

2818

DESCRIPTION OF WATER RIGHT

FEES PAID

Name of stream San Fork Yamhill River
Trib. of _____ County of Yamhill
Use Irrigation
Quantity of water _____ No. of acres 90
Name of ditch _____
Date of priority Nov. 25, 1957
In name of Harlow H. Baker
_____, Adjudication, Vol. _____, page _____
App. No. 31993 Per. No. 25245 Cert. No. 28290
Certificate cancelled _____
Notation made on record by _____

| Date | Amount | Receipt No. |
|--------------------------------|-------------------------------|---------------------------|
| 5-22-73 | 25.00 | 33937 |
| 5-22-73 10-29-78 | 40.00 P.O.D. 75 | 33938 37222 |
| TOTAL . . . 8-31-73 | 75 Cent. Fee. | From P.O.N. |
| 10-29-78 | Cert. Fee 75 | 37222 |

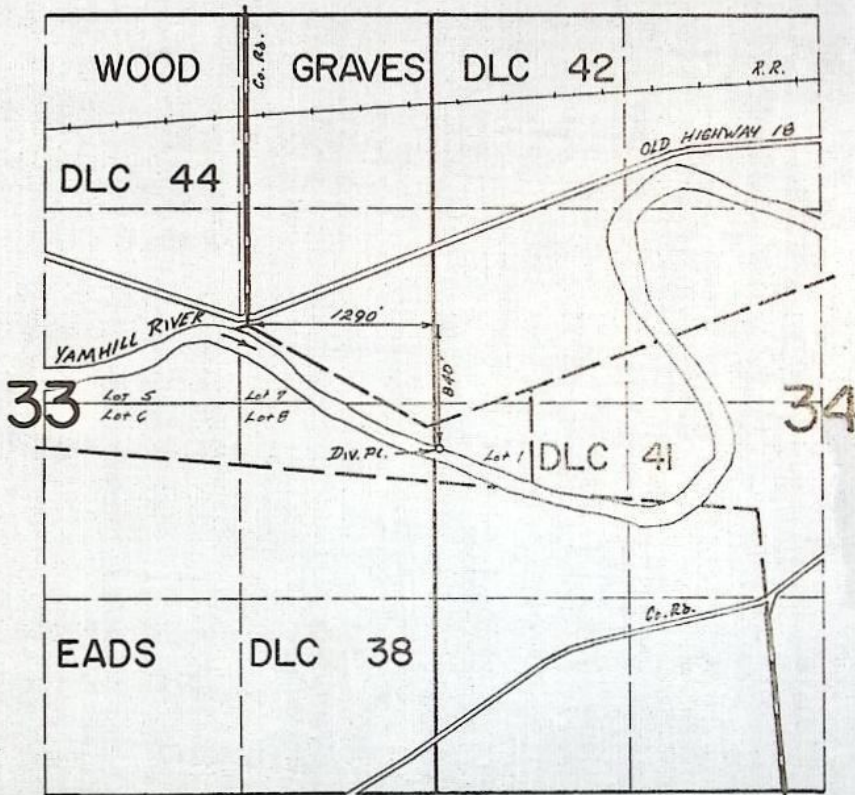
FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|------|--------|-----------|

REMARKS

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

T.5S. R.6W. W.M.



FINAL PROOF SURVEY

UNDER

Transfer No. 2818

Application No. _____ Permit No. _____
IN NAME OF _____

MR. & MRS. RICHARD E. OLSON

Surveyed Oct. 7, 1974, by T. J. PAUL

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Mr. & Mrs. Richard E. Olson

~~HARLOW H. BAKER~~

of 1444 W. Main St., Sheridan, State of Oregon 97378, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of S. Fk. Yamhill River a tributary of ~~Willamette River~~ Yamhill River for the purpose of irrigation of 8 acres 9.0

under Permit No. 25245 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 25, 1957

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 0.11 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 Lot 7 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 33, T. 5 S., R. 6 W., W.M. 840 ft. S & 1290 ft. E from westerly SW Cor. Graves DLC 42

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:

6.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$, both as projected within J. Graves DLC 42
 0.5 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within J. Graves DLC 42
 0.1 acre Lot 8 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
 Section 33
 1.5 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, both as projected within J. Graves DLC 42
 0.4 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within J. Graves DLC 42
 0.1 acre Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
 Section 34
 T. 5 S., R. 6 W., W.M.

This certificate is issued to confirm a change in Pt. of Div. approved by an order of the State Engineer entered Dec. 26, 1913, and supersedes certificate of water right issued to Harlow H. Baker and recorded at page 28290, Volume 20, State Record of Water Right Certificates.

this date. February 24, 1961

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 20, page 28290

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION
OF RICHARD E. AND MARGARET E. OLSON
FOR THE APPROVAL OF A CHANGE IN POINT
OF DIVERSION OF WATER FROM SOUTH FORK
YAMHILL RIVER

ORDER APPROVING
TRANSFER NO. 2818

On May 22, 1973, Richard E. and Margaret E. Olson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Fork Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Harlow H. Baker and recorded at page 28290, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.11 cubic foot per second of water from South Fork Yamhill River for the irrigation of 6.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.6 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, 1.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 5 South, Range 6 West, W.M., with a date of priority of November 25, 1957. These lands are irrigated from a point of diversion located 100 feet South and 80 feet East from the Westerly Southwest corner of Graves D.L.C. #42, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 5 South, Range 6 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 680 feet South and 1200 feet East from the Westerly Southwest corner of Graves D.L.C. #42, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 5 South, Range 6 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 point of diversion of water, if any there were, namely: at the county courthouse in McMinnville, Oregon on October 9, 1973 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 August 15, 22 and 29, 1973. 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 point 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 point of diversion may be made without injury to existing rights, the application should be approved.

O. E. Schell, mortgagee of the land involved has submitted written approval of the proposed change in point of diversion.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from South Fork Yamhill River, to wit:

From a point located 100 feet South and 80 feet East from the Westerly Southwest corner of Graves D.L.C. #42, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 5 South, Range 6 West, W.M.

To a point to be located 680 feet South and 1200 feet East from the Westerly Southwest corner of Graves D.L.C. #42, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 5 South, Range 6 West, W.M.

for the irrigation of 6.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.6 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, 1.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 5 South, Range 6 West, W.M., with a date of priority of November 25, 1957, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.11 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Harlow H. Baker and recorded at page 28290, Volume 20, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Richard E. and Margaret E. Olson confirming the change in point of diversion.

Dated at Salem, Oregon, this 26th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer

"EXHIBIT A"

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

Notice is given hereby that Richard E. and Margaret E. Olson have filed an application for the approval of a change in point of diversion of water from South Fork of Yamhill River.

Certificate of water right issued to Harlow H. Baker and recorded at page 28290, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.11 cubic foot per second from South Fork Yamhill River for the irrigation of, 6.4 acres in SE 1/4 NE 1/4, 0.6 acre in NE 1/4 SE 1/4, Section 33, and 1.5 acres in SW 1/4 NW 1/4, and 0.5 acre in NW 1/4 SW 1/4, Section 34, Township 5 South, Range 6 West, W.M., with a date of priority of November 25, 1957. Water is conveyed to these lands by means of a pump located at a point of diversion 100 feet South and 80 feet East from the Westerly SW corner of Graves DLC No. 42, being within the SE 1/4 NE 1/4 of Section 33, Township 5 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of a pump to be located from a point of diversion 680 feet South and 1200 feet East from the Westerly SW corner of DLC No. 42, being within the NW 1/4 SW 1/4 of Section 34, Township 5 South, Range 6 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on October 9, 1973, 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 Richard E. and Margaret E. Olson, 1444 West Main, Sheridan, Oregon, 97378, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 7th day of August, 1973.

CHRIS L. WHEELER
State engineer

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Yamhill

ss.

I, Homer Hohse, 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 Application for a change in point of diversion for water.

....., 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:

8/15, 8/22, 8/29

Subscribed and sworn before me this 30 day of August,

19 73.

Stephen B. B. B.
Notary Public for Oregon.

My Commission Expires January 2, 1974

RECEIVED

AUG 31 1973

**STATE ENGINEER
SALEM, OREGON**