

2772  
W. Main  
Incedan Ave.

2772

STATUS OF APPLICATION

Change in Pt. of Diversion  
Date filed MAR. 9 1973  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order May 4, 1973 Vol. 23, page 219  
Date for application of water October 1, 1973  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 21 1973 Vol. 31, page 39609  
FEB 4 1975 33 41643

DESCRIPTION OF WATER RIGHT

Name of stream S. Fk. Yamhill River  
Trib. of \_\_\_\_\_ County of Yamhill  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 92  
Name of ditch \_\_\_\_\_  
Date of priority MAR. 8 1954  
In name of John R. Umfred  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 29049 Per. No. 22850 Cert. No. 26233  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>3-9-73</u>	<u>25.00</u>	<u>32772</u>
TOTAL . . .		
<u>3-9-73</u>	<u>3.00</u> Cert. Fee	<u>32773</u>

FEES REFUNDED

Date	Amount	Check No.
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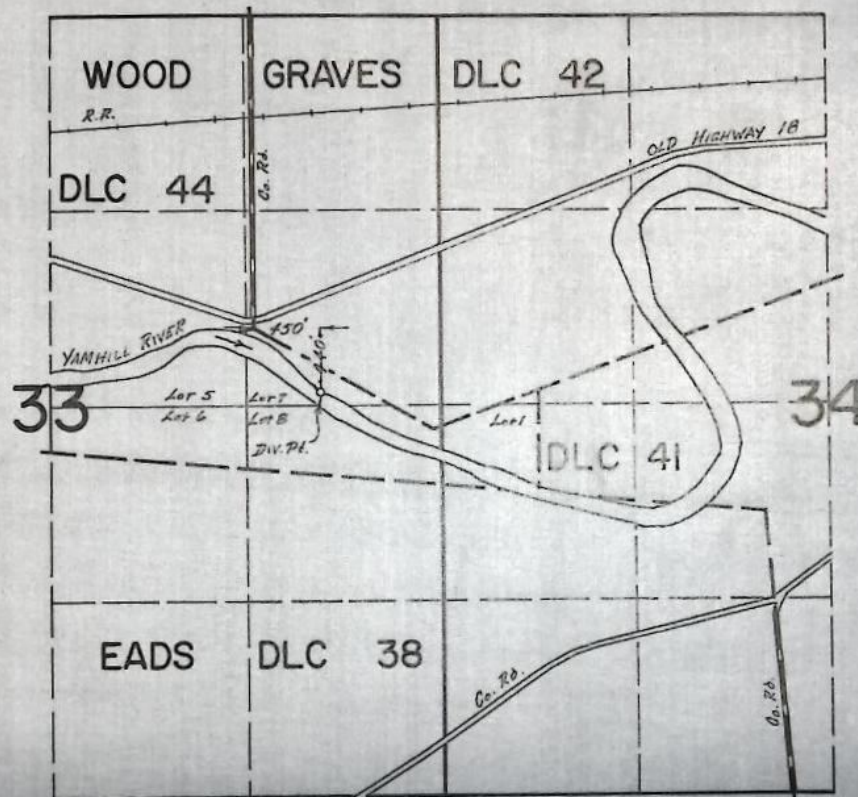
REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>st</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>st</u>	_____
<input checked="" type="checkbox"/>	Pt. of Div.	<u>st</u>	_____
<input checked="" type="checkbox"/>	Calendar	_____	_____
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>lyo</u>	_____
<input checked="" type="checkbox"/>	Decree-vault	_____	_____
<input checked="" type="checkbox"/>	Decree-safe	_____	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>st</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	_____	_____
<input checked="" type="checkbox"/>	ChainIndex	_____	_____
<input checked="" type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	_____	_____
<input checked="" type="checkbox"/>	Abstracts	_____	_____

6666



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



# FINAL PROOF SURVEY

## UNDER

Transfer No. 2772  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF  
O. E. SCHELL

Surveyed Oct 7 1974, by T. J. PAUL



BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION )  
OF O. E. SCHELL FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM SOUTH FORK YAMHILL )  
RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2772

On March 9, 1973, O. E. Schell 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 John R. Unfred and recorded at page 26233, Volume 18, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.15 cubic foot per second of water from South Fork Yamhill River, for the irrigation of, among other lands, 8.5 acres in SE¼ NE¼, and 0.5 acre in NE¼ SE¼, Section 33, Township 5 South, Range 6 West, W.M., with a date of priority of March 8, 1954. These lands are irrigated from a point of diversion located 50 feet South and 115 feet East from the Westerly SW corner of Graves DLC No. 42, being within the SE¼ NE¼ of Section 33, Township 5 South, Range 6 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 390 feet south and 500 feet East from the westerly SW corner of Graves DLC No. 42, being within the SE¼ NE¼ of Section 33, Township 5 South, Range 6 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 Fork Yamhill River, to-wit:

From a point located 50 feet South and 115 feet East from the Westerly SW corner of Graves DLC No. 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 390 feet South and 500 feet East from the Westerly SW corner of Graves DLC No. 42, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, Township 5 South, Range 6 West, W.M.

for the irrigation of 8.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 0.5 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, Township 5 South, Range 6 West, W.M., with a date of priority of March 8, 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 0.11 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 John R. Umfred and recorded at page 26233, Volume 18, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, 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 D. E. Schell confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of May, 1973.

/s/

CHRIS L. WHEELER  
State Engineer



Superseded by

Cert. No. 39609

Spec. Or. V. 23 p. 219

## STATE OF OREGON

COUNTY OF YAMHILL

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That O. E. Schell  
1510 W. Main St.  
of 1504 W. Main, Sheridan, 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  
South Fork of Yamhill River  
a tributary of Willamette River for the purpose of  
irrigation of 9.0 acres,  
under Permit No. 22850 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 8, 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  
0.15 cubic foot per second,

0.115

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, Township 5 South,  
Range 6 West, W.M. 440 ft. S. & 450 ft. E. from the 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:

8.0 ~~10.0~~ acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within J. Graves DLC #42  
0.5 acres Lot 7 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
0.3 acres Lot 8 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ )  
0.2 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within J. Graves DLC #42  
Section 33  
Township 5 South, Range 6 West, W.M.

This certificate is issued to confirm a change in PT. of Div. approved by an  
order of the State Engineer entered May 4, 1973, and Together with 39609 Vol. 31  
supersedes certificate of  
water right heretofore issued to John R. Umfred and recorded at page 26233,  
Volume 18, State Record of Water Right Certificates.

use herein described.

WITNESS the signature of the State Engineer, affixed

this date. SEPTEMBER 29 1959

Lewis A. Stanley

State Engineer

Recorded in State Record of Water Right Certificates, Volume 18, page 26233



## STATE OF OREGON

COUNTY OF YAMHILL

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN R. UMFRED

of 1524 W. Main, Sheridan, 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 South Fork of Yamhill River a tributary of Willamette River for the purpose of irrigation of ~~11.8~~ 2.8 acres,

under Permit No. 22850 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 8, 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 ~~0.15~~ 0.035 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, Township 5 South, Range 6 West, W.M. 50 ft. S. & 115 ft. E. from the westerly SW Cor. Graves OLC No. 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:

~~2.8~~ 2.8 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within J. Graves DLC #42

~~0.5~~ acres Lot 7 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ )

~~0.3~~ acres Lot 8 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ )

~~0.2~~ acres NE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within J. Graves DLC #42

Section 33

Township 5 South, Range 6 West, W.M.

Certificate of water right issued to John R. Umfred and recorded at page 26233, Volume 18, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 11.8 acres. A change in the point of diversion for the irrigation of 9.0 acres was approved by order of the State Engineer entered May 4, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to John R. Umfred.

WITNESS the signature of the State Engineer, affixed

this date. SEPTEMBER 29 1959

Louis A. Stanley

State Engineer