

3013 David Stutzman
Post 1, Box 35
Sheldon, Or.

3013

STATUS OF APPLICATION

Change in point of diversion
Date filed 4-5-74
Date of hearing _____
Place of hearing _____
Date of order 5-15-74 Vol. 24, page 355
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 43621
JUN 22 1978 38 45979

DESCRIPTION OF WATER RIGHT

Name of stream Yamhill River
Trib. of _____ County of Yamhill
Use irrigation
Quantity of water _____ No. of acres 14.5
Name of ditch _____
Date of priority 9-25-69
In name of Otto P. Brandt
_____ Adjudication, Vol. _____, page _____
App. No. 46441 Per. No. 34700 Cert. No. 39112
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-5-74</u>	<u>30.00</u>	<u>39394</u>
TOTAL . . .		
<u>5-9-74</u>	<u>3.00</u> Cert. Fee	<u>39988</u>

FEES REFUNDED

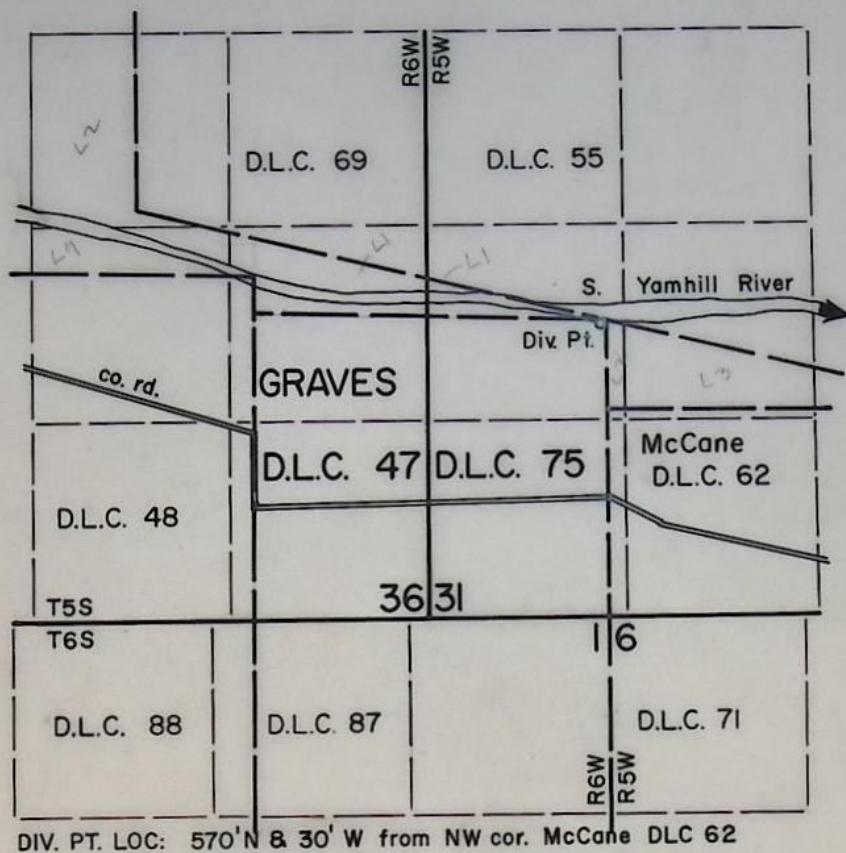
Date	Amount	Check No.

REMARKS

See app 46441
T-3832 Return
Chas L.S. No L.D.

INDEX CARDS:		Entered	Checked
<u>WC</u>	Name	<u>✓</u>	
<u>WC</u>	Stream	<u>✓</u>	
<u>WA</u>	Pt. of Div.	<u>✓</u>	
<u>WA</u>	Calendar	<u>✓</u>	
CHECKED TO RECORDS:			
<u>WC</u>	Twp. & Rge.	<u>✓</u>	
	Decree-vault		
	Decree-sale		
<u>WC</u>	Cert. of W/R	<u>✓</u>	
<u>WC</u>	Per. Folder	<u>✓</u>	
	Chaindex		
	Cross Ref.		
	Power Claim		
	Abstracts		

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



FINAL PROOF SURVEY
UNDER

Transfer No. 3013
Application No. Permit No.
IN NAME OF
GRACE STUTZMAN

Surveyed July 7, 1976, by L.H. Nunn

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That OTTO P. BRANDT

of Route 1, Box 38, Sheridan, State of Oregon 97378, 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 ~~100.6~~ 85.6 acres

under Permit No. 34700 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 September 25, 1969

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 1.07 cubic feet per second

~~1.07~~
0.91

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 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, T. 5 S., R. 5 W., W. M., 630 feet North and 630 feet West from NW Corner, McCane DLC 62.

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 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 acre Lot 1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
As projected within Turner DLC 55	18.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
11.4 acres Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)	14.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
1.7 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	Both as projected within Graves DLC 47
As projected within McCane DLC 62	Section 36
1.6 acres Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	T. 5 S., R. 6 W., W. M.
9.3 17.5 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$	
As projected within Graves DLC 75	
0.2 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$	
1.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	
Both as projected within McCane DLC 62	
7.2 14.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	
As projected within Graves DLC 75	
16.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	
As projected within McCane DLC 62	

~~T. 5 S., R. 5 W., W. M.~~
Section 31

The right to the use of the water for the purposes aforesaid is restricted to

An order of the ~~Water Resources~~ ^{S-E} Director entered May 15, 1974 approved a change point of diversion for the irrigation of ^{15.0} ~~25.0~~ acres. This

certificate is issued to confirm the remaining right not involved in the

change and supersedes the certificate heretofore issued to Otto P. Brandt

recorded at page 39112, ^{Vol. 31,} State Record of Water Right Certificates.

Superseded by

Cert. No.

43621

L Sp. Or. 43621

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

GRACE STUTEMAN
OTTO P. BRANDT

of Route 1, Box ³⁵38, Sheridan, State of ⁹⁷³⁷⁸Oregon, 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 the irrigation of ~~100.6~~ ^{15.0} acres

under Permit No. 34700 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 September 25, 1969

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 ~~1.07~~ ^{0.16} cubic ~~feet~~ ^{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 1 NW 1/4 SW 1/4~~ ^{w/m McCane DLC 62}, Section 31, T. 5 S., R. 5 W., W. M., ~~630~~ ⁵⁷⁰ feet North and 630 feet West from NW Corner, McCane DLC 62.

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:

~~2.8 acres NE 1/4 SW 1/4~~

As projected within Turner DLC 55

~~11.4 acres Lot 3 (NE 1/4 SW 1/4)~~

~~1.7 acres NE 1/4 SW 1/4~~

As projected within McCane DLC 62

~~1.6 acres Lot 2 (NW 1/4 SW 1/4)~~

→ ~~8.2~~ ^{17.5} acres NW 1/4 SW 1/4 *

As projected within Graves DLC 75

~~0.2 acre NW 1/4 SW 1/4~~

~~1.5 acres SW 1/4 SW 1/4~~

Both as projected within McCane DLC 62

→ ~~6.8~~ ^{14.0} acres SW 1/4 SW 1/4 *

→ both As projected within Graves DLC 75

~~16.5 acres SE 1/4 SW 1/4~~

As projected within McCane DLC 62

→ Section 31

→ T. 5 S., R. 5 W., W. M.

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.

March 20, 1973

CHRIS L. WHEELER

State Engineer

STATE OF OREGON

COUNTY OF **YAMHILL**

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **OTTO P. BRANDT**

of **Rt. 1 Box 38, Sheridan**, State of **Oregon, 97378**, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of **South Yamhill River**

a tributary of **Yamhill River** for the purpose of
 irrigating ~~65.6~~ **62.1** acres

under Permit No. **34700** 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 **September 25, 1969**

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 ~~0.91~~ **0.66** 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 1 (NW 1/4 SW 1/4), Section 31, T. 5 S., R. 5 W., W. M., 630 feet North and 630 feet West from the NW Corner, McCane DLC 62.**

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:

SEE NEXT PAGE

T# 3832

1.7 ~~2.8~~ acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within Turner DLC 55
3.4 ~~11.4~~ acres Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
0.7 ~~1.7~~ acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within McCane DLC 62
~~1.6 acres Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)~~
9.3 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
~~As projected within Graves DLC 75~~
~~0.2 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$~~
~~1.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$~~
~~Both projected within McCane DLC 62~~
7.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within Graves DLC 75
6.4 ~~16.5~~ acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within McCane DLC 62
Section 31
T. 5 S., R. 5 W., W. M.

0.6 acre Lot 1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
18.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
14.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Both projected within Graves DLC 47
Section 36
T. 5 S., R. 6 W., W. M.

621

0.66

235

0.25

An order of the State Engineer entered May 15, 1974 approved a change in point of diversion for the irrigation of 15.0 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Otto P. Brandt recorded at Page 39112, Volume 31, State Record of Water Right Certificates.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 43621, Volume 35, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Feb 7, 1978, approving transfer application No. 3832.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.
WITNESS the signature of the Water Resources Director, affixed

this date. August 30, 1976

James E. Saxson
Water Resources Director

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION }
OF DAVID STUTZMAN FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM SOUTH YAMHILL RIVER }

ORDER APPROVING
TRANSFER NO. 3013

On April 5, 1974, David Stutzman 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 Otto P. Brandt and recorded at page 39112, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.07 cubic feet per second of water from South Yamhill River for the irrigation of, among other lands, 8.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 6.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 5 South, Range 5 West, W.M., with a date of priority of September 25, 1969. These lands are irrigated from a point of diversion located 630 feet North and 630 feet West from the Northwest corner of McCane DIC 62, being within Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, Township 5 South, Range 5 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 75 feet South and 125 feet West from the Northeast corner of James M. Graves DIC 75, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, 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 #1, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from South Yamhill River, to wit:

From a point located 630 feet North and 630 feet West from the Northwest corner of McCane DIC 62, being within Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), of Section 31, Township 5 South, Range 5 West, W.M.

To a point to be located 75 feet South and 125 feet West from the Northeast corner of James M. Graves DIC 75, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 5 South, Range 5 West, W.M.

for the irrigation of 8.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 6.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 5 South, Range 5 West, W.M., with a date of priority of September 25, 1969, 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, 1975.

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 0.16 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 Otto P. Brandt and recorded at page 39112, Volume 31, 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 David Stutzman confirming the change in point of diversion.

Dated at Salem, Oregon, this 15th day of May, 1974.

/s/ CHRIS L. WHEELER
State Engineer

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON