

3681
LYNCH

3681

STATUS OF APPLICATION

Change in POD
Date filed 5-23-77
Date of hearing _____
Place of hearing _____
Date of order 11-16-77 Vol. 30, page 48
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued SEP 08 1992 Vol. _____, page 67742

DESCRIPTION OF WATER RIGHT

Name of stream Willamette River
Trib. of _____ County of Yamhill
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 39235 Per. No. 29234 Cert. No. 34096
Certificate cancelled _____
Notation made on record by _____

FEE PAID

Date	Amount	Receipt No.
<u>5-23-77</u>	<u>\$ 35.00</u>	<u>60725</u>
TOTAL . . .		
	Cert. Fee	

FEE REFUNDED

Date	Amount	Check No.

REMARKS

CARD FOR C. DEC. 26 1979

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

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGER HILDEBRANDT
ROUTE 1, BOX 116
DAYTON, OREGON 97114

confirms the right to use the waters of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for the purpose of IRRIGATING 54.0 ACRES.

The right has been perfected under Permit 29234. The date of priority is NOVEMBER 12, 1963. The right is limited to not more than 0.675 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION; LOT 8 (NW 1/4 NW 1/4), SECTION 14, T 5 S, R 3 W, W.M.; 410 FEET SOUTH AND 1400 FEET EAST FROM THE NE CORNER OF DLC 55, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 8 (NW 1/4 NW 1/4), SECTION 14, T 5 S, R 3 W, W.M.; 150 FEET NORTH AND 1100 FEET EAST FROM THE NE CORNER OF DLC 55.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

LOT 10 (SW 1/4 SE 1/4) 8.2 ACRES
SE 1/4 SE 1/4 14.4 ACRES
SECTION 10

LOT 12 (NE 1/4 NE 1/4) 1.2 ACRES
NE 1/4 NE 1/4 10.6 ACRES
NW 1/4 NE 1/4 13.2 ACRES

BOTH AS PROJECTED WITHIN DLC 55
LOT 13 (NW 1/4 NE 1/4) 1.6 ACRES
SW 1/4 NE 1/4 3.3 ACRES
SE 1/4 NE 1/4 1.5 ACRES

BOTH AS PROJECTED WITHIN DLC 55
SECTION 15
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

SEE NEXT PAGE

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the wateruser is entitled;

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.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 16, 1977, and supersedes Certificate 34096, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed SEPTEMBER 8, 1992.

/s/ MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67742.

T-3681.TES

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DONALD LEE AND PHYLIS TOMPKINS

of Route 1, Box 111, Dayton, 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 Willamette River

a tributary of Columbia River for the purpose of irrigation of 54.0 acres

under Permit No. 29234 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 November 12, 1963

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 0.675 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 8 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 14, T. 5 S., R. 3 W., W. M. Diversion point located 410 feet South and 1400 feet East from the NE Corner, Athey DLC 55.

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:

8.2 acres Lot 10 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
14.4 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10

1.2 acres Lot 12 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
10.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Athey DLC 55
13.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Athey DLC 55
1.6 acres Lot 13 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
3.3 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Athey DLC 55
1.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Athey DLC 55

Section 15

T. 5 S., R. 3 W., W. M.

RECEIVED

MAY 1 1977

WATER RESOURCES DEPT
SALEM, OREGON

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. June 30, 1967

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34096

4/5/77
cc: [unclear]

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF RAY L. LYNCH FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM WILLAMETTE RIVER)

ORDER APPROVING
TRANSFER NO. 3681

On May 13, 1977, an application was filed in the office of the Water Resources Director by Ray L. Lynch for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

540
The certificate recorded at page 34096, Volume 26, State Record of Water Right Certificates, in the names of Donald Lee and Phyllis Tompkins, describes a right for the use of not to exceed 0.675 cubic foot per second from Willamette River for irrigation of 8.2 acres in Lot 10 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and 14.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10; 1.2 acres in Lot 12 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), 10.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 13.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in Lot 13 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 3.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 5 South, Range 3 West, W.M., with a date of priority of November 12, 1963.

Water for the said right is diverted from a point located 410 feet South and 1400 feet East from the Northeast corner of the Athey D.L.C. No. 55, being within Lot 8 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, Township 5 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 50 feet East from the Southwest corner of Section 11, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 5 South, Range 3 West, W.M.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right, and shall not exceed 0.675 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:

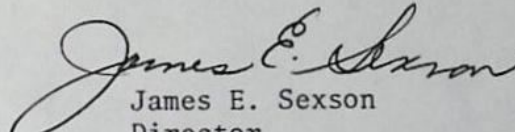
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Donald Lee and Phyllis Tompkins and recorded at page 34096, Volume 26, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 16th day of November, 1977.


James E. Sexson
Director