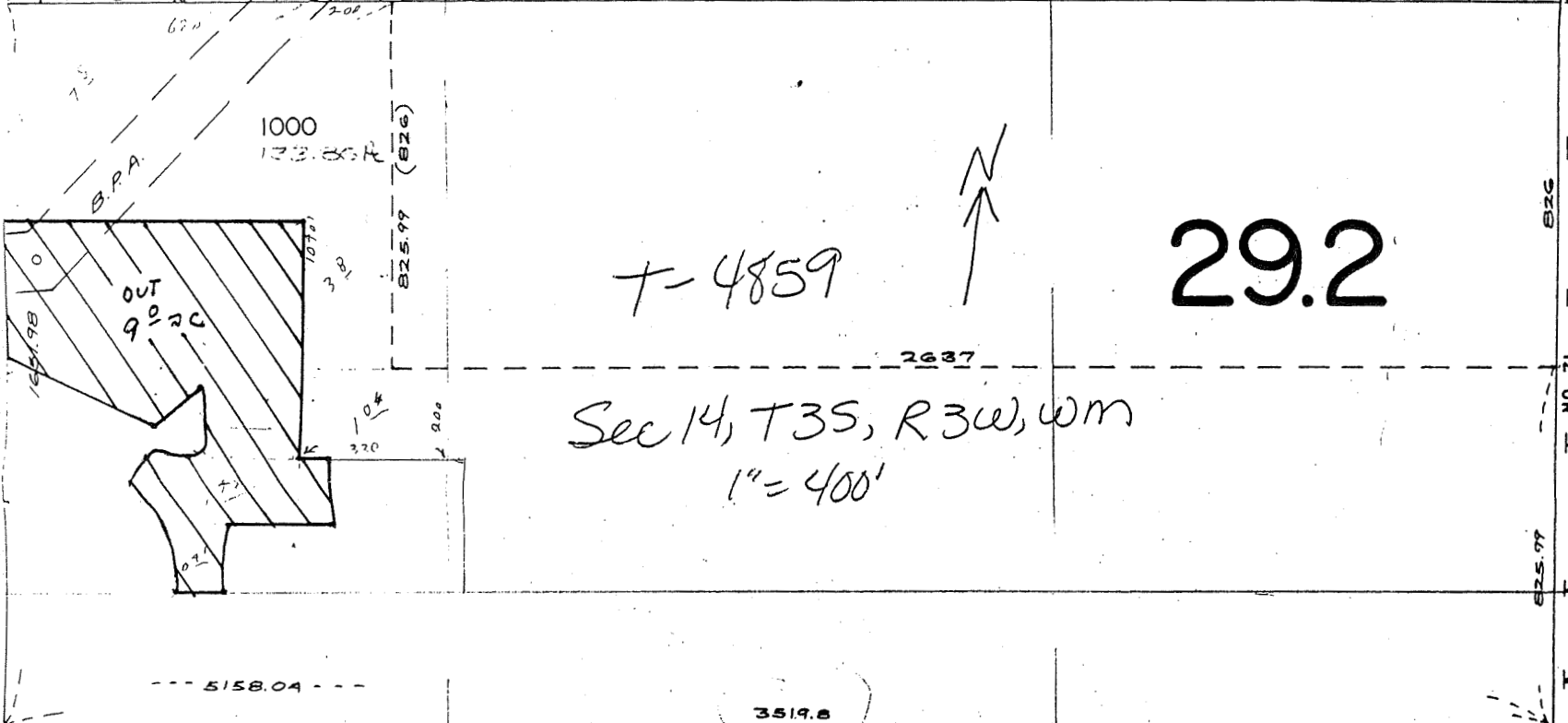
300

1901
13.51Ac±

300

1800
4Ac

300



YAMHILL COUNTY

1" = 400'

SEE MAP 3 3 11

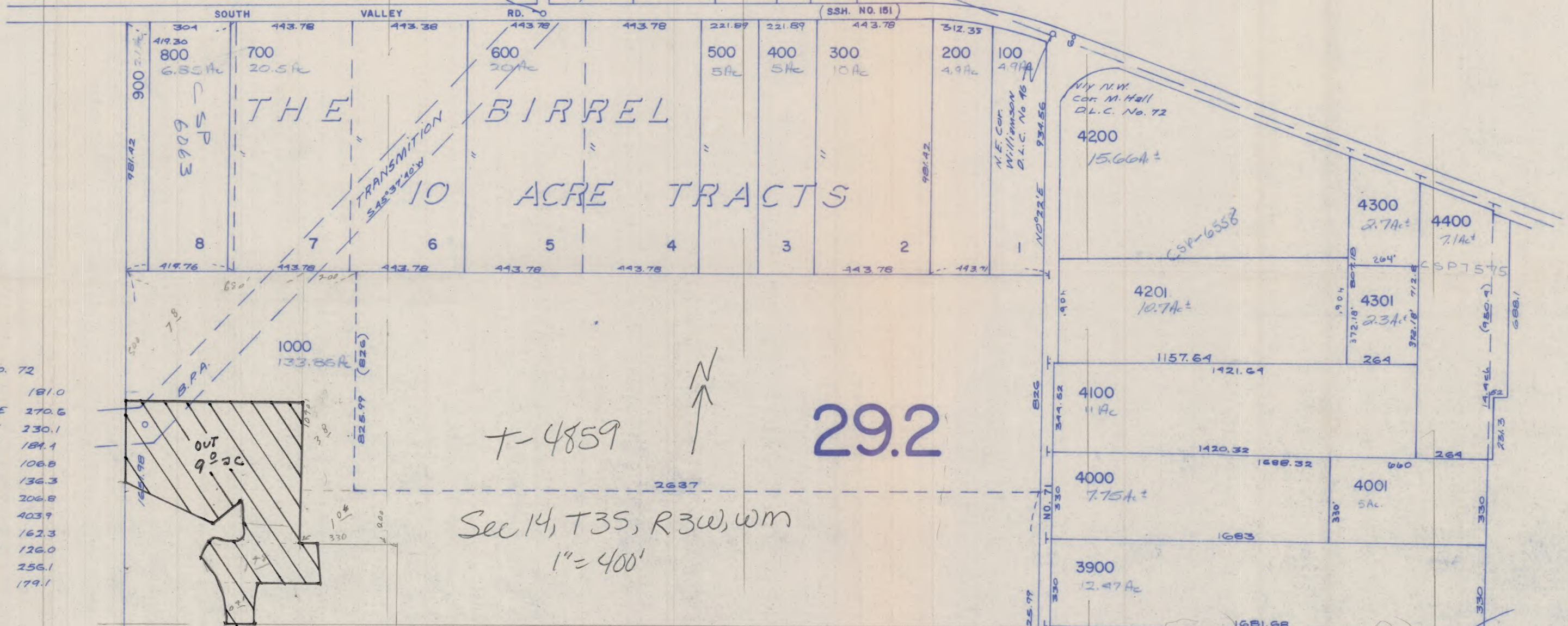
10 11
15 14

11 12
14 13

T-4859

SE. Cor.
J.C. Nelson
D.L.C. No. 95

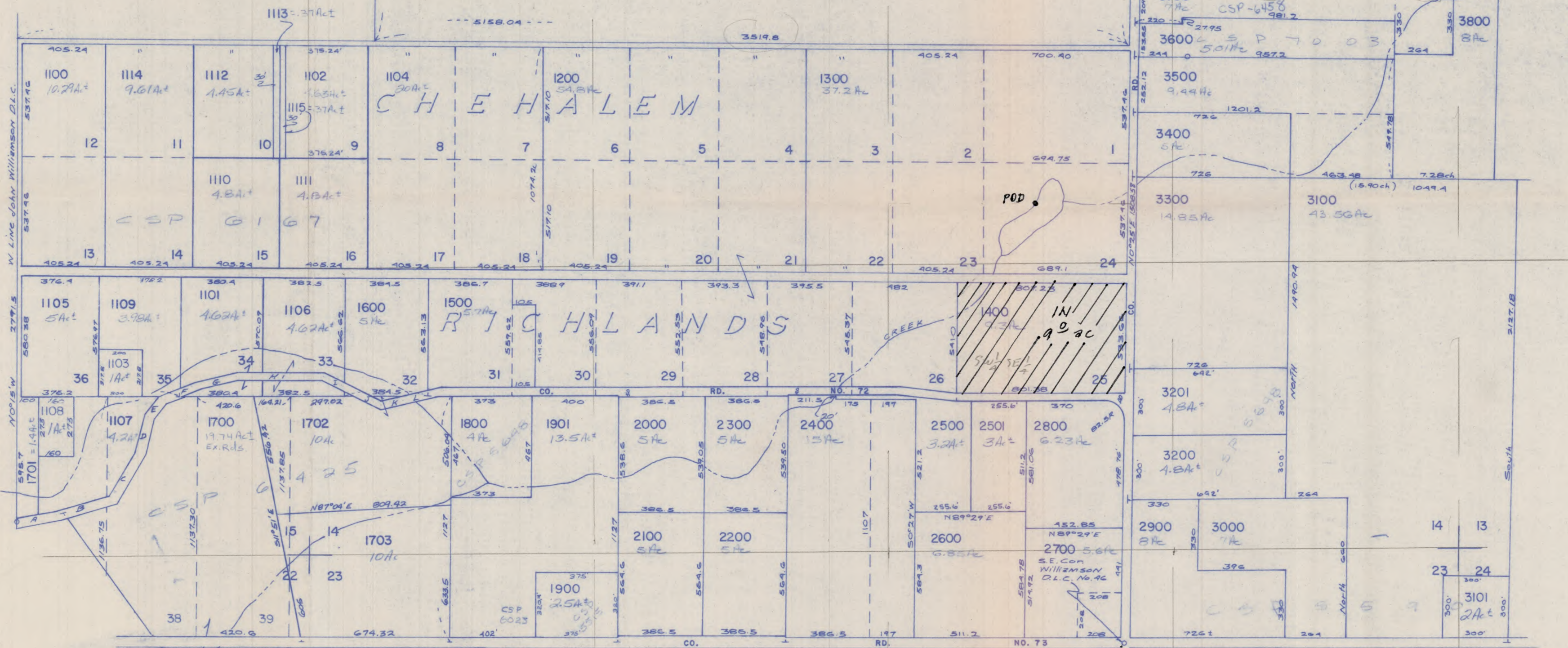
EASEMENT



- Co. RD. No. 72
- A. N74°54'E 181.0
 - B. N73°33'E 370.6
 - C. N24°35'E 230.1
 - D. N13°56'E 184.1
 - E. N37°36'E 106.8
 - F. N70°18'E 136.3
 - G. N76°10'E 206.8
 - H. S89°40'W 403.9
 - I. N63°30'W 162.3
 - J. S63°30'W 126.0
 - K. N76°30'E 256.1
 - L. N76°30'E 179.1

SEE MAP 3 3 15

SEE MAP 3 3 13



SEE MAP 3 3 23



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

March 3, 2000

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

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Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263, or toll free (within Oregon) at 1-800-624-3199, ext. 263.

Front Page of Certificate 76448.

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original to certificate holder, copy to file



STATE OF OREGON
COUNTY OF YAMHILL
PROPOSED CERTIFICATE OF WATER RIGHT

OK
FINAL
2/2/00
deb

THIS CERTIFICATE ISSUED TO

HERRING BROTHERS
c/o BLAND HERRING
ROUTE 3, BOX 196
NEWBERG, OREGON 97132

confirms the right to use the waters of WILLIAMSON CREEK AND RESERVOIR
CONSTRUCTED UNDER APPLICATION NO. R-26385, PERMIT NO. R-1309, a
tributary of CHEHALEM CREEK, for IRRIGATION OF 8.8 ACRES.

This right was perfected under Permit 20999. The date of priority is
AUGUST 31, 1951. The amount of water to which this right is entitled
is limited to an amount actually beneficially used and shall not
exceed 0.074 CUBIC FOOT PER SECOND, or its equivalent in case of
rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 14, AS PROJECTED WITHIN J. WILLIAMSON
DLC 46, TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.; 2030 FEET NORTH AND 450
FEET WEST FROM THE SE CORNER OF DLC 46.

The amount of water used for irrigation, together with the amount
secured under any other right existing for the same lands, is limited
to ONE-EIGHTIETH of one cubic foot per second per acre, or its
equivalent for each acre irrigated and shall be further limited to a
diversion of not to exceed 2 1/2 acre-feet per acre for each acre
irrigated during the irrigation season of each year from direct flow
and storage.

The use shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

A description of the place of use to which this right is appurtenant
is as follows:

SW 1/4 SE 1/4 8.8 ACRES
AS PROJECTED WITHIN J. WILLIAMSON DLC 46
SECTION 14
TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.

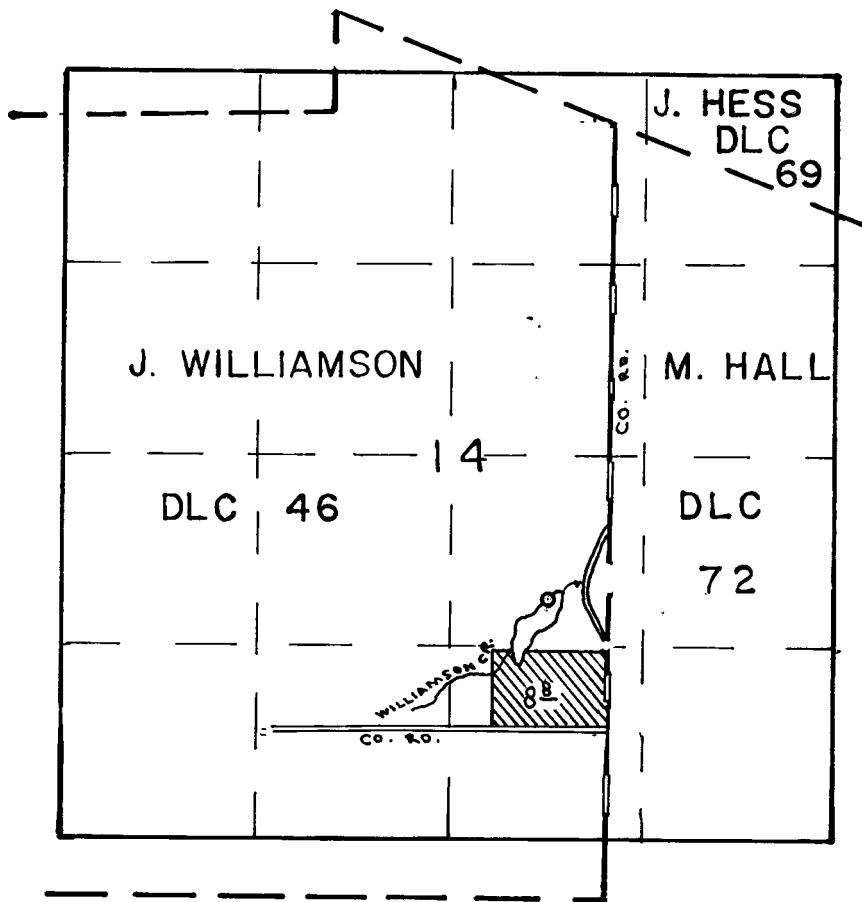
This certificate is issued to confirm a change in place of use
approved by an order of the Water Resources Director entered September
17, 1981, and together with Certificate 50408, supersedes Certificate
28756, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the
status of the water right in regard to the provisions of ORS 540.610
pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted
to beneficial use on the lands or place of use described. The use
confirmed herein may be made only at times when sufficient water is
available to satisfy all prior rights, including rights for
maintaining instream flows.

T-4859. *SB*

T. 3 S., R. 3 W. WM.



DIV. PT. LOC.. 2030' N. & 450' W. OF SE COR. DLC 46

FINAL PROOF SURVEY
UNDER

TRANSFER 4859
IN NAME OF

HERRING BROS.

Surveyed JUL...12... 1984, by ..P....PAGTER.....

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HERRING BROTHERS
FREDERICK C. HERRING

of 717 Sheridan St., Newberg, 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
Williamson Creek & reservoir constructed under Application No. R-26385, Permit No.
R-1309

a tributary of Chehalem Creek for the purpose of
irrigation of 88.8 acres

under Permit No. 20999 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 August 31, 1951

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
0.726 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 Williamson DDC 46,
Section 14, T. 3 S., R. 3 W., W.M., 2,030 ft N & 750 ft W from the SE corner of
Williamson DDC 46.

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 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-1309,

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:

Handwritten calculations: 97.8 / 0.8 = 122.25, 9 / 0.074 = 121.62

- 12.8 acres SW 1/4 NE 1/4
12.6 21.0 acres SW 1/4 NW 1/4 - 9.0 ac (0.074 cfs)
16.5 acres SE 1/4 NE 1/4
17.8 acres NE 1/4 SW 1/4
1.6 acres NW 1/4 SW 1/4
27.5 acres NW 1/4 SE 1/4

Handwritten notes: 8.8 acres SW 1/4, SE 1/4

Section 14
all as projected within Williamson DDC 46
T. 3 S., R. 3 W., W.M.

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 28756, Volume 21, State Record of
Water Right Certificates, NOT modified by the provisions of an order of the
Water Resources Director entered on Sept 17, 1981, approving
transfer application No. 4859.

The issuance of this superseding certificate does not confirm the status of
the water right in regard to the provisions of ORS 540.610 pertaining to
forfeiture or abandonment.

this date. JUNE 9 1961

LEWIS A. STANLEY
State Engineer

REPORT ON INSPECTION OF TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

Transfer No. 4859

County Yamhill

Old Certificate No. 28756

1. Name Herring Bros.

Address Rt 3, Box 196, Newberg, OR 97132

2. Source of Water Williamson Cr. & Res. Trib of _____

3. Use in 192 ac

4. Amount of Water 0.074 cfs

5. Priority Date 8/31/1951

6. Proposed Point of Diversion _____

7. Completion Date 10-1-83

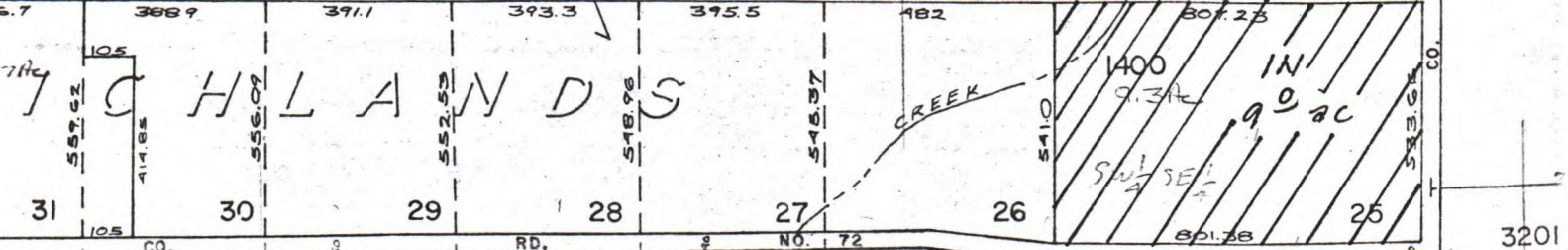
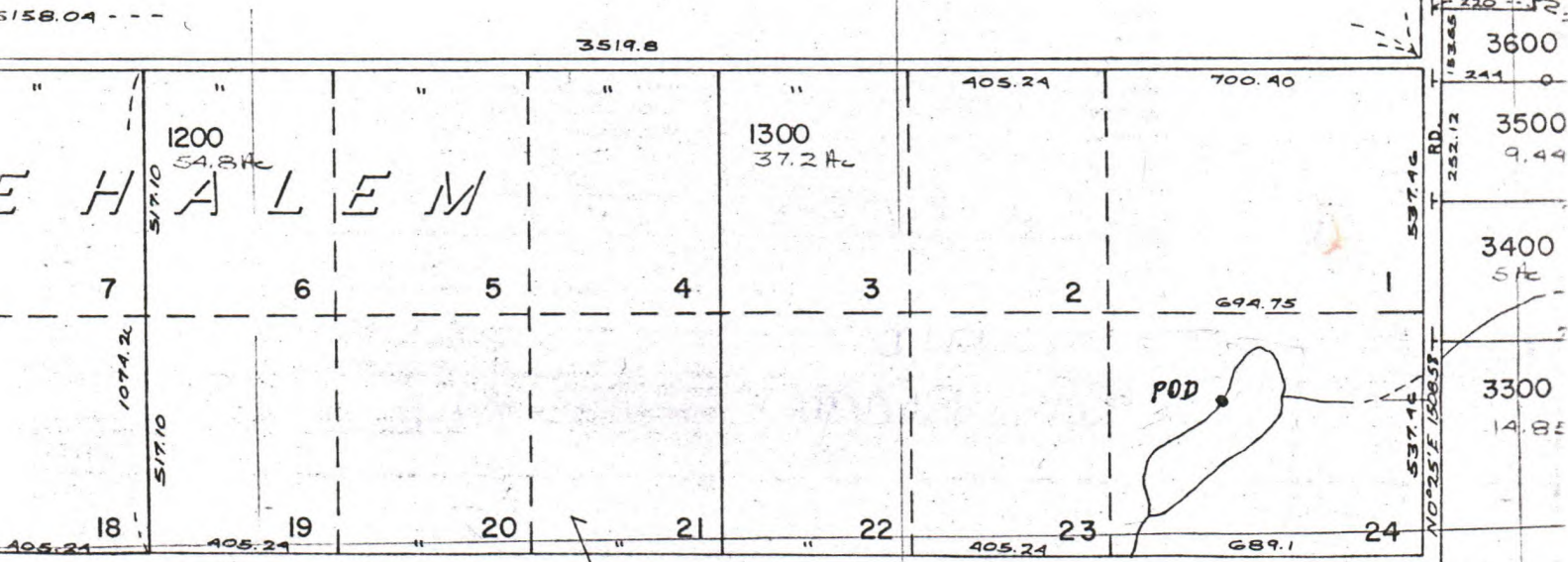
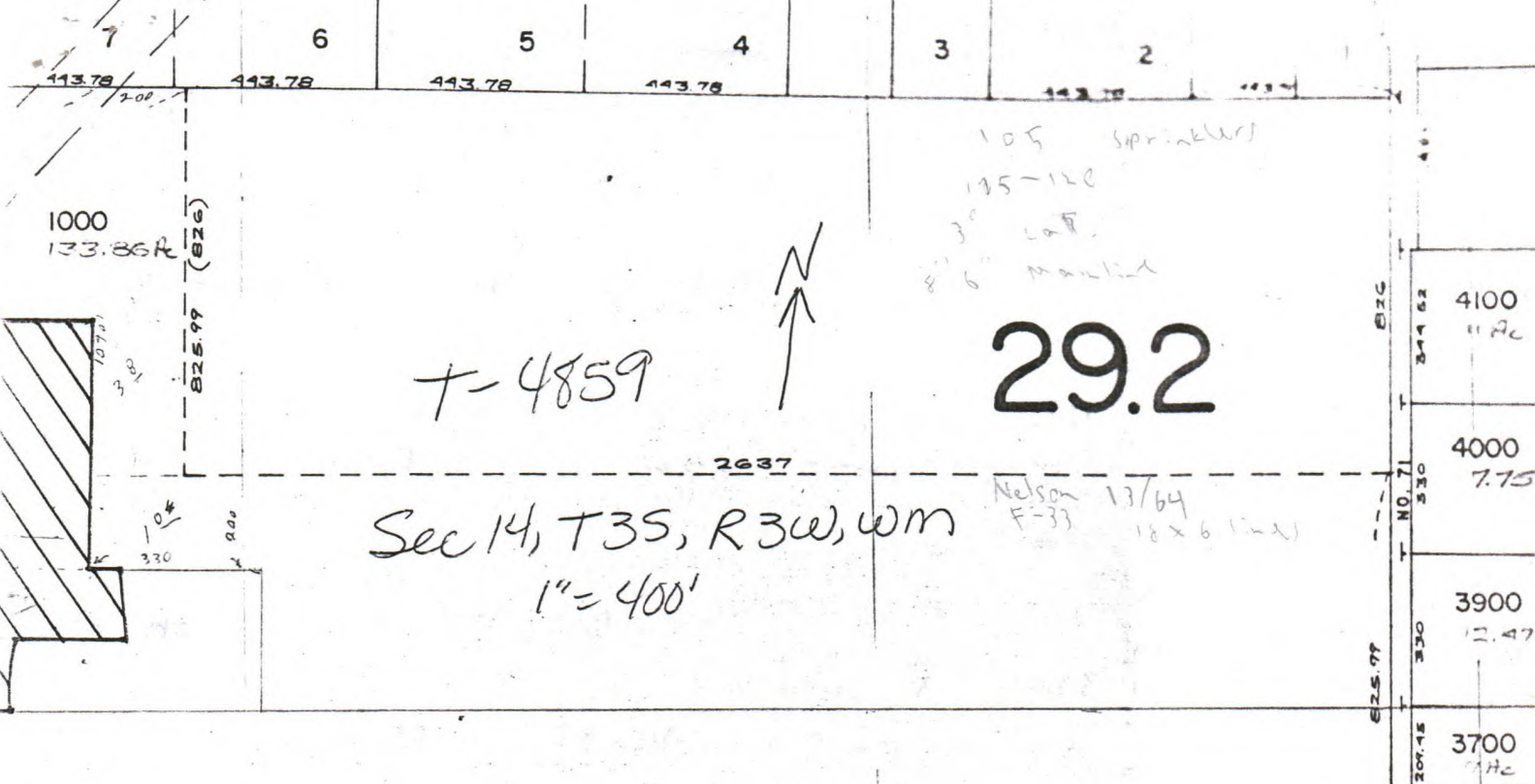
8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>3S</u>	<u>3W</u>	<u>14</u>	<u>SW SE</u>	<u>92 8⁸</u>
			<u>J. Williamson DLC</u>	<u>46</u>

410/1-1/28-131 D
PREP
7/2/84

TRA 345-37

10 ACRE TRACTS



INFO: Talked To Mr ~~Herring~~ ^{Herring}. He showed us how to get to the field he is irrigating, where the pump was, and where the pipe was.

SOURCE: Pumps from a reservoir on Williamson Cr.

PUMP & PIPE

GE pump motor 60 hp @ 3545
Cornell pump 6x4 electric EOD
60 hp @ 55' + 125' = 107' $\frac{(6.6)(60)}{177} = 2.24 \text{ EFS}$
(psi)

1200' 6" mainline (scaled) Additional available on other fields

3240' 3" laterals

108 Nelson F-33 13/64 x 0 105 max

$$\frac{(105)(8.5)}{450} = 1.98 \text{ CFI}$$

LIFT 50'

USE Irrigation of pasture.

TIE: 41091-198-1310

Peter R Pagter 7/2/82 WRE

Philip L. Threlkeld
Asst. WRE 7/2/84

RECEIVED

AUG 16 1982

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use of water from Williamson Cr & Res.

PURSUANT TO TRANSFER APPLICATION NO. 4859

I, _____, hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving said water right transfer application was accomplished by 8-2, 1982

8-12-82

Date

Claudia King
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
Lij



VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

or

1-800-452-7813

(message line)

August 17, 1982

Herring Brothers
Route 3, Box 196
Newberg, Oregon 97132

Dear Gentlemen:

REFERENCE: File T-4859

We have received the Notice of Completion of Works and Use of Water for a change in place of use of water from Williamson Creek and Reservoir, as allowed by Water Right Transfer 4859. A survey will be made at a later date to confirm extent of use.

A new certificate based on the survey will be issued at a later date. In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the order will be evidence of the water right in question as long as the authorized beneficial use of water is continued.

Sincerely,

LUCILLE C. JENSEN
Secretary
Transfer Section

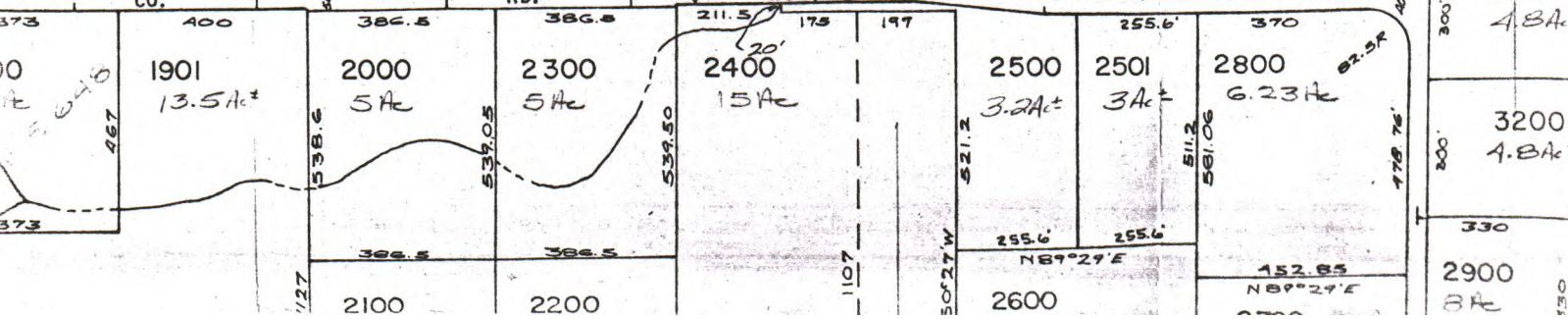
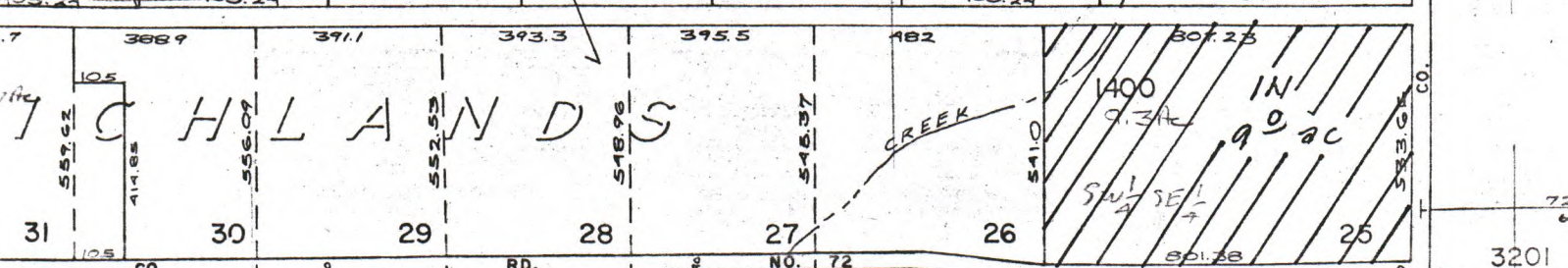
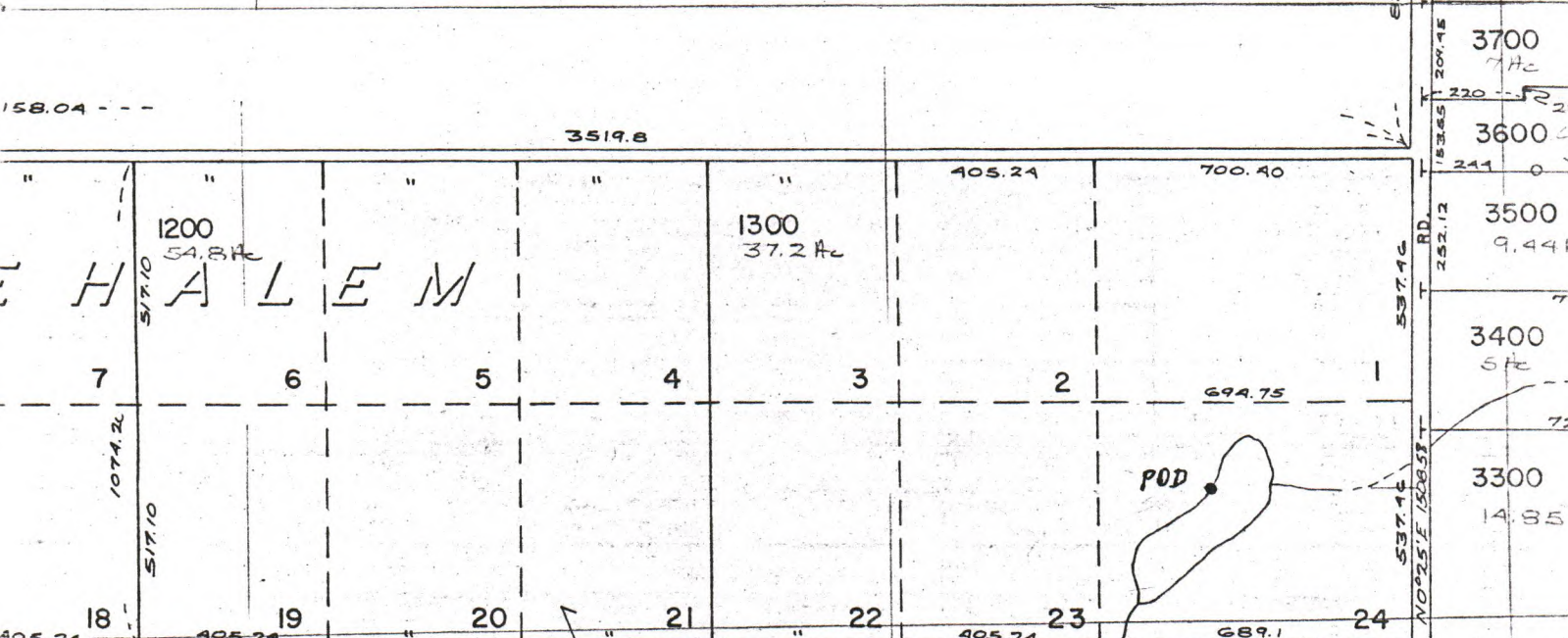
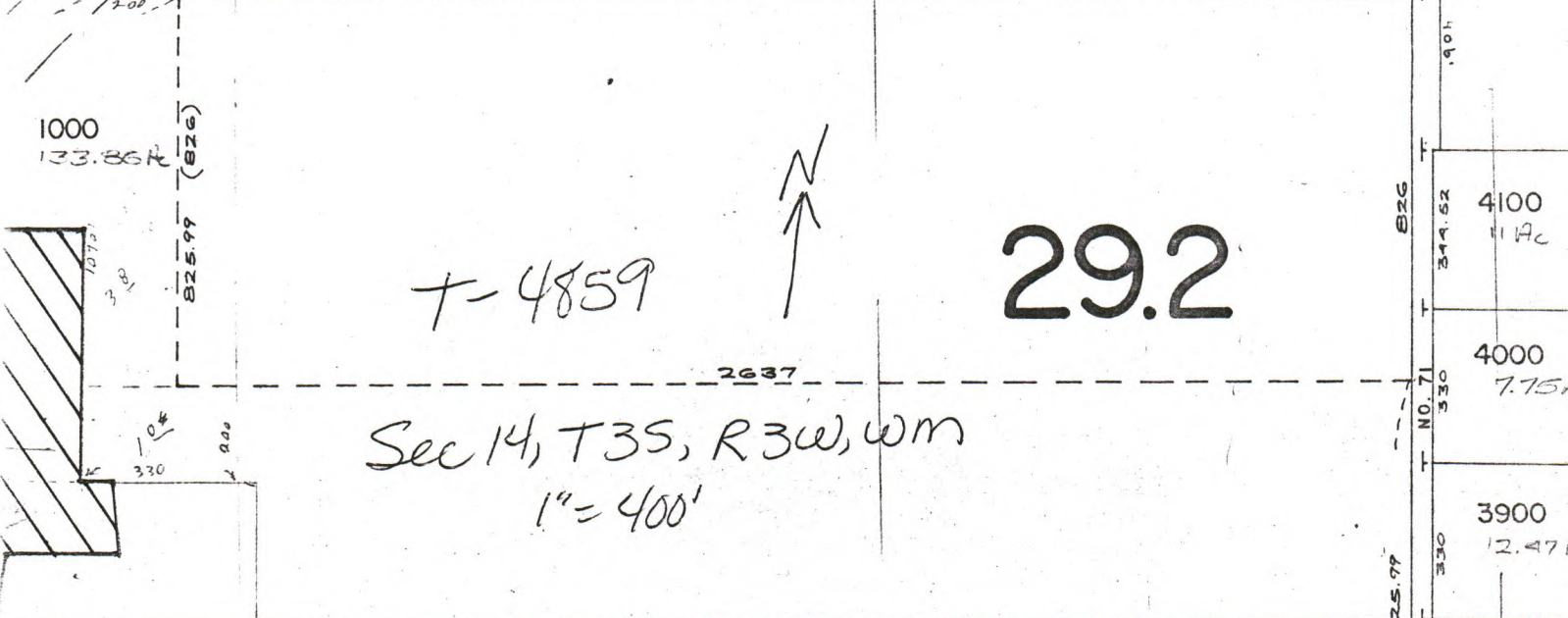
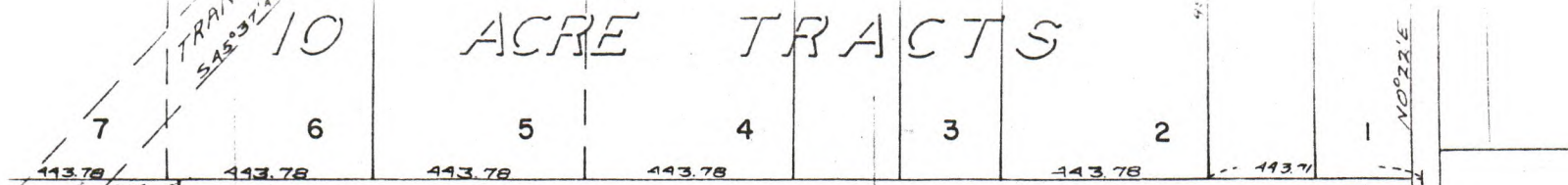
LCJwpc
cc: Michael F. Ledd, Watermaster

0647A
2165B

COPY

10 ACRE TRACTS

10 ACRE TRACTS



4100 11 Ac
4000 7.75 Ac
3900 12.47 Ac
3700 7 Ac
3600 0 Ac
3500 9.44 Ac
3400 5 Ac
3300 14.85 Ac
3201 4.84 Ac
3200 4.84 Ac
330 0 Ac
2900 0 Ac

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FREDERICK C. HERRING**

of **717 Sheriden St., Newberg**, 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 Williamson Creek & reservoir constructed under Application No. R-26385, Permit No. R-1309 a tributary of Chehalem Creek for the purpose of irrigation **of 88.8 acres**

under Permit No. **20999** 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 **August 31, 1951**

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 ~~0.8~~ **0.726** cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NW 1/4 SE 1/4**, as projected within Williamson DLC 46, Section 14, T. 3 S., R. 3 W., W.M., **2,030 ft N, 450 ft W from the SE corner of Williamson DLC 46.**

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 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-1309,

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:

$\frac{97.8}{0.8} = \frac{9}{0.074} = \frac{88.8}{0.726}$

12.8 acres SW 1/4 NE 1/4
12.6 21.6 acres SW 1/4 NW 1/4 - 9.0 ac (0.074 cfs)
16.5 acres SE 1/4 NW 1/4
17.8 acres NE 1/4 SW 1/4
1.6 acres NW 1/4 SW 1/4
27.5 acres NW 1/4 SE 1/4

Section 14
all as projected within Williamson DLC 46
T. 3 S., R. 3 W., W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page **28756**, Volume **21**, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on **Sept 17**, 19**81**, approving transfer application No. **4859**.

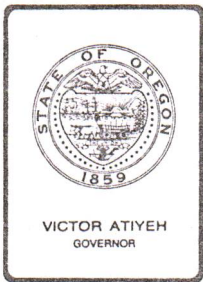
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

this date. JUNE 9 1961

Frederick C Herring

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

Recorded in State Record of Water Right Certificates, Volume **21**, page **28756** **50408**



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 1+800-452-7813
378-3066

September 23, 1981

Herring Brothers
Route 3, Box 196
Newberg, Oregon 97132

REFERENCE: File No. T-4859

Enclosed is a certified copy of the order of the Water Resources Director approving your water right transfer application.

The date for completion is given in the order. When you have completed the change, fill out and return the enclosed completion form.

If your transfer is for change in use or change in place of use, you may lose the right if the change is not made within the time limit noted in the order. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

A survey will be scheduled some time after completion of the authorized change.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Watermaster

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Herring Brothers by Bland Herring
(Name of applicant)
of Rt 3 Box 196, Newberg,
(Mailing address) (City)
State of Oregon, 97132, 97 538-3973, do hereby make application for change
(Zip Code) (Phone number)
Place of use
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Frederick C. Herring
(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
of permit 20999 Number of certificate 28756

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Williamson Creek & Reservoir

5. What is the date of priority of your water right? Aug. 31, 1951

6. The authorized point of diversion is located 2030 ft. N and 450 ft. W from the SE
(N. or S.) (E. or W.)
corner of Williamson DLC 46 being within the NW ¼ SE ¼ of Section 14 Tp. 35 R. 3W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Yamhill The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the ¼ ¼ of Section Tp. R. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
3S	3W	14	SW NW	90

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	Federal Land Bank	42,903 ⁹⁴
Mortgage	Federal Land Bank	34,015 ²⁹

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
3S	3W	14	SWSE	90

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

Make better use of water on more productive soil.

15. Construction work will be completed on or before Oct 1, 1982

16. The water will be completely applied to the proposed use on or before Oct 1, 1982

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Bland Herring, For Herring Brothers, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 7 day of August, 1981

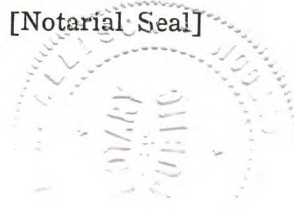
Bland Herring (Name of applicant)

Subscribed and sworn to before me this 7 day of August, 1981

Samuel R Allison

NOTARY PUBLIC FOR OREGON

[Notarial Seal]



My commission expires 10-13-84



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFER SECTION, WATER RIGHTS DIVISION

DATE: AUG 20, 1981

FROM: WATERMASTER, DISTRICT NO. 18

(signature) Michael Ladd

SUBJECT: Water Right Transfer Application 4859 for change in POU POD Use of water

In the name(s) of Herring Bros.

In my opinion (assuming the water right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) of diversion between the authorized and proposed points of diversion? _____

(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- _____ (1) PRIOR to the diverting of water at the new point of diversion
- ~~_____~~ (2) WHEN IN the judgment of the watermaster it becomes necessary

The enclosed copy of the transfer application and map(s) is for your records.



Contains recycled materials

378-3066 or
1-800-452-7813

August 11, 1981

Bland Herring
Route 3, Box 196
Newberg, OR 97132

Dear Mr. Herring:

REFERENCE: File T-4859

Your Water Right Transfer Application in the name of Herring Brothers for approval of a change in place of use of water from Williamson Creek and Reservoir, together with supporting data and fees in the amount of \$30, was received on August 7, 1981. Our Receipt 26323 was handed to you.

By copy of this letter, we are asking the Watermaster for his usual report regarding the proposed change.

When examination of the application and supporting data has been completed, you will be advised of any matters requiring your further attention prior to consideration of the application for approval.

Please refer any correspondence to File T-4859.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wp
enclosure
cc: Michael F. Ladd, Watermaster
1098A
6332A

North Willamette Federal Land Bank Association

745 Commercial N.E. P.O. Box 2168 Salem, Oregon 97308

Carroll R. Nelson, Manager — Telephone (503) 581-7505

T-4859



OREGON CITY BRANCH:

1161 MOLALLA AVE. OREGON CITY, OREGON 97045

L. G. PERKINS, BRANCH MANAGER PHONE: (503) 656-5127

August 7, 1981

Herring Brothers
Route 3, Box 196
Newberg, Oregon 97132

Dear Bland:

We have no objection for you to transfer 10.0 acres of water rights from our loan security to another deeded parcel not under our mortgage.

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

Very truly,

Ellis J. Meeuwsen
Assistant Manager

EJM:cl

