

# STATUS OF APPLICATION

Change in point of diversion  
 Date filed 2-14-75  
 Date of hearing May 27, 1975  
 Place of hearing Salem, Ore  
 Date of order 5-28-75 Vol. 25, page 337  
 Date for application of water 10-1-76  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued APR 15 1977 Vol. 36, page 44322

Survey 2/77

# DESCRIPTION OF WATER RIGHT

Name of stream Pudding River  
 Trib. of \_\_\_\_\_ County of Marion  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 18<sup>4</sup>  
 Name of ditch pump  
 Date of priority Feb 27, 1957  
 In name of Leroy A. Esson Estate  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 31388 Per. No. 24832 Cert. No. 29414  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

# FEES PAID

Date	Amount	Receipt No.
<u>2-14-75</u>	<u>30.00</u>	<u>45249</u>
<u>2-14-75</u>	<u>45.00 P.O.N.</u>	<u>45250</u>
<b>TOTAL . . .</b>		
<u>9-24-75 \$2.00</u>	<b>Cert. Fee</b>	<u>FROM P.O.N. Rec. # 45250</u>

# FEES REFUNDED

Date	Amount	Check No.
<u>9-24-75</u>	<u>\$11.32</u>	<u>45</u>

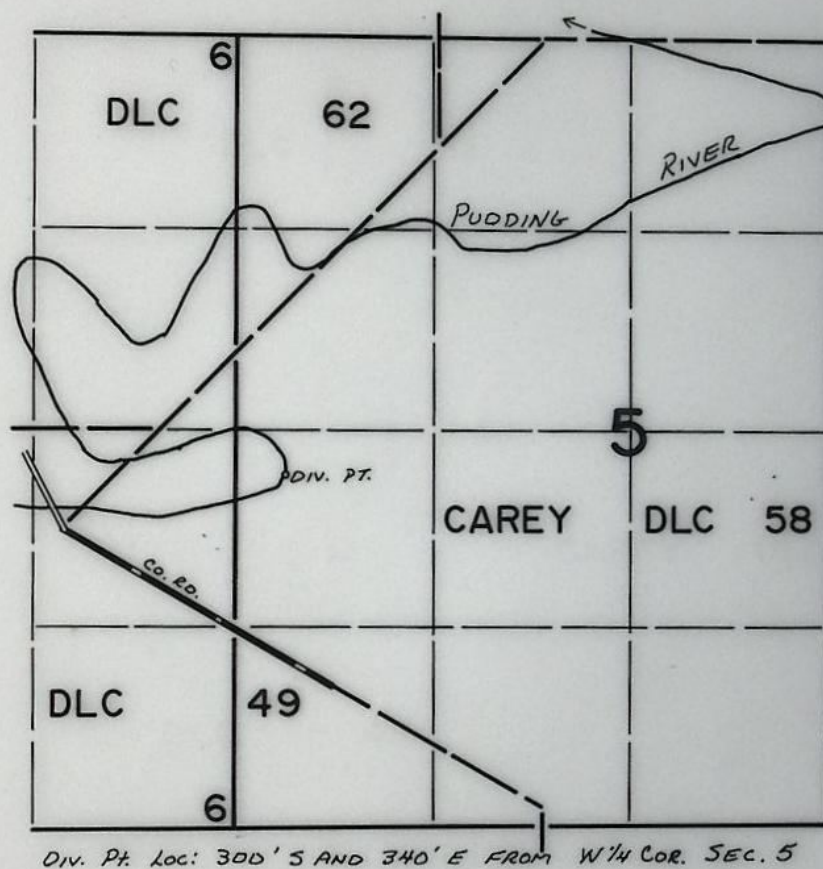
# REMARKS

See #313884 52695

INDEX CARDS:		Entered	Checked
<u>20</u>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>W</u>	Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>W</u>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:			
<u>20</u>	Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Decree-vault	<input type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Decree-safe	<input type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Per. Folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Chaindex	<input type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<u>20</u>	Abstracts	<input type="checkbox"/>	<input type="checkbox"/>



T.6S.,R.1W.,W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3169  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

THOMAS P. & EVANELLE EWING

Surveyed Aug. 10 1976, by L. Toll



## STATE OF OREGON

COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

~~Carlton J. McLeod, Executor~~  
of ~~2425 Alameda St. N. E., Salem~~to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Pudding River

a tributary of Willamette River

for the purpose of

irrigation of 18.4 acres

under Permit No. 24832 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 February 27, 1957that 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

0.23 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 $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Parker DIC 49,~~  
~~Section 5, T. 6 S., R. 1 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, 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:9.8 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$ 2.4 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$ 

Section 5

6.2 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$ 

Section 6

all as projected within Carey DIC 58  
T. 6 S., R. 1 W., W. M.

This certificate is issued to confirm a change in place of use and point of diversion  
approved by an order of the Water Resources Director entered May 28, 1975,  
and supersedes certificate of water right issued to 29414

WITNESS the signature of the State Engineer, affixed

this date FEBRUARY 16 1962

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 81, page 29414

P.O.D.: NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Carey DIC 58  
Sec 5 T 6 S R 1 W W.M.; 300'S & 340'E from  
the W $\frac{1}{4}$  cor Sec 5



AUG-10, 1976  
DFN-166-42

AUG-10, 1976  
DFN-166-42

County Marion

- AUG-10, 1976  
DFN-166-42

[illegible]



IRRI.

Abstract of Permit No. 52585  
 Certificate No. 52585  
 FROM PUDING RIVER  
 Name: ALICE EARLINE DABSON  
 Address: RT 1, BOX 111, GERMANTOWN, OHIO 43025  
 Source of water supply: PUDING RIVER, TRIB. WILLAMETTE R.  
 Use: IRRIGATION  
 Point of diversion: 525' N & 325' E FROM THE AP. 52585  
 Number of acres: 5.35

TERMS - ~~75~~ 75 RB 30 52 (60 MAX)

USE	COOK	PEAS	BEANS	WHEAT	NEW	SW	NEW	SW	NEW	SW	NEW	SW	NEW	SW	NEW	SW	NEW	SW
LIFT	4	2	1	2	0	5	5	5	5	5	5	5	5	5	5	5	5	5
TIE	DFU	12L	45															

NOTE: LAST YEAR LARGER PORTION  
 WAS IRRI. AND THE 50 H.P.  
 PUMP FROM APPL 50225 WAS  
 ON THIS FIELD.

Larry Tol

$$\frac{90}{80} = 1.0125$$

$$\frac{60(6.6)}{25+127} = 2.17$$

$$\frac{30(6.6)}{25+127} = 1.085$$

extended to

Time limit to complete construction 10-1-75 extended to

extended to

Time limit to completely apply w (12.15) extended to

$$\frac{75(5)}{450} = .833$$

$$\frac{75(5)}{450} = .833$$

$$\frac{1}{5}, \frac{1}{8}$$

533

REPORT FROM APPL. 52695



BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION OF }  
THOMAS P. AND EVANELLE E. EWING FOR }  
THE APPROVAL OF A CHANGE IN POINT OF }  
DIVERSION OF WATER FROM PUDDING RIVER }  
-----

ORDER APPROVING  
TRANSFER NO. 3169

On February 14, 1975, Thomas P. and Evanelle E. Ewing filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Pudding River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Leroy A. Esson Estate and recorded at Page 29414, Volume 21, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic foot per second of water from Pudding River for the irrigation of 9.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, and 6.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, Township 6 South, Range 1 West, W.M., with a date of priority of February 27, 1957. These lands are irrigated from a point of diversion located 940 feet North and 650 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 6 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 2227 feet North and 392 feet East from the Southwest corner of Section 5, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 6 South, Range 1 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 Salem, Oregon, on May 27, 1975, at 9:30 a.m. The notice was published in the Silverton Appeal-Tribune, a newspaper printed and having general circulation in Marion County, Oregon, for a period of



three weeks in the issues of April 3, 10 and 17, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Keith Palmer, Watermaster of District No. 16, 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 Pudding River, to wit:

From a point located 940 feet North and 650 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, Township 6 South, Range 1 West, W.M.

To a point to be located 2227 feet North and 392 feet East from the Southwest corner of Section 5, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, Township 6 South, Range 1 West, W.M.

for the irrigation of 9.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, and 6.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, Township 6 South, Range 1 West, W.M., with a date of priority of February 27, 1957 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, 1976.

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 0.23 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 Leroy A. Esson Estate and recorded at Page 29414, Volume 21, 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 Thomas P. and Evanelle E. Ewing confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of May, 1975.

/s/ CHRIS L. WHEELER  
State Engineer





STATE OF OREGON

INTEROFFICE MEMO

TO: Trevor Jones, Assistant

DATE: May 6, 1975

FROM: Keith Palmer, Watermaster Dist. 16

SUBJECT: Transfer No. T-3169

Mr. Ewings request for change in point of diversion presents two possible difficulties for the distribution of water in this area. First is the fact that the proposed new point of diversion will be below the confluence of the Little Pudding River. Mr Ewing does not presently have a water right on the Little Pudding River.

Secondly, I find that there are three rights of record, with junior priority dates, lying between Mr. Ewing's old point of diversion, and his new point of diversion.

I do not think measuring devices are necessary at this time. I do, however, feel that the order issued by the State Engineer should contain the following conditions: "That the applicant shall provide a weir or other suitable measuring device at the new point of diversion, and-or at the old point of diversion, upon request of the watermaster. The measuring device to be approved by the watermaster prior to the installation.

*Keith M Palmer*



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

Notice is given hereby that Thomas P. and Evanelle E. Ewing have filed an application for the approval of a change in point of diversion of water from Pudding River.

Certificate of water right issued to Leroy A. Esson Estate, Carlton J. McLeod, Executor, and recorded at page 29414, Volume 21, State Record of Water Right Certificates, confirms a right to the use of 0.23 cubic foot per second from Pudding River for the irrigation of 9.8 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 5, and 6.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 6, T. 6 S., R. 1 W., W.M., with a date of priority of February 27, 1957. Water for this use is diverted from a point located 940 ft. N. and 650 ft. E. from the SW corner of Sec. 5, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 5, T. 6 S., R. 1 W., W.M.

The applicants herein, owners of the land above described, proposes to irrigate these lands from a point of diversion to be located 2227 ft. N. and 392 ft. E. from the SW corner of Sec. 5, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 5, T. 6 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse in Salem, Oregon, on May 27, 1975, 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 Thomas P. and Evanelle E. Ewing, 3289 Cheyenne Court N.W., Salem, Oregon, 97304, 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 the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 25th day of March, 1975.

CHRIS L. WHEELER, State Engineer



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

Notice is given hereby that Thomas P. and Evanelle E. Ewing have filed an application for the approval of a change in point of diversion of water from Pudding River.

Certificate of water right issued to Leroy A. Esson Estate, Carlton J. McLeod, Executor, and recorded at page 29414, Volume 21, State Record of Water Right Certificates, confirms a right to the use of 0.23 cubic foot per second from Pudding River for the irrigation of 9.8 acres in the NW 1/4 SW 1/4, 2.4 acres in SW 1/4 SW 1/4, Sec. 5, and 6.2 acres in NE 1/4 SE 1/4, Sec. 6, T. 6 S., R. 1 W., W.M., with a date of priority of February 27, 1957. Water for this use is diverted from a point located 940 ft. N. and 650 ft. E. from the SW corner of Sec. 5, being within the SW 1/4 SW 1/4, Sec. 5, T. 6 S., R. 1 W., W.M.

The applicants herein, owners of the land above described, proposes to irrigate these lands from a point of diversion to be located 2227 ft. N. and 392 ft. E. from the SW corner of Sec. 5, being within the NW 1/4 SW 1/4 of Sec. 5, T. 6 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse in Salem, Oregon, on May 27, 1975, at 9:30 a.m. All ob-

jections 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 Thomas P. and Evanelle E. Ewing, 3289 Cheyenne Court N. W., Salem, Oregon, 97304, 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 the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 25th day of March, 1975.

CHRIS L. WHEELER,  
State Engineer

First Publication: Apr. 3, 1975  
Last Publication: Apr. 17, 1975

**AFFIDAVIT OF PUBLICATION**

STATE OF OREGON, COUNTY OF MARION, ss:

I, CAROLYN DUER, being first duly sworn, depose and say that I am office manager of The Silverton Appeal-Tribune, a newspaper of general circulation as defined by Section 58, Oregon Laws, as amended by Chapter 445 General Laws of Oregon, 1929, printed and published at Silverton, in the aforesaid county and state; that

the Change in point of div. of water, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three (3) successive and consecutive weeks in the following issues:

April 3, 10, 17, 1975

Carolyn Duer

Subscribed and sworn to before me this 21<sup>st</sup> day

of April, 1975

Marilyn R. Thompson  
Notary Public for Oregon.

My commission expires 3-13-79

RECEIVED

APR 22 1975

STATE ENGINEER  
SALEM, OREGON





FILED ✓  
MAR 11 1964  
T. W. CRECH

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION

VOL. 148 PAGE 672 PROBATE DEPARTMENT

1964 MAR 11 AM 11 26

T. HAROLD TOLINSON  
COUNTY CLERK

BY 11/2 DEPUTY

In the Matter of the Estate

of

LeROY A ESSON, Deceased,

No. 18 349

ORDER OF  
DISTRIBUTION

It appearing to the Court that the Final Accounting on file herein has heretofore been ratified and approved, and it further appearing that said estate should be distributed according to the Stipulation, Release and Renunciation, and the Order and Decree entered thereon in the will contest proceedings herein, and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED: That Carlton McLeod, executor of the above estate, be and he is hereby authorized and directed to distribute the assets on hand in said estate, as follows:

Unto Evanelle Ewing, the following assets, to-wit:

Cash \$ 3,871.68

Contract dated April 8, 1959, between L. A. Esson and David Scharer and Jessie Scharer, his wife, for the sale of irrigation pipe, balance 350.00

Certificate No. C038955, 50 shares of Federal National Mortgage Association stock, appraised at 2,962.50

Certificate No. C17670, 100 shares of Portland General Electric Company common stock, appraised at 2,800.00

Mt. Angel Farmers Union Warehouse Certificates of Interest No. 13133, 14461, A-304, 5-1896, and 7-307 Marion County Farmers Union Oil Co. Certificates of Interest No. 4468, 6287, and 3/1/51, appraised at 149.89

Tools, appraised at 35.00

Farm machinery 100.00

Furniture 350.00

Real property, in Marion County, Oregon, more particularly described as follows:

JACK, GOODWIN & ANICKER  
ATTORNEYS AT LAW  
SMITH BUILDING - 704 MAIN STREET  
OREGON CITY, OREGON



Parcel #1

VOL 148 PAGE 673

Beginning at the Southeast corner of the lands conveyed by Deed of Lucinda Coonse to Nickolas Kuschnick, recorded in Book 22, page 592, Record of Deed in and for Marion County, Oregon, in Township 6 South, Range 1 West of the Willamette Meridian, Oregon, and running thence North 10.65 chains; thence West 3.285 chains; thence South 10.65 chains; thence East 3.285 chains to the place of beginning.

Parcel #2

Lot 1, in Section 5, Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

Parcel #3

Beginning at the Southeast corner of the Donation Land Claim of Felix Coonse and wife; thence West 5.80 chains to the West bank of Pudding River; thence down the bank of Pudding River, North 23 1/2° West 18.50 chains; North 50° East 5.37 chains; East 1.05 chains; South 59 1/4° East 3.50 chains; South 40 3/4° East 9.50 chains; North 77° East 1.00 chain; North 43° East 2.00 chains; North 22 1/2° East 5.00 chains; North 34 1/4° East 8.37 chains; North 56° East 1.75 chains; East 1.90 chains; South 45° East 1.37 chains; South 9 3/4° East 2.00 chains; South 30 1/4° East 3.08 chains; South 54 1/4° East 2.50 chains; North 66° East 2.80 chains to the Eastern boundary line of the Coonse Claim; thence South 45° West 25 chains, more or less, to the place of beginning.

Parcel #4

Being a part of the Donation land Claim of William Parker and wife No. 49, in Township 6 South Range 1 West of the Willamette Meridian, Marion County, Oregon, as follows: Beginning at the Southeast corner of the Donation Land Claim of Felix Coonse in Section 6, Township 6 South Range 1 West, and running thence West 11.75 chains; thence Southeast along the road leading from Dumakins Blacksmith Shop to Gervais, 8.50 chains until said road crosses Pudding River; thence Northeasterly along the Margin of said River, 3.75 chains; thence along the West line of Claim No. 58, North 45° East 7.87 chains to the place of beginning.

Parcel #5

Situate in Marion County, Oregon, and known as the West half of the Donation Land Claim of John C. Carey, situate in Townships 5 and 6 South of Range 1 West of the Willamette Meridian, being a part of Sections 5 and 6 in Township 6 South Range 1 West and part of Section 32 in Township 5 South Range 1 West, particularly described as follows, to-wit: Beginning at the Southwest corner of said Carey's Claim No. 58, at a red fir tree 2 feet in diameter; thence North 45° East 84.47 chains to a corner; thence South 57 3/4° East 39.20 chains to a corner; thence South 45° West 82.98 chains; thence North 60° West 39.50 chains to the place of beginning.

EXCEPTING from the last above tract above described the following two tracts, to-wit:

Beginning at the middle of the channel of Pudding River, 71.87 chains North 45° East from the Southwest corner of the Donation Land Claim of John C. Carey and wife in Township 6 South Range 1 West of the Willamette Meridian in Marion County, Oregon; thence running North 45° East 12.60 chains; thence South 57° 45' East 21.05 chains; thence East 6.58 chains to the middle of the proposed County Road;



thence South 43° 30' West 6.60 chains to an angle in said road; thence South 70° West 1.56 chains; thence North 76° West 22 chains; thence North 68° 15' West 6.27 chains to the place of beginning.

Beginning at the Southeast corner of the land of Alexander Esson in Township 6 South Range 1 West of the Willamette Meridian, Oregon, and running thence North 60° West 1 rod; thence North 45° East parallel to and at the same distance from the line between lands of Alexander Esson and that now owned by George Ritchey, 20 chains; thence North 45° West 1.85 chains; thence North 45° East 2.37 chains; thence South 45° East 2.10 chains; thence South 45° East 2.35 chains; thence South 45° West 22.37 chains to the place of beginning.

Parcel #6

Beginning at the Northwest corner of the Donation Land Claim of John C. Carey and wife in Township 6 South Range 1 West of the Willamette Meridian, Marion County, Oregon; thence North 89° 15' West 10.36 chains to the East line of the Donation Land Claim of Felix Coonse; thence North 0° 07' East 9.26 chains along the East line of Felix Coonse Claim; thence South 47° 42' East 13.98 chains to the place of beginning.

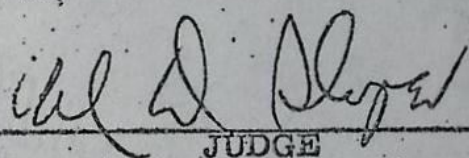
SAVE AND EXCEPT property conveyed to Marion County by Deed Recorded May 12, 1959, in Volume 522, page 461, Deed Records for Marion County, Oregon. (affects Parcels 1, 3 and 4)

SAVE AND EXCEPT all timber conveyed to A. F. Lowes Lumber Co. by Deed recorded June 10, 1959, in Volume 523, page 493, Deed Records for Marion County, Oregon. (affects all parcels)

and it is further

ORDERED AND ADJUDGED: That Carlton McLeod, executor, shall secure a receipt from Evanelle Ewing for the distribution of said assets, and file the same with the Clerk of this Court, and it is

SO ORDERED.

  
JUDGE

DATED: May 11, 1964



State of Oregon,  
County of Marion } ss.

I, T. HAROLD TOMLINSON, County Clerk of the above named County and State and  
ex-officio Clerk of the CIRCUIT Court of the County of Marion, State of Oregon,  
do hereby certify that the foregoing copy of ORDER AND DECREE and ORDER OF DISTRIBUTION  
in re: LeROY A. ESSON, ESTATE #18349

has been by me compared with the original and that it is a correct transcript therefrom and  
of the whole of such original record or file as the same appears of record or on file in my  
office and in my care and custody

*In Testimony Whereof,* I have hereunto set my hand and affixed the seal of said  
Court at Salem, Oregon, this 4th day of March, A. D. 1966

T. HAROLD TOMLINSON, County Clerk

By Margaret A. Mulvey Deputy



# Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Thomas P. and Evanelle E. Ewing

(Name of applicant)

of 3289 Cheyenne Ct., N.W., Salem (97304), County of Polk

(Postoffice)

State of Oregon, do hereby make application for change

in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Pudding River

(Name of stream)

2. The use to which the water is applied is Irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Pump

4. The point of diversion is located 940 ft. N. and 650 ft. E. from the S.W.

(N. or S.)

(E. or W.)

corner of Sec. 5 being within the SW 1/4 SW 1/4

(Section or subdivision)

of Section 5 Tp. 6 S R. 1 W W. M., in the County of Marion

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
6 S	1 W	5										8	2					
		6													6			

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? 27 February 1957

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number

(Yes or No)

of permit 24832



10. Do you hold a water right certificate? Yes If so, give number of certificate 29414  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings  
(Yes or No)

12. Is the water right recorded in your name? No, Estate of LeRoy A. Esson (Father of Evanelle E. Ewing)  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 2227 ft. N. and 392 ft. E. from the S.W. corner of Sec. 5 being within the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 5 Tp. 6 S R. 1 W W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
in the county of Marion The name of the ditch to be used is Pump

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? Unknown

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? (Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are The new point of diversion is more centrally located to the ground to be irrigated; also there is another application filed under the name of Alice Earline Dabacon, the location of the pump being the exact location of this application.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of MARION

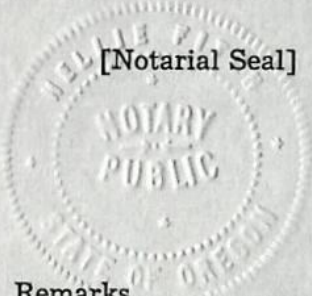
} ss.

I, Thomas P. Ewing, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 14<sup>th</sup> day of February, 1915.

Thomas P. Ewing  
(Name of applicant)

Subscribed and sworn to before me this 14<sup>th</sup> day of February, 1915



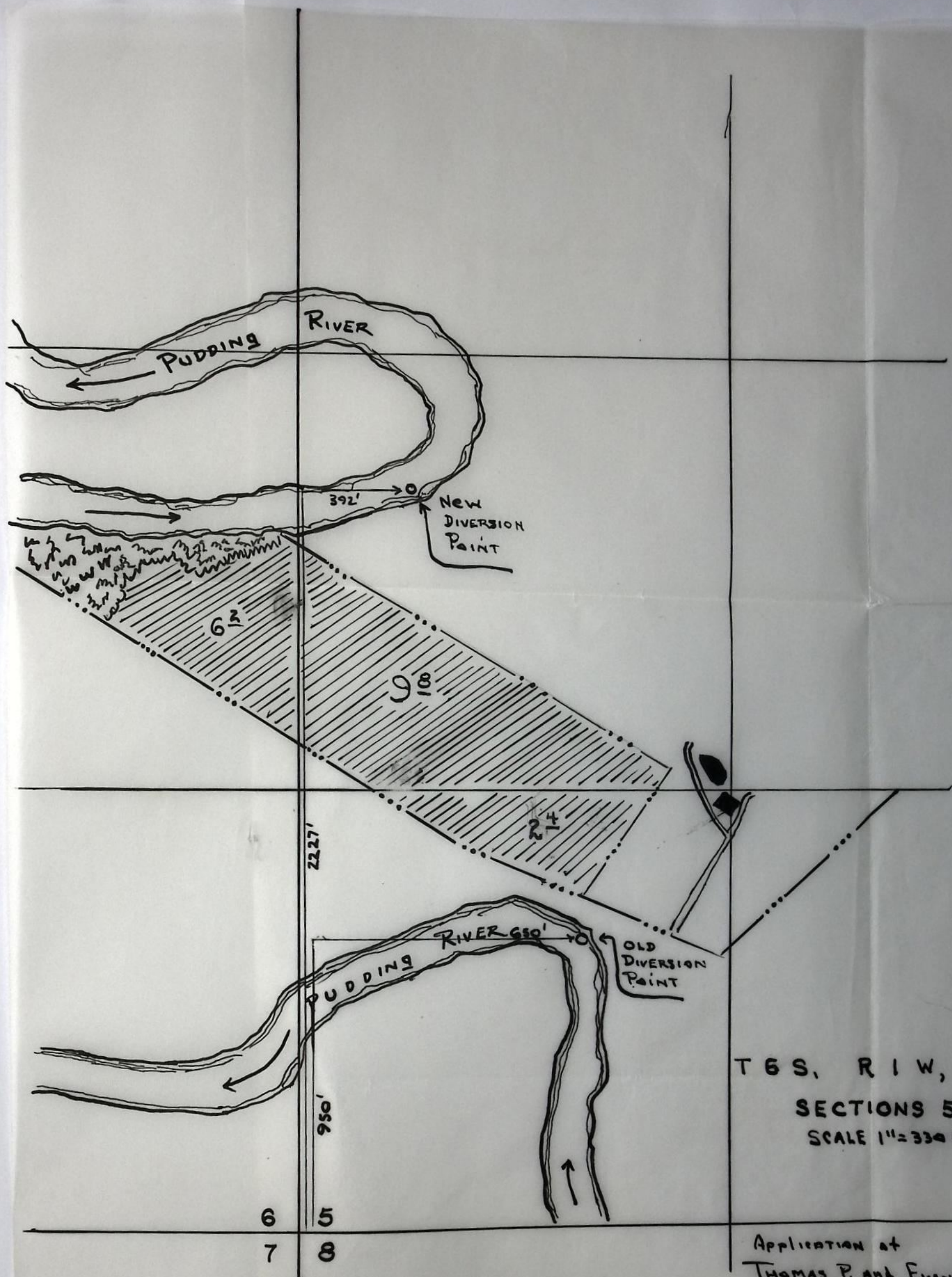
Hellie Fitch  
NOTARY PUBLIC FOR OREGON

My commission expires 4-30-25

Remarks \_\_\_\_\_  
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THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.





T 6 S, R 1 W, WM  
 SECTIONS 5 + 6  
 SCALE 1" = 330 FT

Application at  
 THOMAS P. and EVANELLE EWING  
 3289 CHEYENNE CT N.W.  
 Salem, Oregon 97304  
 T-3169