

2690

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed August 17, 1972  
Date of hearing November 28, 1972 - 9:30 a.m.  
Place of hearing McMinnville, Ore  
Date of order April 10, 1973 Vol. 23, page 87  
Date for application of water October 1, 1974  
Extended to 10-1-75  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 21 1973 Vol. 31, page 39610  
12-19-77 Vol 37 CR Cert 45127

DESCRIPTION OF WATER RIGHT

Name of stream Williamina Creek  
Trib. of Yamhill River County of Yamhill  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 4.0  
Name of ditch \_\_\_\_\_  
Date of priority MAY 28, 1931  
In name of Glenn E. & Harold Mendeehall and Guy Fendall  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 14119 Per. No. 10231 Cert. No. 15372 ← canceled  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
8-17-72	25.00	30252
8-17-72	30.00 PON	30251
11-10-72	1.37 PON	31405
TOTAL . . .		
11-10-72	3.00 Cert. Fee	31406

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Div. Pt. Changed for partial lands under Transfer F-41. Lands under this transfer  
sell Robt W Brainerd, PO Box 564 Williamina except 1 acre on north end.  
See also T#3500, Thomas A Dade for a POD for 0.6 ac on North End.

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 type="checkbox"/>	Pt. of Div.			
<input checked="" type="checkbox"/>	Calendar		<u>st</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>lyd</u>	
<input type="checkbox"/>	Decree-vault			
<input type="checkbox"/>	Decree-safe			
<input checked="" type="checkbox"/>	Cert. of W/R		<u>st</u>	
<input checked="" type="checkbox"/>	Per. Folder		<u>st</u>	
<input type="checkbox"/>	Chainindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input type="checkbox"/>	Abstracts			

5



BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION )  
OF PETER N. OHRT FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM WILLAMINA RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 2690

On August 17, 1972, Peter N. Ohrt filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Willamina River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Glenn E. and Harold Mendenhall and Guy Fendall and recorded at page 15372, Volume 13, State Record of Water Right Certificates, confirms a right under Permit No. 10231 to the use of the waters of Willamina River for the irrigation of, among other lands, 2.7 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.3 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, Township 5 South, Range 7 West, W.M., with a date of priority of May 28, 1931. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 1750 feet North and 1580 feet West from the SE corner of Section 24, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, Township 5 South, Range 7 West, W.M.

The applicant herein, owner of the above described lands, proposes to change the point of diversion for the irrigation of said lands to a point to be located 3150 feet North and 1675 feet West from the Southeast corner of Section 24, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, Township 5 South, Range 7 West, W.M.

Notice of the filing of the application was given by publication setting for 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 November 28, 1972, beginning at 9:30 a.m. The notice was published in the Willamina Times, a newspaper printed and



having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of October 5, 12, and 19, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in point of diversion of water 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 Willamina River, to-wit:

From a point located 1750 feet North and 1580 feet West from the SE corner of Section 24, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, Township 5 South, Range 7 West, W.M.

To a point to be located 3150 feet North and 1675 feet West from the SE corner of Section 24, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, Township 5 South, Range 7 West, W.M.

for the irrigation of 2.7 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.3 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, Township 5 South, Range 7 West, W.M., with a date of priority of May 28, 1931, 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, 1974, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.05 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Yamhill County, Oregon,



4

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 Glenn E. and Harold Mendenhall and Guy Fendall and recorded at page 15372, Volume 13, 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 Peter N. Ohrt confirming said change in point of diversion.

Dated at Salem, Oregon, this 10th day of April, 1973.

CHRIS L. WHEELER  
State Engineer



STATE OF OREGON  
COUNTY OF YAMHILL  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That GLENN E. & HAROLD MENDENHALL & ELDON FENDALL**  
**97396**

of **Willamina**, 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 **Willamina River**

a tributary of **Yamhill River** for the purpose of  
**irrigation of 36.6 acres**

under Permit No. **10231** 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 **May 28, 1931**

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 **0.46 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 $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 13, T. 5 S., R. 7 W., 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,

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:

**1.7 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
16.1 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
17.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
0.1 acre NE $\frac{1}{4}$  NW $\frac{1}{4}$   
0.1 acre SE $\frac{1}{4}$  NW $\frac{1}{4}$   
1.1 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$**

**All as projected within the Hezakiah Burford DLC 44  
Section 24  
T. 5 S., R. 7 W., W. M.**

An order of the State Engineer entered April 10, 1973, approves a change in place of use for the irrigation of 4.0 acres. This certificate is issued to confirm the remaining right and a change in point of diversion approved by an order of the State Engineer entered May 27, 1960 and supersedes the certificate heretofore issued to Glen E. and Harold Mendenhall, and Guy Fendall, and recorded at page 15372, State Record of Water Right Certificates.

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 date. **November 21, 1973**

.....**Chris L. Wheeler**.....  
State Engineer



## STATE OF OREGON

COUNTY OF YAMHILL TO YTHUOD

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That GLENN E. &amp; HAROLD MENDENHALL &amp; GUY FENDALL

of Willamina, 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 Willamina River

a tributary of Yamhill River for the purpose of irrigation 40.6 acres

under Permit No. 10231 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 May 28, 1931

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 0.51 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 $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, Township 5 South, Range 7 West, W. M. 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 one-eightieth 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:

1.7 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 16.1 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 20.2 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 1.3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 0.1 acre in the NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 0.1 acre in the SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 1.1 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 24

T. 5 S., R. 7 W., W. M.,

as projected within the Hezakah Burford D. L. C. 44.

Ch. Pt. of Div. for part of  
 these lands - Sp. Or. Vol. 10, p. 394

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 15th day of July, 1948.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15372



## STATE OF OREGON

COUNTY OF YAMHILL

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Robert W. Brainard

of Rt 2, Box 76-C, Willamina, State of Oregon 97396, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Willamina River

a tributary of Yamhill River for the purpose of  
the irrigation of 3.4 acres

under Permit No. 10231 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 May 28, 1931

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 0.04 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 2,480 ft N and 710 ft W from the NE Corner of Fendall DLC #39, being within the SW 1/4 NE 1/4 of Sec (as projected within Burford DLC #44) Section 24, T 5 S, R 7 W, 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 1/80 of one cubic foot per second per acre, and 2 1/2 Acre-Feet - - - -

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:

25 Ac in SW NE  
09 Ac in SE NE

~~Sec 24~~

both as projected within Burford D.L.C #44  
Sec 24  
T 5 S, R 7 W, W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 15372, Volume 13, State Record of Water Right Certificates, ~~was~~ modified under the provisions of an order of the Water Resources Director entered on April 10, 1973, approving transfer application No. 2690,

excluding the portion thereof further

modified by the provisions of an order of the Water Resources Director entered on Dec. 21, 1976, approving transfer application No. 3500.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

Water Resources Director

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

(200 fee from file # T-3500)



## AFFIDAVIT OF PUBLICATION

State of Oregon,  
County of Yamhill, ss.

I, Orval (Lafina) Thompson, being first duly sworn, depose and say that I am the co-publisher of the Willamina Times, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, printed and published at Willamina in the aforesaid county

and state; that the Notice of Application 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:

Date of first publication Oct. 5,

19 72.

Date of last publication Oct. 19

19 72.

Orval Thompson

Subscribed and sworn to before me this

18 day of October, 19 72

Carol Jean Nickerson

Notary Public of Oregon

(My commission expires 15 day of June  
19 72.)

RECEIVED  
OCT 25 1972  
STATE ENGINEER  
SALEM, OREGON

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

Notice is given hereby that Peter N. Ohrt has filed an application for the approval of a change in point of diversion of water from Willamina Creek.

By Order of the State Engineer entered May 27, 1960, a change in the point of diversion of the water of Willamina Creek was approved for the irrigation of 5.5 acres in SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , 1.3 acres in SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , and 1.1 acres in NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , of Section 24, Township 5 South, Range 7 West, W.M., with a date of priority of May 28, 1931.

These lands are irrigated from a point of diversion located 1750 feet north and 1580 west from the SE corner of Section 24, being within the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 24, Township 5 South, Range 7 West, W.M.

The applicant herein, owner of 2.7 acres in SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and 1.3 acres in SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 24, proposes to irrigate these lands from a point of diversion to be located 3150 feet north and 1675 feet west from the SE corner of Section 24, being within the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 24, Township 5 South, Range 7 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on November 28, 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 Peter N. Ohrt, Route 2, Box 77, Willamina, Oregon, 97396, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 26th day of September, 1972.

CHRIS L. WHEELER  
State Engineer