

310 Carl Howard  
525 W. 18th Place  
McMinnville, Ore. 97128

2810

**STATUS OF APPLICATION**

Change in Place of Use  
Date filed MAY 10, 1973  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order July 9, 1973 Vol. 23, page 246  
Date for application of water October 1, 1973  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 21 1973 Vol. 31, page 39611

**DESCRIPTION OF WATER RIGHT**

Name of stream So. Yamhill River  
Trib. of \_\_\_\_\_ County of Yamhill  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 4<sup>6</sup>  
Name of ditch \_\_\_\_\_  
Date of priority July 7, 1958  
In name of M. Swartzentruber  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 32440 Per. No. 25607 Cert. No. 28153  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
<u>5-10-73</u>	<u>20.00</u>	<u>33739</u>
<b>TOTAL . . .</b>	<u>1.50</u> Cert. Fee	<u>33740</u>

**FEES REFUNDED**

Date	Amount	Check No.

**REMARKS**

\_\_\_\_\_  
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See also 2808 & 2809

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>DT</u>	_____
<input checked="" type="checkbox"/> Section	<u>DT</u>	_____
<input type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>et</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Top. & Ge.	<u>DT</u>	_____
<input type="checkbox"/> Decree-vault	_____	_____
<input type="checkbox"/> Decree-sale	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>DT</u>	_____
<input checked="" type="checkbox"/> Per. Folder	<u>et</u>	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input type="checkbox"/> Power Claim	_____	_____
<input type="checkbox"/> Abstracts	_____	_____

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STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That <sup>Carl Howard</sup> ~~M. SWARTZENTRUBER~~

of <sup>525 W. 18th Place</sup> ~~Rt. 1, Box 183,~~ 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 Willamette River for the purpose of irrigation of ~~20~~ <sup>20</sup> acres

under Permit No. 25607 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 July 7, 1958

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 0.25 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 H. Martin DLC 37, Section 5, T. 5 S., R. 4 W., 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 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:

5.0 acres SW 1/4 NW 1/4 (1.3)  
1.5 acres SE 1/4 NW 1/4  
AS 3.1 2.8 acres NE 1/4 SW 1/4 (1.1)  
9.0 10.4 6.1 10.5 acres NW 1/4 SW 1/4 (17.6)  
Section 5  
0.2 acre NE 1/4 SE 1/4  
Section 6  
all as projected within W. Garrison DLC 40  
T. 5 S., R. 4 W., W.M.

Certificate of water right issued to M. Swartzentruber and recorded at page 28153, Volume 20, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 20.0 acres. A change in the place of use of water for the irrigation of 4.6 acres was approved by order of the State Engineer entered July 9, 1973. This certificate is issued to confirm <sup>the change in place of use and</sup> the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to M. Swartzentruber.

LEWIS/A. STANLEY  
State Engineer

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 )  
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ORDER APPROVING  
TRANSFER NO. 2810

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 28153, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic feet per second of water from South Yamhill River for the irrigation of, among other lands, 4.4 acres in NW¼ SW¼, Section 5, and 0.2 acre in NE¼ SE¼, Section 6, Township 5 South, Range 4 West, W.M., with a date of priority of July 7, 1958. 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 herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 0.3 acre in NE¼ SW¼, and 4.3 acres in NW¼ 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 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 4.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, and 0.2 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, Township 5 South, Range 4 West, W.M., with a date of priority of July 7, 1958, be severed therefrom and simultaneously and without loss of priority transferred to 0.3 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 4.3 acres in NW $\frac{1}{4}$  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. Swartzentruber and recorded at page 28153, Volume 20, 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 Carl Howard confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 9th day of July, 1973.

/s/ CHRIS L. WHEELER  
State Engineer