

2806 Lyle Torkham
St. Louis, Mo.
McMinville

2806

STATUS OF APPLICATION

Change in Place of Use
Date filed MAY 10, 1973
Date of hearing _____
Place of hearing _____
Date of order July 3, 1973 Vol. 23, page 231
Date for application of water October 1, 1973
Proof mailed _____
Proof received _____
Certificate issued NOV 21 1973 Vol. 31, page 39612

JAN 18 1977 Vol. 36 pg. 44121

DESCRIPTION OF WATER RIGHT

Name of stream So. Yamhill
Trib. of _____ County of Yamhill
Use Irrigation
Quantity of water _____ No. of acres 102
Name of ditch _____
Date of priority MAY 15, 1939
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 18050 Per. No. 13718 Cert. No. 33397
Certificate cancelled _____
Notation made on record by _____

REMARKS

T-8695 Δ GOVT ACTION PGD

See also 2807

FEES PAID

Date	Amount	Receipt No.
<u>5-10-73</u>	<u>20.00</u>	<u>33733</u>
TOTAL . . .		
<u>5-10-73</u>	<u>1.50</u> Cert. Fee	<u>33734</u>
<u>11-29-76</u>	<u>2.00</u>	<u>57021</u>

FEES REFUNDED

Date	Amount	Check No.

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

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF LYLE TRESHAM FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM SOUTH YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 2806

On May 10, 1973, Lyle Tresham, filed an application in the office of the State Engineer for the approval of a change in place of use of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to J. S. Tresham and recorded at page 33397, Volume 25, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.39 cubic feet per second of water from South Yamhill River for the irrigation of, among other lands, 6.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of May 15, 1939. These lands are irrigated from a point of diversion located 410 feet North and 440 feet East from the Easterly SE corner of Martin D.L.C. No. 37, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 8.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, and 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 5 South, Range 4 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.

Loyd Tresham, mortgage holder of the land involved, has submitted written approval of the changes in place of use of water.

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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to 6.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of May 15, 1939, be severed therefrom and simultaneously and without loss of priority transferred to 8.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5 and 0.1 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 5 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to J. S. Tresham and recorded at page 33397, Volume 25, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Lyle Tresham confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 3rd day of July, 1973.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is To Certify, That ^{Lyle} ~~J. S.~~ TRESHAM

of Route 1, Box ¹⁸¹ ~~113~~, 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 South Yamhill River a tributary of Yamhill River for the purpose of irrigation of ~~32.9~~ ^{10 ac} acres under Permit No. 13718 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 May 15, 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 ~~0.39~~ cubic foot per second

0.12

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Edson DLC 38, Section 5, T. 5 S., R. 4 W., W. M., ^{410' N & 440' E from the most easterly SE cor. of Martin DLC 37}

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:

~~7.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ both DLC 40
2.2 SW $\frac{1}{4}$ SE $\frac{1}{4}$~~
~~4.7 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Edson DLC 38
 5.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Edson DLC 38
 1.3 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Garrison DLC 40
 0.9 acre Lot 1 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
 6.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Edson DLC 38
 3.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Edson DLC 38
 8.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Garrison DLC 40
 0.9 acre Lot 1 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
 0.6 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Garrison DLC 40
 0.3 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Garrison DLC 40~~

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

Certificate of Water Right issued to J. S. Tresham and recorded at page 14228, Volume 12, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 43.3 acres. Subsequently, the right to the use of water appurtenant to 10.4 acres was canceled by order of the State Engineer entered October 19, 1966. This certificate is issued to confirm the remaining right to the use of water for irrigation and also to show the correct location of place of use, and supersedes the certificate heretofore issued to J. S. Tresham.

This certificate is issued to confirm a change in place of use

approved by an order of the Water Resources Director entered July 3, 1973

together with cert 39612 33397
and supersedes certificate of water right issued to

and supersedes certificate of water right issued to

and recorded at Page _____, Volume _____, State Record of Water Right Certificates.

this 13 day of December, 1966.

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33397.