

T. S. Boyer,  
2966 Route 1, Box 298,  
Mc Minnville, Or.

2966

STATUS OF APPLICATION

Change in point of diversion  
Date filed 1-30-74  
Date of hearing 5-30-74  
Place of hearing Mc Minnville  
Date of order 5-4-74 Vol. 24, page 475  
Date for application of water 10-1-75  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued JAN 19 1979 Vol. 40, page 47249

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream South Yamhill River  
Trib. of \_\_\_\_\_ County of Yamhill  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 52.3  
Name of ditch \_\_\_\_\_  
Date of priority Aug. 18, 1939  
In name of Theodore J. & Dorothea M. Boyer  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 18355 Per. No. 13980 Cert. No. 24179  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>1-30-74</u>	<u>30.00</u>	<u>38461</u>
<u>1-30-74</u>	<u>45.00 P.O.N.</u>	<u>38462</u>
TOTAL . . .		
<u>5-7-74</u>	<u>1/50</u> Cert. Fee	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>5-7-74</u>	<u>\$3.73 P.O.N.</u>	<u>5764</u>

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<u>W H</u>	Name	<u>✓</u>	_____
<u>W H</u>	Stream	<u>✓</u>	_____
<u>W H</u>	Pt. of Div.	<u>✓</u>	_____
<u>W H</u>	Calendar	<u>✓</u>	_____
<u>W H</u>	CHECKED TO RECORDS:		
<u>W H</u>	Twp. & Rge.	<u>✓</u>	_____
<u>W H</u>	Decree-vault	_____	_____
<u>W H</u>	Decree-sale	_____	_____
<u>W H</u>	Cert. of W/R	<u>✓</u>	_____
<u>W H</u>	Per. folder	<u>✓</u>	_____
_____	Chainindex	_____	_____
_____	Cross Ref.	_____	_____
_____	Power Claim	_____	_____
_____	Abstracts	_____	_____

chkd LRS



## STATE OF OREGON

COUNTY OF YAMHILL

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

T. J. Boyer

~~THEODORE J. and DOROTHEA M. BOYER~~

of Rt. 1, Box <sup>228</sup>~~200~~, McMinnville, State of Oregon <sup>97128</sup>, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Yamhill River a tributary of Yamhill River for the purpose of irrigation of 52.3 acres under Permit No. 13980 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 18, 1939,

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 0.45 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 $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Edison DLC #38, SE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within Garrison DLC #40, Section 5; SW $\frac{1}{4}$  NW $\frac{1}{4}$  & NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Edison DLC #38, Lot 3 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ), NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Garrison DLC #40, Section 4; Township 5 South, Range 4 West, W.M.~~

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:

- 10.1 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Edison DLC #38
  - 5.6 acres Lot 3 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ )
  - 3.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Edison DLC #38
  - 4.4 acres Lot 4 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ )
  - 4.1 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Garrison DLC #40 Section 4
  - 1.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Edison DLC #38
  - 19.5 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Edison DLC #38
  - 0.5 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Edison DLC #38
  - 0.1 acres Lot 1 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ )
  - 3.2 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Garrison DLC #40
  - 0.2 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Garrison DLC #40 Section 5
- Township 5 South, Range 4 West, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the land use herein described.

This certificate is issued to confirm a change in points of diversion approved by an order of the WRD entered May 4, 1974 and supersedes certificate of water right recorded on Page 24179, Volume 17, SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

WILLIAM A. GINNIE

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24179

P.O.D.: Lot 3 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) NW $\frac{1}{4}$  SW $\frac{1}{4}$  within Garrison DLC #40 Sec 4, SE $\frac{1}{4}$  SE $\frac{1}{4}$  within Garrison DLC #40, Sec 5  
T55 RAW WM; No. 1 - 1450'S E 1260'E from the NW cor Sec 4, No. 4 - 200' N E 570'E, No. 6 - 200'S E  
70' W both from the SW cor NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 4

204  
504  
2/15



BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION }  
OF T. J. BOYER FOR THE APPROVAL }  
OF A CHANGE IN POINTS OF DIVERSION }  
OF WATER FROM SOUTH YAMHILL RIVER }

ORDER APPROVING  
TRANSFER NO. 2966

On January 10, 1974, T. J. Boyer filed an application in the office of the State Engineer for the approval of a change in points of diversion of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Theodore J. and Dorothea M. Boyer and recorded at page 24179, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.45 cubic foot per second of water from South Yamhill River for the irrigation of 15.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 12.1 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, 1.0 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 19.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and 0.2 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of August 18, 1939. These lands are irrigated from point of diversion located: (1) 1050 feet South and 125 feet East from the Northwest corner of Section 4, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, (2) 1375 feet South and 1000 feet East from the Northwest corner of Section 4, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, (3) 2600 feet South and 400 feet East from the Northwest corner of Section 4, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, (4) 3500 feet South and 600 feet East from the Northwest corner of Section 4, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, (5) 850 feet South and 250 feet West from the Northwest corner of Section 4, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, and (6) 3850 feet South and 175 feet West from the Northwest corner of Section 4, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, all in Township 5 South, Range 4 West, W.M.



The applicant herein, owner of lands above described, proposes to maintain diversion points 4 and 6, and to establish a new diversion point to be located 1830 feet South and 1520 feet East from the Northwest corner of Section 4, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 5 South, Range 4 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in points of diversion of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on May 30, 1974, at 9:30 a.m. The notice was published in the News Register a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of April 3, 10, and 17, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

No objections having been filed and it appearing that the proposed change in points 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 from South Yamhill River, to wit:

From points (1) 1050 feet South and 125 feet East from the Northwest corner of Section 4, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, (2) 1375 feet South and 1000 feet East from the Northwest corner of Section 4, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, (3) 2600 feet South and 400 feet East from the Northwest corner of Section 4, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, (5) 850 feet South and 250 feet West from the Northwest corner of Section 4, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5 all in Township 5 South, Range 4 West, W.M.



To a point to be located 1830 feet South and 1520 feet East from the Northwest corner of Section 4, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 5 South, Range 4 West, W.M.

and the applicant shall be allowed to maintain the points of diversion located (4) 3500 feet South and 600 feet East from the Northwest corner of Section 4, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, and (6) 3850 feet South and 175 feet West from the Northwest corner of Section 4, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, all in Township 5 South, Range 4 West, W.M.

for the irrigation of 15.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 12.1 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, 1.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 19.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and 0.2 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of August 18, 1939, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in points of diversion of water made on or before October 1, 1975.

It is FURTHER ORDERED that the quantity of water diverted at the three points of diversion shall not exceed the quantity of water available at the old points of diversion, and shall not exceed 0.45 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points of diversion as herein confirmed.

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Theodore J. and Dorethea M. Boyer and recorded at Page 24179, Volume 17, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized



changes in points of diversion, a certificate of water right shall be issued to T.J. Boyer confirming the changes in points of diversion.

Dated at Salem, Oregon, this 4th day of May, 1974.

CHRIS L. WHEELER  
State Engineer



"EXHIBIT A"

AFFIDAVIT OF PUBLICATION

NOTICE OF  
FILING APPLICATION  
FOR A CHANGE  
IN POINT OF  
DIVERSION OF WATER

Notice is given hereby that T. J. Boyer has filed an application for the approval of a change in point of

diversion of water from South Yamhill River.

Certificate of water right issued to Theodore J. and Dorothea M. Boyer and recorded at page 24179, Vol. 17, State Record of Water Right Certificates, confirms a right to the use of 0.45 cubic foot per second from South Yamhill River for the irrigation of 15.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$  and 12.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 4; 1.0 acre in

NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 19.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 3.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$  and 0.2 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 5, T. 5 S., R. 4 W., W.M., with a date of priority of August 18, 1939.

Water for this use is diverted by means of six diversion points in T. 5 S., R. 4 W., W.M., as follows: (1) 1050 ft. S and 125 ft. E within SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 4, (2) 1375 ft. S and 1000 ft. E., within SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 4 (3) 2600 ft. S and 400 ft. E.,

within NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 4 (4) 3500 ft. S. and 600 ft. E., within NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 4 (5) 850 ft. S. and 250 ft. W., within NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 5 (6) 3850 ft. S. and 175 ft. W., within SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 5.

The applicant herein, owner of the lands above described, proposes to maintain diversion points 4 and 6, and to establish a new diversion point to be located 1830 ft. S. and 1520 ft. E. from the

NW corner of Sec. 4, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 4, T. 5 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on May 30, 1974, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on T. J. Boyer, Route 1, Box 298, McMinnville, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 26th day of March, 1974.

CHRIS L. WHEELER  
State Engineer

Date of first publication, April 3, 1974

Date of last publication, April 17, 1974

NEWS-REGISTER, a newspaper of general circulation as defined

193.010 and O.R.S. 193.020, published twice each week at McMinnville

of Yamhill, State of Oregon, and that the Notice of filing

for a change of point of diversion water

B. J. Boyer, a printed copy of which is hereto

and marked Exhibit "A", was published in the entire issue of said

for three successive and consecutive weeks in the following

4/3, 4/10, 4/17/74

Subscribed and sworn before me this 18 day of April,

1974

Philip B. Brandt  
Notary Public for Oregon. 7-22-75  
My Commission Expires January 2, 1976





## AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Yamhill

ss.

I, Homer Rohse, being first duly sworn,  
depose and say that I am the Advertising Manager of the  
NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S.  
193.010 and O.R.S. 193.020, published twice each week at McMinnville, County  
of Yamhill, State of Oregon, and that the Notice of filing applic-  
for a change of point of diversion water by  
B. J. Boyer, a printed copy of which is hereto annexed  
and marked Exhibit "A", was published in the entire issue of said newspaper  
for three successive and consecutive weeks in the following issues:  
4/3, 4/10, 4/17/74

Subscribed and sworn before me this 18 day of April,  
1974.

[Signature]  
Notary Public for Oregon. 7-22-75  
My Commission Expires January 1, 1975