

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 229
Date for application of water October 1, 1973
Proof mailed _____
Proof received _____
Certificate issued JAN 18 1977 Vol. 36, page 44122

DESCRIPTION OF WATER RIGHT

Name of stream So. Yamhill River
Trib. of _____ County of Yamhill
Use Irrigation
Quantity of water _____ No. of acres 10⁰
Name of ditch _____
Date of priority April 30, 1965
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 40826 Per. No. 30415 Cert. No. _____
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-10-73</u>	<u>20.00</u>	<u>33735</u>
TOTAL . . .		
11-11-76	<u>60</u> Cert. Fee	57084

FEES REFUNDED

Date	Amount	Check No.

REMARKS

T 2695 Δ Govt Action PoD SP 3/21/01 V 55 P 297 See also 2806

	INDEX CARDS:		Entered	Checked
	TO BE ENTERED WHERE CHECKED			
<input checked="" type="checkbox"/>	Name		<u>st</u>	
<input checked="" type="checkbox"/>	Serial		<u>st</u>	
<input checked="" type="checkbox"/>	It. of Div.			
<input checked="" type="checkbox"/>	Calendar		<u>st</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Top. Page.		<u>st</u>	
<input type="checkbox"/>	Deed-suit			
<input type="checkbox"/>	Deed-sale			
<input checked="" type="checkbox"/>	Cert. of W/R			
<input checked="" type="checkbox"/>	Per. Folder		<u>st</u>	
<input type="checkbox"/>	Chaindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input type="checkbox"/>	Abstracts			

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A GOVERNMENT ACTION CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510(6), after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8695 submitted by

LYLE TRESHAM
9005 TRESTLE VIEW LANE
MCMINNVILLE, OREGON 97128.

The first right to be modified, as evidenced by Certificate 39612, was perfected under Permit 13718 with a date of priority of MAY 15, 1939. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 22.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.27 cubic foot per second, if available at the authorized point of diversion: SE¼ NW¼, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 44121, was perfected under Permit 13718 with a date of priority of MAY 15, 1939. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 10.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the authorized

This is an 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 the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

point of diversion: 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 FEET NORTH AND 440 FEET EAST FROM THE MOST EASTERLY SE CORNER OF MARTIN DLC 37, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified, as evidenced by Certificate 44122, was perfected under Permit 30415 with a date of priority of APRIL 30, 1965. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 63.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.79 cubic foot per second, if available at the authorized point of diversion: 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 FEET NORTH AND 440 FEET EAST FROM THE MOST EASTERLY SE CORNER OF MARTIN DLC 37, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

PERMIT 13718

NW¼ NE¼ 4.7 ACRES
SW¼ NE¼ 0.7 ACRE
BOTH AS PROJECTED WITHIN
EDSON DLC 38
SW¼ NE¼ 0.8 ACRE
AS PROJECTED WITHIN
GARRISON DLC 40

NE¼ NW¼ 6.4 ACRES
SE¼ NW¼ 0.9 ACRE
BOTH AS PROJECTED WITHIN
EDSON DLC 38
LOT 1 (SE¼ NW¼) 0.3 ACRE
SE¼ NW¼ 8.2 ACRES
NE¼ SW¼ 0.6 ACRE
NW¼ SE¼ 0.3 ACRE
ALL AS PROJECTED WITHIN
GARRISON DLC 40

SECTION 5

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

CERTIFICATE 44121

SE¼ SW¼ 7.8 ACRES
SW¼ SE¼ 2.2 ACRES
BOTH AS PROJECTED WITHIN GARRISON DLC 40
SECTION 5

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

CERTIFICATE 44122

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.2 ACRES	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.4 ACRE
AS PROJECTED WITHIN	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 ACRES
EDSON DLC 38	BOTH AS PROJECTED WITHIN
LOT 1 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 0.6 ACRE	GARRISON DLC 40
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 ACRE	SECTION 8
AS PROJECTED WITHIN	
GARRISON DLC 40	
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 ACRES	
AS PROJECTED WITHIN	
EDSON DLC 38	
LOT 1 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 1.0 ACRE	
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.8 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23.2 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.9 ACRE	
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.0 ACRES	
ALL AS PROJECTED WITHIN	
GARRISON DLC 40	
SECTION 5	

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to existing minimum flow policies established by the Water Policy Review Board.

The Oregon Department of Transportation will be constructing a bridge abutment where the authorized point of diversion is located. As a result of this government action, the applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M.; 378 FEET NORTH AND 620 FEET EAST FROM THE EASTERLY SE CORNER OF H. D. MARTIN DLC 37.

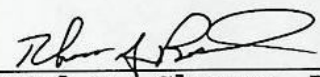
THIS CHANGE TO AN EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.

2. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same surface water source as the original point of diversion.

Certificates 39612, 44121, and 44122 are cancelled. New certificates will be issued to confirm these water rights.

WITNESS the signature of the Water Resources
Director, affixed MAR 21 2001.



Paul R. Cleary, Director
For

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRESTLE VIEW FARMS
9005 SW TRESTLE VIEW LANE
MCMINNVILLE, OREGON 97128

confirms the right to use the waters of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 22.9 ACRES.

This right was perfected under Permit 13718. The date of priority is MAY 15, 1939. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.27 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE AUTHORIZED POINT OF DIVERSION, DESCRIBED AS LOCATED WITHIN THE SE¼ NW¼, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M.), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW¼ NE¼, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M.; 378 FEET NORTH AND 620 FEET EAST FROM THE EASTERLY SE CORNER OF H. D. MARTIN DLC 37.

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 2¼ acre-feet for each acre irrigated during the irrigation season of each year.

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:

NW¼ NE¼ 4.7 ACRES
SW¼ NE¼ 0.7 ACRE
BOTH AS PROJECTED WITHIN
EDSON DLC 38
SW¼ NE¼ 0.8 ACRE
AS PROJECTED WITHIN
GARRISON DLC 40

NE¼ NW¼ 6.4 ACRES
SE¼ NW¼ 0.9 ACRE
BOTH AS PROJECTED WITHIN
EDSON DLC 38
LOT 1 (SE¼ NW¼) 0.3 ACRE
SE¼ NW¼ 8.2 ACRES
NE¼ SW¼ 0.6 ACRE
NW¼ SE¼ 0.3 ACRE
ALL AS PROJECTED WITHIN
GARRISON DLC 40

SECTION 5

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

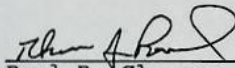
This certificate is issued to confirm a GOVERNMENT ACTION CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered _____, approving Transfer Application 8695, and supercedes Certificate 39612, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources

Director, affixed _____.


Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 76822.

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRESTLE VIEW FARMS
9005 SW TRESTLE VIEW LANE
MCMINNVILLE, OREGON 97128

confirms the right to use the waters of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 10.0 ACRES.

This right was perfected under Permit 13718. The date of priority is MAY 15, 1939. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE AUTHORIZED POINT OF DIVERSION, DESCRIBED AS LOCATED WITHIN 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 FEET NORTH AND 440 FEET EAST FROM THE MOST EASTERLY SE CORNER OF MARTIN DLC 37), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M.; 378 FEET NORTH AND 620 FEET EAST FROM THE EASTERLY SE CORNER OF H. D. MARTIN DLC 37.

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 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

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:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.2 ACRES
BOTH AS PROJECTED WITHIN GARRISON DLC 40
SECTION 5

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

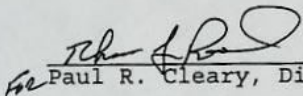
This certificate is issued to confirm a GOVERNMENT ACTION CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered _____, approving Transfer Application 8695, and supercedes Certificate 44121, State Record of Water Right Certificates.

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 _____.


For Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 76823.

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRESTLE VIEW FARMS
9005 SW TRESTLE VIEW LANE
MCMINNVILLE, OREGON 97128

confirms the right to use the waters of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 63.3 ACRES.

This right was perfected under Permit 30415. The date of priority is APRIL 30, 1965. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.79 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE AUTHORIZED POINT OF DIVERSION, DESCRIBED AS LOCATED WITHIN 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 FEET NORTH AND 440 FEET EAST FROM THE MOST EASTERLY SE CORNER OF MARTIN DLC 37), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M.; 378 FEET NORTH AND 620 FEET EAST FROM THE EASTERLY SE CORNER OF H. D. MARTIN DLC 37.

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 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

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 $\frac{1}{4}$ NE $\frac{1}{4}$ 5.2 ACRES	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.4 ACRE
AS PROJECTED WITHIN	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 ACRES
EDSON DLC 38	BOTH AS PROJECTED WITHIN
LOT 1 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 0.6 ACRE	GARRISON DLC 40
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 ACRE	SECTION 8
AS PROJECTED WITHIN	
GARRISON DLC 40	
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 ACRES	
AS PROJECTED WITHIN	
EDSON DLC 38	
LOT 1 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 1.0 ACRE	
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.8 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23.2 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.9 ACRE	
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.0 ACRES	
ALL AS PROJECTED WITHIN	
GARRISON DLC 40	
SECTION 5	

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

This certificate is issued to confirm a GOVERNMENT ACTION CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered _____, approving Transfer Application 8695, and supercedes Certificate 44122, 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 _____.


Paul Cleary, Director

Recorded in State Record of Water Right Certificates numbered 76824.

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. 2807

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.

Permit No. 30415 was issued in the name of Lyle Tresham, for the use of not to exceed 0.79 cubic feet per second of water from South Yamhill River for the irrigation of, among other lands, 8.4 acres in SE¼ SW¼, 1.5 acres in SW¼ SE¼, Section 5, and 0.1 acre in NW¼ NE¼, Section 8, Township 5 South, Range 4 West, W.M., with a date of priority of April 30, 1965. 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 SE¼ NE¼, Section 5, Township 5 South, Range 4 West, W.M. Proof satisfactory to the State Engineer of complete application of water to beneficial use was submitted June 4, 1973.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 6.5 acres in SW¼ NE¼, and 3.5 acres in SE¼ NW¼, Section 5, 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 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., with a date of priority of April 30, 1965, be severed therefrom and simultaneously and without loss of priority transferred 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.

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 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 and including the balance of the lands for which proof of appropriation of water under Permit 30415 was submitted.

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

/s/ CHRIS L. WHEELER
State Engineer