

2865 Jack D. Frost
Rt. 1, Box 151
Yamhill, Ore. 97148

2865

duplicate
card

STATUS OF APPLICATION

Change in Use
Date filed July 20, 1973
Date of hearing 2-5-74
Place of hearing McMinnville
Date of order 2-15-74 Vol. 24, page 110
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued 9-1989 Vol. _____, page 59989

DESCRIPTION OF WATER RIGHT

Name of stream No. Yamhill River
Trib. of _____ County of Yamhill
Use Irrigation
Quantity of water _____ No. of acres 5⁰
Name of ditch _____
Date of priority June 27, 1939
In name of Bob B. Webb
_____ Adjudication, Vol. _____, page _____
App. No. 18230 Per. No. 13891 Cert. No. 15582
Certificate cancelled _____
Notation made on record by _____

REMARKS

See T-4158 APoD

— p. finis —

FEES PAID

Date	Amount	Receipt No.
<u>7-20-73</u>	<u>30.00</u>	<u>35661</u>
<u>7-20-73</u>	<u>40.00 P.O.N.</u>	<u>35662</u>
TOTAL . . .		
<u>2-6-74</u>	<u>\$150 Cert. Fee</u>	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>2-6-74</u>	<u>\$17.64 P.O.N.</u>	<u>5640</u>

INDEX CARDS:		Entered	Checked
<u>WB</u>	Name	<u>✓</u>	_____
<u>WC</u>	Stream	<u>✓</u>	_____
<u>WN</u>	Pl. of Div.	<u>✓</u>	_____
	Calendar	<u>✓</u>	_____
CHECKED TO RECORDS:			
<u>✓</u>	Twp. & Rge.	<u>✓</u>	_____
	Decree-vault	_____	_____
	Decree-safe	_____	_____
<u>WC</u>	Cert. of W/R	<u>✓</u>	_____
<u>WC</u>	Per. Folder	<u>✓</u>	_____
	Chainindex	_____	_____
	Cross Ref.	_____	_____
	Power Claim	_____	_____
	Abstracts	_____	_____

DLC 39

N. Yamhill

Div. (of record)

Div. Pts

Stock Trough

BARNs

River

STILLWELL DLC 41

DLC 42

DLC 80

DIV.PT.LOC: (STOCK) 1620' N & 630' E OF SW COR. SEC. 5
(IRR) 1630' N & 830' E OF SW COR. SEC. 5

FINAL PROOF SURVEY

JACK D. FROST

Surveyed Sept. 9, 1977, by dc Brown
JUL 10, 1984 P. PAGTER

DFQ-ILL-134 PGT
DFQ-ILL-134 SCB

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION }
OF JACK D. FROST FOR THE APPROVAL }
OF A CHANGE IN USE OF WATER FROM }
NORTH YAMHILL RIVER }

ORDER APPROVING
TRANSFER NO. 2865

On July 20, 1973, Jack D. Frost filed an application in the office of the State Engineer for the approval of a change in use of water from North Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Bob B. Webb and recorded at page 15582, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.28 cubic foot per second of water from North Yamhill River for the irrigation of, among other lands, 5.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 3 South, Range 4 West, W.M., with a date of priority of June 27, 1939. These lands are irrigated from a point of diversion located 1700 feet North and 370 feet East from the Southwest corner of Section 5, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 3 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, from irrigation to stock use within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 3 South, Range 4 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 use of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on February 5, 1974, at 9:30 a.m. The notice was published in the Carlton-Yamhill Review, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of December 13, 20 and 27, 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 use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use may be made without injury to existing rights, the application should be approved.

Harry H. Williams, contract seller, has submitted written approval of the proposed change in use.

NOW, THEREFORE, it hereby is ORDERED that the change in use of water is approved and the water right hereinbefore described as appurtenant to irrigation of 5.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 3 South, Range 4 West, W.M., with a date of priority of June 27, 1939, be severed therefrom and simultaneously and without loss of priority transferred to stock use within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 3 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, 1975.

It is FURTHER ORDERED that the quantity of water diverted for stock use shall not exceed 0.06 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 Bob B. Webb and recorded at page 15582, Volume 13, 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 Jack D. Frost confirming the extent to which the water has been applied beneficially and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 15th day of February, 1974.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF YAMHILL

TO YTHU00

CERTIFICATE OF WATER RIGHT

This Is to Certify, That BOB B. WEBB

of Route 1, Yamhill, 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
North Yamhill River

a tributary of Yamhill River, a tributary of Willamette River for the purpose of
irrigation under Permit No. 13891 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 June 27, 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
0.28 cubic foot per second

0.28 cfs

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 3 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-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:

1.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. D. Stillwell D.L.C. 41

1.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. D. Stillwell D.L.C. 41

15.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. D. Stillwell D.L.C. 41

Section 5,

0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Wm. D. Stillwell D.L.C. 41

3.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Wm. D. Stillwell D.L.C. 41

Section 6,

Township 3 South, Range 4 West, W. M.

22.2

5.0

17.2

0.06 cfs

27 gpm

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of March, 1949

CHAS. E. STRICKLIN

State Engineer

PUBLIC NOTICE

NOTICE OF FILING APPLICATION FOR A CHANGE IN USE OF WATER

Notice is given hereby that Jack D. Frost has filed an application for the approval of a change in use of water from N. Yamhill River.

Certificate of water right issued to Bob B. Webb and recorded at page 15582, Volume 13, State Record of Water Right Certificates, confirms a right to the use of 0.28 cubic foot per second of water from the North Yamhill River for the irrigation of, among other lands, 5.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 3 S., R. 4 W., W.M., with a date of priority of June 27, 1939.

The applicant herein, contract purchaser of the lands above described, proposes to change the use heretofore made of water from irrigation to stock use.

All persons interested are notified hereby that a hearing will be held at the County Courthouse at McMinnville on February 5, 1974, 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 Jack D. Frost, Rt. 1, Box 151, Yamhill, Oregon, 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.

Dated at Salem, Oregon, this 7th day of December, 1974.

CHRIS L. WHEELER
State Engineer

Date of First Publication:

December 13, 1973

Date of Last Publication:

December 27, 1973

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }
COUNTY OF YAMHILL } ss.

I, Harriet J. Miller, being
first duly sworn, depose and say that I am the bookkeeper
of the CARLTON-YAMHILL REVIEW, a newspaper of general circulation
printed and published at Carlton, in the aforesaid county and state, as defined
in Section 58, Oregon Laws, that NOTICE FOR JACK D. FROST
FILING (state engineer) a printed copy of which is hereto annexed,
was published in the entire issue of said newspaper for three
successive and consecutive weeks in the following issues:

December 13, 1973

December 20, 1973

December 27, 1973

(Signed)

Harriet J. Miller

Subscribed and sworn to before me this 18th day of

January

1974

Sam M. Compton

Notary Public for Oregon

(My Commission expires 7-12-76)

PUBLIC NOTICE

Saving electricity!



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January

1974

Shirley M. Compton

Notary Public for Oregon

(My Commission expires 7-12-76)

RECEIVED

JAN 22 1974

**STATE ENGINEER
SALEM, OREGON**