

2809 Carl Edwards
525 W. 18th Place
McMinnville, Ore.

2809 - OK

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 235
Date for application of water October 1, 1973
Proof mailed _____
Proof received _____
Certificate issued NOV 21 1973 Vol. 31, page 39614

DESCRIPTION OF WATER RIGHT

Name of stream So. Yamhill River
Trib. of _____ County of Yamhill
Use Irrigation
Quantity of water _____ No. of acres 180
Name of ditch _____
Date of priority November 17, 1952
In name of M. Swartzentruber
_____ Adjudication, Vol. _____, page _____
App. No. 27827 28727 Per. No. 21888 Cert. No. 22229
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-10-73</u>	<u>20.00</u>	<u>33737</u>
TOTAL . . .		
<u>5-10-73</u>	<u>1.50</u> Cert. Fee	<u>33738</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See 2808 & 2810 - Switch in priority - no new lands. See also 2808 & 2810

	INDEX CARDS:		Entered	Checked
	TO BE ENTERED	WHERE CHECKED		
<input checked="" type="checkbox"/>	Name		<u>ST</u>	
<input checked="" type="checkbox"/>	S. . .		<u>ST</u>	
<input checked="" type="checkbox"/>	Pl. & Div.		<u>ST</u>	
<input checked="" type="checkbox"/>	Calendar		<u>ST</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Typ. & Lgs.		<u>ST</u>	
<input type="checkbox"/>	License-vault			
<input type="checkbox"/>	Det. & Sale		<u>ST</u>	
<input checked="" type="checkbox"/>	Cert. of W/R		<u>ST</u>	
<input checked="" type="checkbox"/>	Per. & Order		<u>ST</u>	
<input type="checkbox"/>	Chs. Index			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input type="checkbox"/>	Abstracts			

701

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~M. SWARTZENTRUBER~~ *Carl Howard*
525 West 18th Place
of ~~Route 1, Box 183, McMinnville~~ *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
South Yamhill River
a tributary of *Willamette River* for the purpose of
irrigation *of 18.0 acres.*
under Permit No. *21888* 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 *November 17, 1952*

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
0.23 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 *SW 1/4 NW 1/4*, as projected within *Martin DLC #37*,
Section 5, 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-eighth~~ *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:

0.9 acres NE 1/4 SW 1/4
10.6 acres NW 1/4 SW 1/4
5.9 acres SW 1/4 SW 1/4
0.6 acres SE 1/4 SW 1/4
all as projected with Carson on DLC 40
Section 5
T. 5S R. 4W. W.M.

This certificate is issued to confirm a change in place of use approved by an order
of the State Engineer entered July 3, 1973, and supersedes certificate of water right
heretofore issued to M. Swartzentruber and recorded at page 22229, Volume 16,
State Record of Water Right Certificates.

Recorded in State Record of Water Right Certificates, Volume 16, page 22229.

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

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

ORDER APPROVING
TRANSFER NO. 2809

On May 10, 1973, Carl Howard 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 M. Swartzentruber and recorded at page 22229, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic feet per second of water from South Yamhill River for the irrigation of, 0.4 acre in NE¼ NW¼, 10.4 acres in SW¼ NW¼, and 7.2 acres in SE¼ NW¼, Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of November 17, 1952. These lands are irrigated from a point of diversion located 320 feet South and 1400 feet West from the Easterly SE corner of Martin D.L.C. No. 37, being within the SW¼ NW¼, Section 5, Township 5 South, Range 4 West, W.M.

The applicant therein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 0.9 acre in NE¼ SW¼, 10.6 acres in NW¼ SW¼, 5.9 acres in SW¼ SW¼, and 0.6 acre in SE¼ SW¼, 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 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.

Buernell Seibel, mortgage holder of the lands 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 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 7.2 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 November 17, 1952, be severed therefrom and simultaneously and without loss of priority transferred to 0.9 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 5.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.6 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 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 certificate of water right heretofore issued to M. Swatrzentruber and recorded at page 22229, Volume 16, State Record of Water Right Certificates, is canceled, 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 Earl Howard 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