

Box 208
McMinnville, OR 97128

2686

STATUS OF APPLICATION

Change in Point of Diversion
Date filed August 10, 1972
Date of hearing _____
Place of hearing _____
Date of order Nov 3, 1972 Vol. 22, page 245
Date for application of water Oct 1, 1973
Proof mailed _____
Proof received _____
Certificate issued MAY 24 1974 Vol. 32, page 40415

DESCRIPTION OF WATER RIGHT

Name of stream So. Yamhill River
Trib. of _____ County of Yamhill
Use Irrigation
Quantity of water _____ No. of acres 230
Name of ditch _____
Date of priority April 3, 1953
In name of Oscar Wideman
_____ Adjudication, Vol. _____, page _____
App. No. 28275 Per. No. 22231 Cert. No. 24751
Certificate cancelled _____
Notation made on record by _____

DVA Notification

FEES PAID

Date	Amount	Receipt No.
<u>8-10-72</u>	<u>25.00</u>	<u>30161</u>
TOTAL . . .		
<u>3-25-74</u>	<u>1.50</u> Cert. Fee	<u>39198</u>

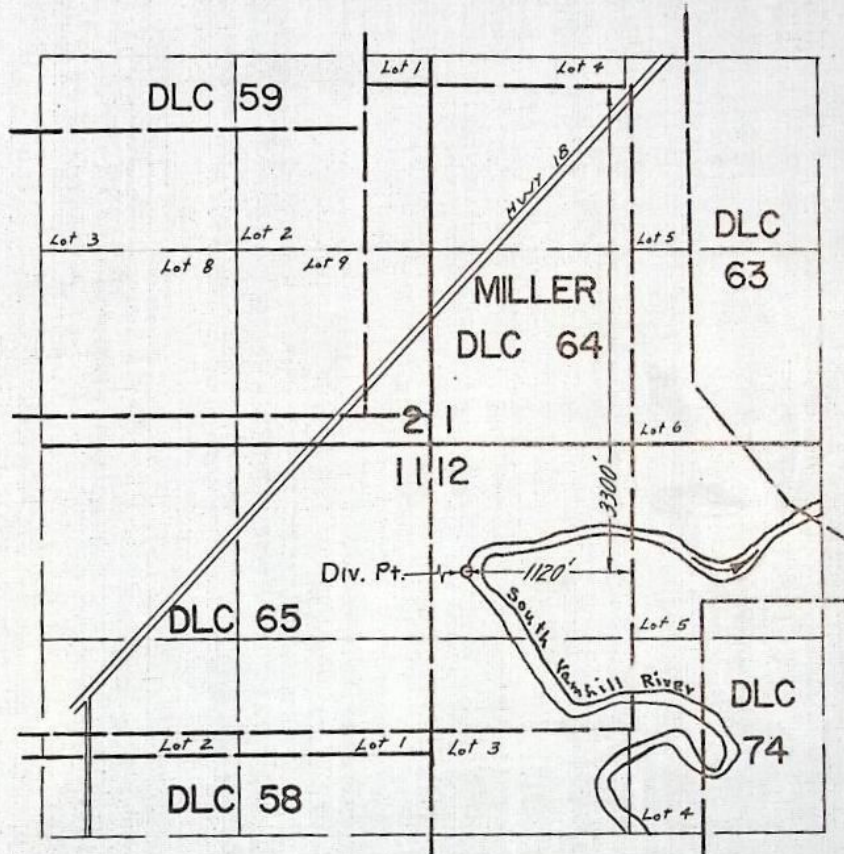
FEES REFUNDED

Date	Amount	Check No.

REMARKS

TO BE RETURNED WHEN CHECKED	INDEX CARDS:		Entered	Checked
✓	Name			
✓	Stream			
	Pt. of Div.			
	Calendar			
CHECKED TO RECORDS:				
✓	App. & Rge.		<u>ds</u>	
	Intermittent			
	Intermittent			
✓	Cert. of W/R		<u>ds</u>	
✓	Per. Folder		<u>ds</u>	
	Chaindex			
	Cross Ref.			
	Power Claim			
	Abstracts			

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



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2686

Application No. Permit No.

IN NAME OF

EZEKIEL WILLIAMS

Surveyed MAY 30, 1973, by R. G. MUCKEN

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

~~Ezekiel Williams~~
~~OSCAR WIDEMAN~~

of Route 3, Box 208, 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 Yamhill River for the purpose of irrigation of 23.0 acres under Permit No. 22231 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 April 3, 1953.

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 0.29 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 ~~A. Miller~~ Miller DLC #64, Section 12, Township 5 South, Range 5 West, W.M.

3300 ft S + 1120 ft W from the NE Cor Miller DLC 64

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:

- 1.8 acres NE 1/4 NE 1/4 as projected within R. Miller Cl. 65
- 0.3 acres NE 1/4 NE 1/4 as projected within A. Miller Cl. 64
- 0.5 acres SE 1/4 NE 1/4 as projected within A. Miller Cl. 64
- 6.6 acres SE 1/4 NE 1/4 as projected within R. Miller Cl. 65
- Section 11
- 3.6 acres NW 1/4 NW 1/4 as projected within A. Miller Cl. 64
- 10.2 acres SW 1/4 NW 1/4 as projected within A. Miller Cl. 64
- Section 12
- Township 5 South, Range 5 West, W.M.

This certificate is issued to confirm a change in Pt. of Div. approved by an order of the State Engineer entered Nov. 3 1972, and supersedes certificate of water right heretofore issued to OSCAR WIDEMAN and recorded at page 24751, Volume 17, State Record of Water Right Certificates.

-----Lewis A. Stanley-----
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF EZEKIEL WILLIAMS FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM SOUTH)
YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 2686

On August 10, 1972, Ezekiel Williams filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Oscar Wideman and recorded at page 24751, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.29 cubic foot per second of water from South Yamhill River for irrigation of 2.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, and 3.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 10.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 5 South, Range 5 West, W.M., with a date of priority of April 3, 1953. These lands are irrigated from a point of diversion located 1550 feet South and 700 feet East from the NW corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 5 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point located 850 feet South and 180 feet East from the NW corner of Section 12, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 5 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion 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.

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

From a point located 1550 feet South and 700 feet East from the NW corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 5 South, Range 5 West, W.M.

To a point to be located 850 feet South and 180 feet East from the NW corner of Section 12, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 5 South, Range 5 West, W.M.

for the irrigation of 2.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, and 3.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 10.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 5 South, Range 5 West, W.M., with a date of priority of April 3, 1953, 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, 1973.

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 0.29 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 Oscar Wideman and recorded at page 24751, Volume 17, 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 Ezekiel Williams confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of November, 1972.

/s/ CHRIS L. WHEELER
State Engineer