

2676 Willis Pitkin  
Route 1, Box 284 A  
Dayton, Oregon 97114

2676

### STATUS OF APPLICATION

Change in Point of Diversion  
Date filed July 19, 1972  
Date of hearing December 4, 1972 9:30  
Place of hearing McMinnville  
Date of order 1-26-73 Vol. 22, page 452  
Date for application of water October 1, 1973  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued FEB 4 1975 Vol. 33, page 41640

### DESCRIPTION OF WATER RIGHT

Name of stream Yamhill River  
Trib. of \_\_\_\_\_ County of Yamhill  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 22<sup>B</sup>  
Name of ditch \_\_\_\_\_  
Date of priority June 3, 1954  
In name of Thomas Owens  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 29223 Per. No. 22953 Cert. No. 24773  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

### REMARKS

### FEES PAID

Date	Amount	Receipt No.
<u>7/19/72</u>	<u>25.00</u>	<u>29769</u>
<u>7/19/72</u>	<u>30.00 (PON)</u>	<u>29769</u>
<u>11-10-72</u>	<u>3.00 PON</u>	<u>31407</u>
TOTAL . . .		
<u>1-17-75</u>	<u>1.50</u>	<u>44831</u>
	\$1 Cert. Fee	

### FEES REFUNDED

Date	Amount	Check No.

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



## STATE OF OREGON

COUNTY OF YAMHILL

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Willis Pitkin  
~~THOMAS OWENS~~  
Rt. 1 Box 284 A, Dayton  
of ~~489 McDonald Lane, Monmouth~~, 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  
Yamhill River  
a tributary of Willamette River for the purpose of  
irrigation of 22.8 acres  
under Permit No. 22953 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 3, 1954,

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 NE 1/4 SW 1/4 as projected within LaBunte DLC #76,  
Section 11, Township 4 South, Range 3 West, W.M. 1880 ft. N & 1390 ft. E from  
the SW Corner Section 11

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:

0.4 acres NE  $\frac{1}{4}$  SW  $\frac{1}{4}$

8.8 acres NW  $\frac{1}{4}$  SW  $\frac{1}{4}$

13.6 acres SW  $\frac{1}{4}$  SW  $\frac{1}{4}$

All as projected within LaBunte DLC #76

Section 11

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

This certificate is issued to confirm a change in Pt. of diversion approved by an order  
of the State Engineer entered Jan. 26, 1973, and supersedes certificate of water  
right heretofore issued to Thomas Owens, and recorded at page 24773, Volume  
17, State Record of Water Right Certificates.

use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1959.

Lewis A. Stanley

State Engineer



BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION )  
OF WILLIS PITKIN FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM YAMHILL RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2676

On July 19, 1972, Willis Pitkin filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Thomas Owens and recorded at page 24773, 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 Yamhill River for the irrigation of 0.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 8.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 13.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, Township 4 South, Range 3 West, W.M., with a date of priority of June 3, 1954. These lands are irrigated from a point of diversion located 280 feet North and 1280 feet West from the SE corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11 being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 4 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located North 13° West 730 feet from the SE corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11 being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 4 South, Range 3 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 December 4, 1972, at 9:30 a.m. The notice was published in The Dayton Tribune, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in



the issues of October 12, 19, and 26, 1972. 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 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 Yamhill River, to-wit:

From a point located 280 feet North and 1280 feet West from the SE corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11 being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 4 South, Range 3 West, W.M.

To a point to be located North 13° West 730 feet from the SE corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11 being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 4 South, Range 3 West, W.M.

for the irrigation of 0.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 8.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 13.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, Township 4 South, Range 3 West, W.M., with a date of priority of June 3, 1954, 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 Thomas Owens and recorded at page 24773, 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 Willis Pitkin confirming the change in point of diversion.

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

CHRIS L. WHEELER  
State Engineer

## Legal Notice

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

Notice is given hereby that Willis Pitkin has filed an application for the approval of a change in point of diversion of water from Yamhill River.

Certificate of water right issued to Thomas Owens and recorded at page 24773, Volume 17, State Record of Water Right Certificates, confirms a right to the use

of the waters of the Yamhill River for the irrigation of, 0.4 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 8.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, Township 4 South, Range 3 West, W.M., with a date of priority of June 3, 1954.

The water is conveyed to these lands by means of a pump located at a point of diversion 280 feet North and 1280 feet West from the SE corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 4 South, Range 3 West, W.M.

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SE corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , of Section 11, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 4 South, Range 3 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on December 4, 1972, 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 Willis Pitkin, Route 1, Box 284 A, Dayton, 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. Administrative rules pertaining to filing of a protest will be furnished by the State Engineer upon request.

weekly newspaper of Oregon Compiled Laws by and state; that the

page 12

entire issue of said in the following issues

Oct. 19, 1972

Oct. 26, 1972

**RECEIVED**  
NOV 2 1972  
**STATE ENGINEER**  
SALEM OREGON

Subscribed and sworn to before me this 26<sup>th</sup> day of October, 1972

Evelyn S. Morehead  
Notary Public for Oregon.

My Commission Expires:

My Commission Expires May 6, 1975

ST



The Dayton Tribune

Affidavit of Publication

STATE OF OREGON, }  
County of Yamhill. } ss.

I, ~~Edwin Meitzer~~, being first duly sworn, depose and say:

That I am the publisher of THE DAYTON TRIBUNE, a weekly newspaper of general circulation, as defined in Sections 1-609 and 1-610, Oregon Compiled Laws Annotated, printed and published at Dayton in the aforesaid county and state; that the

~~Notice of filing application for a change in~~

~~diversion of water~~

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues

Oct. 12, 1972

Oct. 19, 1972

Oct. 26, 1972

RECEIVED  
NOV 2 1972  
STATE ENGINEER  
SALEM OREGON

Subscribed and sworn to before me this 26<sup>th</sup> day of October, 1972

Evelyn S. Morehead  
Notary Public for Oregon.

My Commission Expires:

My Commission Expires May 6, 1975

OT

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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 29th day of September, 1972.

CHRIS L. WHEELER  
State Engineer

Publish Oct. 12, 19, 26, 1972