

2456

STATUS OF APPLICATION

Change in Place of Use
Date filed October 8, 1970
Date of hearing _____
Place of hearing _____
✓ Date of order 3-29-71 Vol. 20, page 502
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued July 6, 1971 Vol. 29, page 37649

DESCRIPTION OF WATER RIGHT

Name of stream Berry Creek
Trib. of — County of Yamhill
Use Irrigation
Quantity of water — No. of acres 4 30
Name of ditch —
Date of priority September 28, 1951
In name of Anton J. Paulson
_____ Adjudication, Vol. _____, page _____
App. No. 26516 Per. No. 20783 Cert. No. 22205
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>10-8-70</u>	<u>20.00</u>	<u>21150</u>
TOTAL . . .		
<u>10-8-70</u>	<u>\$1 Cert. Fee</u>	<u>21150</u>

FEES REFUNDED

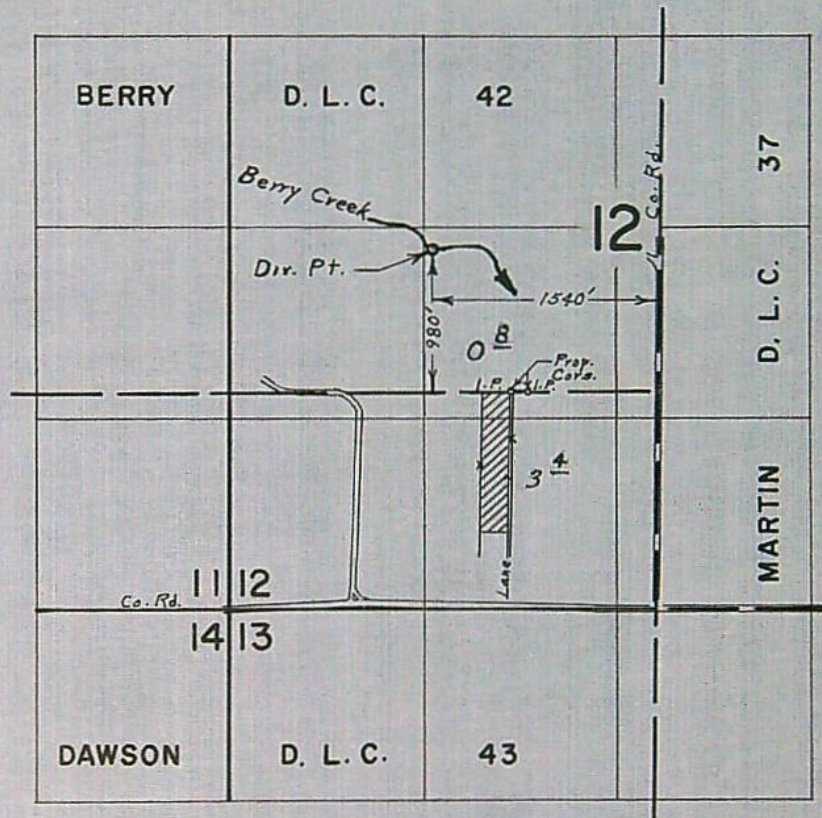
Date	Amount	Check No.
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REMARKS

See Transfer B-156

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	<input checked="" type="checkbox"/> Name	<u>slu</u>	___
	<input checked="" type="checkbox"/> Stream	<u>slu</u>	___
	<input type="checkbox"/> Pt. of Div.	___	___
	<input type="checkbox"/> Calendar	<u>completed</u>	___
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/> Twp. & Rge.	___	___
	<input type="checkbox"/> Decree-vault	___	___
	<input type="checkbox"/> Decree-safe	___	___
	<input checked="" type="checkbox"/> Cert. or W/R	<u>slu</u>	___
	<input checked="" type="checkbox"/> Per. Folder	<u>slu</u>	___
<input type="checkbox"/> Chainindex	___	___	
<input type="checkbox"/> Cross Ref.	___	___	
<input type="checkbox"/> Power Claim	___	___	
<input type="checkbox"/> Abstracts	___	___	

T. 4 S. R. 5 W. W. M.



FINAL PROOF SURVEY
UNDER

Application No. _____ Transfer No. 2456
Permit No. _____
IN NAME OF

H. E. & RUTH E. BLANCHARD

Surveyed June 8, 1970, by L. E. Gould

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H.E. & RUTH E. BLANCHARD

of McMinnville, 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
Berry Creek

a tributary of N. Yamhill River for the purpose of
irrigation of 14.6 acres

under Permit No. 20783 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 28, 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
0.18 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Berry DLC #42,
Section 12, T. 4 S., R. 5 W., W. M. Diversion point located: 980 feet North
and 1540 feet West from SE corner Berry DLC #42

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 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,

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:

7.2 acres	W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Berry	DLC 42
0.8 acre	W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Dawson	DLC 43
3.2 acres	W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Berry	DLC 42
3.4 acres	W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Dawson	DLC 43
Section 12			
T. 4 S., R. 5 W., W. M.			

This certificate is issued to confirm a change in place of use approved by an
order of the State Engineer entered March 29, 1971, and supersedes certificate
of water right heretofore issued to Anton J. Paulson and recorded at page
22205, Volume 16, State Record of Water Right Certificates.

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 date. July 6, 1971

CHRIS L. BEHLER

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF H. E. AND RUTH E. BLANCHARD)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM BERRY)
CREEK)

ORDER APPROVING
TRANSFER NO. 2456

On October 8, 1970, H. E. and Ruth E. Blanchard filed an application in the office of the State Engineer for the approval of a change in place of use of water from Berry Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Anton J. Paulson and recorded at page 22205, Volume 16, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed 0.05 cubic foot per second of water from Berry Creek for irrigation of 0.8 acre in E½ SW¼ NW¼, 2.4 acres in E½ SE¼ NW¼ and 1.0 acre in W½ NE¼ SW¼, as projected within Berry DLC No. 42, Section 12, Township 4 South, Range 5 West, W.M., with a date of priority of September 28, 1951.

By an order entered July 6, 1965, the State Engineer approved a change in place of use of water from the lands above described to the irrigation of 3.03 acres in NE¼ SW¼, 0.2 acre in NW¼ SW¼, 0.06 acre in SW¼ SW¼, and 0.91 acre in SE¼ SW¼, Section 12, Township 4 South, Range 5 West, W.M. Satisfactory proof of complete application of water was submitted.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 0.97 acre in NE¼ SW¼ and 3.23 acres in SE¼ SW¼, Section 12, Township 4 South, Range 5 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 J. 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.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 3.03 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.06 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.91 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 4 South, Range 5 West, W.M., with a date of priority of September 28, 1951, be severed therefrom and simultaneously and without loss of priority, transferred to 0.97 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.23 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 4 South, Range 5 West, W.M.

It is FURTHER ORDERED that no time need be fixed for completion as the change in place of use is completed.

The order entered July 6, 1965, canceled the certificate recorded at page 22205, Volume 16, and provided for issuance of a new certificate confirming the change in place of use approved by that order and including the balance of the lands not involved in the change.

It is FURTHER ORDERED that no certificate be issued in accordance with the order entered July 16, 1965, and in lieu thereof a certificate of water right shall be issued to H. E. and Ruth E. Blanchard confirming the change in place of use of water herein described and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 29th day of March, 1971.

/s/ CHRIS L. WHEELER
State Engineer



OLD COUNCIL TREE
DAVIDSONSKIN
100% COTTON FIBER

Superseded by

Cert. No. _____

Trs. Sp. Or. V. 14 p. 211

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H.E. & Ruth E. Blanchard
ANTON J. PAULSON

of Route 2, Box 222, McMinnville, State of Oregon 97128, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Berry Creek

a tributary of N. Yamhill River for the purpose of irrigation of 14.6 acres under Permit No. 20783 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 28, 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 0.18 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 NE 1/4 SW 1/4, as projected within Berry DLC #42, Section 12, Township 4 South, Range 5 West, W. M.

Div. Pt. loc. 980 ft. N. & 1540 ft. W. from S.E. Cor. Berry DLC 42
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 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,

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:

~~0.8 acres in the E 1/4 SW 1/4~~
~~2.4 acres in the E 1/4 SE 1/4~~
~~7.2 0.2 acres in the W 1/2 E 1/4 SW 1/4 w/in Berry DLC 42~~
~~3.2 acres in the W 1/2 SW 1/4 w/in Dawson DLC 43~~
~~all as projected within Berry DLC #42~~
Section 12
Township 4 South, Range 5 West, W. M.

7.2 ac. W 1/2 NE 1/4 SW 1/4 Berry DLC 42
0.8 " " " Dawson DLC 43
3.2 ac W 1/2 NW 1/4 SW 1/4 Berry DLC 42
3.4 ac. W 1/2 SE 1/4 SW 1/4 Dawson DLC 43

This certificate is issued to confirm a change in pl. of use approved by an order of the State Engineer entered Mar. 29, 1971, and supersedes certificate of water right heretofore issued to Anton J. Paulson and recorded at page 22205, Volume 16, State Record of Water Right Certificates.