

2900

STATUS OF APPLICATION

Change in Place of Use
Date filed Sept. 17, 1973
Date of hearing _____
Place of hearing _____
Date of order 3-7-74 Vol. 24, page 154
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued SEP 15 1978 Vol. 39, page 46507

Survey

FP map in file 51236

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Spring
Trib. of _____ County of Tillamook
Use Domestic + Irrigation
Quantity of water 0.01 cfs No. of acres —
Name of ditch _____
Date of priority March 4, 1946
In name of Merrin Whitmore
_____ Adjudication, Vol. _____, page _____
App. No. 21448 Per. No. 16918 Cert. No. 21739
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9/17/73</u>	<u>\$30.00</u>	<u>36620</u>
TOTAL . . .		
<u>8-25-78</u>	<u>2⁰⁰</u> Cert. Fee	<u>5749</u>

FEES REFUNDED

Date	Amount	Check No.
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REMARKS

When FP made locate base mapping. Spr apparently in NE 1/4 SW NW
10-23-78 TS

TO BE ENTERED WHEN CHECKED	INDEX CARDS:		Entered	Checked
	☒	Name	<u>WH</u>	_____
☒	Stream	<u>WH</u>	_____	
☒	Pt. of Div.	<u>WH</u>	_____	
☒	Calendar	<u>WH</u>	_____	
☒	CHECKED TO RECORDS:			
☒	Top. & Rge.	<u>WH</u>	_____	
☐	Declar. writ.	_____	_____	
☐	Declar. order	_____	_____	
☒	Cert. of W/R	<u>WH</u>	_____	
☐	Per. Filing	_____	_____	
☐	Chabedon	_____	_____	
☐	Cross Ref.	_____	_____	
☐	Power Claim	_____	_____	
☐	Abolition	_____	_____	

BEFORE THE STATE ENGINEER OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION
OF LEONARD WHITMORE FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF WATER
FROM AN UNNAMED SPRING

ORDER APPROVING
TRANSFER NO. 2900

On September 17, 1973, Leonard Whitmore filed an application in the office of the State Engineer for the approval of a change in place of use of water from an unnamed spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Mervin Whitmore and recorded at page 21739, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.01 cubic foot per second of water from an unnamed spring for the domestic use including the irrigation of not to exceed $\frac{1}{2}$ acre domestic lawns and gardens within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 4 South, Range 10 West, W.M., with a date of priority of March 4, 1946. The spring is located 675 feet North and 650 feet East from the West $\frac{1}{4}$ corner of Section 13, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 4 South, Range 10 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 4 South, Range 10 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 J. 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.

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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 4 South, Range 10 West, W.M., with a date of priority of March 4, 1946, be severed therefrom and simultaneously and without loss of priority transferred to NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 4 South, Range 10 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 certificate of water right heretofore issued to Mervin Whitmore and recorded at page 21739, 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 Leonard Whitmore confirming the extent to which the water has been applied beneficially.

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

/s/ CHRIS L. WHEELER
State Engineer

Bo^h

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~LEONARD~~ ~~MERVIN-WHITEORE~~

Box 222
of Hebo, State of Oregon 97122, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
an unnamed spring
a tributary of ~~Three Rivers~~ ~~for the purpose of~~
domestic including the irrigation of not to exceed $\frac{1}{2}$ acre domestic lawns & gardens
under Permit No. 16918 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 March 4, 1946

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
0.01 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 $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 4 South, Range 10
West, W. M. 540' S & 630' W. FROM NE. COR. of SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC. 13

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 ----- of one cubic foot per second
per acre,

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:

~~SW $\frac{1}{4}$ NW $\frac{1}{4}$~~
Section 13
Township 4 South, Range 10 West, W. M.

This certificate is issued to confirm a change in place of use ~~and point~~
~~of diversion~~ approved by an order of the WRD entered March 7 1974 and supersedes
certificate of water right recorded on page 21739, Volume 16, SRWRC.

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 28th day of November, 19 56.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 21739.