

3099 Allan E and Louise Katz
Carleton, Oregon 97111

3099

STATUS OF APPLICATION

Change in point of diversion, POV
Date filed 7-22-74
Date of hearing Nov 1, 1978
Place of hearing McMinnville
Date of order 11-6-78 Vol. 31, page 384
Date for application of water 10-1-80
Proof mailed _____
Proof received JAN 29 1979
Certificate issued AUG 29 1988
Surveyed 7/9/84
AUG 29 1988

DESCRIPTION OF WATER RIGHT

Name of stream No Yamhill R
Trib. of _____ County of Yamhill
Use irrigation
Quantity of water _____ No. of acres 35^e
Name of ditch _____
Date of priority _____
In name of _____
Adjudication, Vol. _____, page _____
App. No. 18069 Per. No. 13735 Cert. No. 20250
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-22-74</u>	<u>15.00</u>	<u>42189</u>
<u>9-5-78</u>	<u>76.25</u>	<u>5910</u>
<u>10-13-78</u>	<u>11.14</u>	<u>6698</u>
TOTAL		
<u>10-11-78</u>	<u>2 Cert. Fee</u>	<u>Transf fr 5910</u>
<u>News Register \$59.14 pd 10-11-78 OK #2674</u>		

FEES REFUNDED

Date	Amount	Check No.
EX 315		
POV 15		
ORD 1128		
COT 2		
POV 59.14		
102.37		

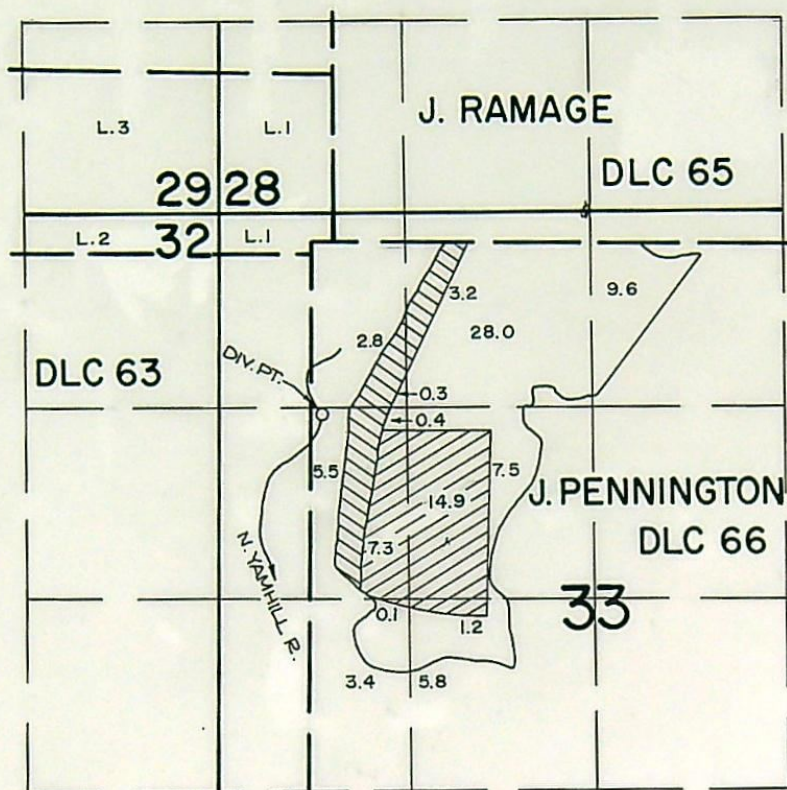
REMARKS

CARD FOR C. NOV 4 1980

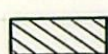
T-6809 Δ POV

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

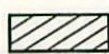
T.3S., R.4W., W.M.



DIV. PT. LOCATION: 1360 FT. S. AND 710 FT. E. FROM
THE N.W. CORNER OF SECTION 33.



PRIORITY DATE:
MAY 16, 1939



PRIORITY DATE:
APRIL 25, 1941

FINAL PROOF SURVEY UNDER

SCALE: 4" = 1 MILE

TRANSFER NO. 3099

IN NAME OF

.....ALLAN & LOUISE KATZ.....

Surveyed JULY 9, 1984, by P. P. Patten

STATE OF OREGON

COUNTY OF

YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

DANIEL J. FRY

of 606 South High St., Salem, State of Oregon, 97301, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Fork Yamhill River

a tributary of Yamhill River
irrigation of 88.0 acres

for the purpose of

under Permit No. 13735 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 16, 1939

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 1.11 cubic feet 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Ramage DLC 65, Section 28, T. 3 S., R. 4 W., W. M., 1350 feet North and 2350 feet West from the SE Corner, Section 28

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:

SEE NEXT PAGE

24.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
24.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
7.3 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
18.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 28

6.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
7.3 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27

All as projected within James Ramage DLC 65
T. 3 S., R. 4 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 20250, Volume 15, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 6, 1978, approving transfer application No. 3099.

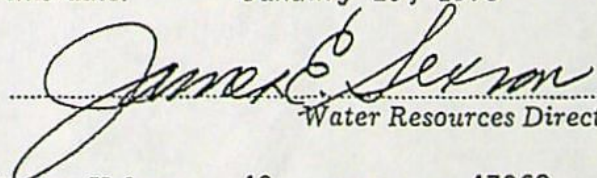
The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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.

January 29, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 40 , page 47362

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that ALLAN AND LOUISE KATZ, of P.O. BOX 212 MCMINNVILLE, OREGON 97128, has a right to the use of the waters of NORTH FORK YAMHILL RIVER, a tributary of YAMHILL RIVER, for the purpose of IRRIGATING 23.5 ACRES.

The right has been perfected under Permit 14888. The date of priority is APRIL 25, 1941. The right is limited to not more than 0.294 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, AS PROJECTED WITHIN DLC 66, SECTION 33,
T 3 S, R 4 W, W.M.; 1360 FEET SOUTH & 710 FEET EAST FROM NW CORNER
SECTION 33.

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.

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:

SW 1/4 NW 1/4 7.3 ACRES
SE 1/4 NW 1/4 14.9 ACRES
NE 1/4 SW 1/4 1.2 ACRES
NW 1/4 SW 1/4 0.1 ACRE
ALL AS PROJECTED WITHIN DLC 66
SECTION 33
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

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.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 6, 1978, and supersedes certificate 20251, 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.

WITNESS the signature of the Water Resources Director, affixed this date AUGUST 29, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57610

T-3099

T-6809

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that ALLAN AND LOUISE KATZ, of P.O. BOX 212, MCMINNVILLE, OREGON 97128, has a right to the use of the waters of NORTH FORK YAMHILL RIVER, a tributary of YAMHILL RIVER, for the purpose of IRRIGATING 11.5 ACRES.

The right has been perfected under Permit 13735. The date of priority is MAY 16, 1939. The right is limited to not more than 0.14 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, AS PROJECTED WITHIN DLC 66, SECTION 33, T 3 S, R 4 W, W.M.; 1360 FEET SOUTH AND 710 FEET EAST FROM NW CORNER SECTION 33.

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:

NE 1/4 NW 1/4 3.2 ACRES
NW 1/4 NW 1/4 2.8 ACRES
SW 1/4 NW 1/4 5.5 ACRES
ALL AS PROJECTED WITHIN DLC 66
SECTION 33
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

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.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 6, 1978, and together with certificate 47362, supersedes certificate 20250, 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.

WITNESS the signature of the Water Resources Director, affixed this date AUGUST 29, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57609

T-3099

T-6809

JH

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DANIEL J. FRY

of 606 South High Street, Salem, 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 North Fork Yamhill River a tributary of Yamhill River for the purpose of irrigation of 88.0 acres under Permit No. 13735 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 16, 1939

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 1.25 cubic feet per second,
1.11

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65, Section 28, Township 3 South, Range 4 West, W. M., 1350' N & 2350' W from SE cor Sec 28

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:

24.6 ~~27.4~~ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65 - 2.8
24.2 ~~32.9~~ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65 - 8.7
7.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65
18.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65

Section 28

6.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65

7.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65

Section 27

Township 3 South, Range 4 West, W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 20250, Volume 15, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 6, 1978, approving transfer application No. 3099.

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

this 26th day of February, 1984.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20250

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That DANIEL J. FRY

of 606 South High Street, Salem, 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 North Fork Yamhill River a tributary of Yamhill River for the purpose of irrigation under Permit No. 14888 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 April 25, 1941

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 0.294 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65, Section 28, Township 3 South, Range 4 West, 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:

- 20.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65
 - 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within James Ramage D.L.C. No. 65
- Section 28
Township 3 South, Range 4 West, 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 26th day of February, 19 54

CHAS. E. STRICKLIN

State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF ALLAN E. & LOUISE KATZ FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3099

On July 22, 1974, an application was filed in the office of the Water Resources Director by Allan E. and Louise Katz for approval of changes in place of use and point of diversion from North Fork Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 20250, Volume 15, State Record of Water Right Certificates, in the name of Daniel J. Fry, describes a right which includes the use of not to exceed 0.14 cubic foot per second from North Fork Yamhill River for irrigation of 2.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 8.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within D.L.C. No. 65, of Section 28, Township 3 South, Range 4 West, W.M., with a date of priority of May 16, 1939.

The certificate recorded at page 20251 of said Volume 15, in the name of Daniel J. Fry, describes a right for the use of not to exceed 0.294 cubic foot per second from North Fork Yamhill River for irrigation of 20.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within D.L.C. No. 65, of Section 28, Township 3 South, Range 4 West, W.M., with a date of priority of April 25, 1941.

The authorized point of diversion of record for said rights is located 1350 feet North and 2350 feet West from the Southeast Corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 3 South, Range 4 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 3.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 3 South, Range 4 West, W.M., with a date of priority of May 16, 1939; and 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33, with a date of priority of April 25, 1941.

The applicants herein also propose to change the point of diversion therefrom, without loss of priority, and to hereafter divert water for irrigation of the above described lands in said Section 33 from a point located South 72 degrees 30 minutes

131, 2314

West, 640 feet from the Northeast Corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 3 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of September 13, 20 and 27, 1978.

Mr. Clifton R. King, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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 rights.

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:

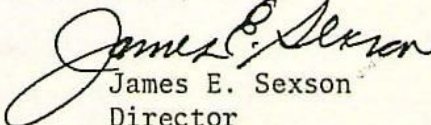
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificates of water right recorded at pages 20250 and 20251, Volume 15, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 6th day of November, 1978.


James E. Sexson
Director

"EXH

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof certain 3.1 ac in NE 1/4 NW 1/4, 2.6 ac in NW 1/4 NW 1/4 & 5.8 ac in SW 1/4 NW 1/4 of Sec 33, T 3S, R 4W, WM, with a date of priority of May 16, 1939; and 8.0 ac in SW 1/4 NW 1/4, 2.4 ac in SE 1/4 NW 1/4, 2.1 ac in SE 1/4 SW 1/4 & 1.0 ac in NW 1/4 SW 1/4 of said Sec 33, with a date of priority of April 25, 1941.

The applicants herein also propose to change the point of diversion therefrom, without loss of priority, and to hereafter divert water for irrigation of the above described lands in said Sec 33 from a point located S 72 degrees 30' W, 640 ft from the NE Corner of the SW 1/4 NW 1/4 of Sec 33, being within the SW 1/4 NW 1/4 of Sec 33, T 3S, R 4W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on November 1, 1978, at 9:30 a.m. All objections to the proposed changes, 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 Allan E. & Louise Katz, c-o P.O. Box 596, McMinnville, OR 97128; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 8th day of September, 1978.

James E. Sexson
Director

N-R Published: September 13, 20 & 27, 1978

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Yamhill

ss.

I, Homer Rohse, being first duly sworn,

do hereby depose and say that I am the Business Manager of the

YAMHILL REGISTER, a newspaper of general circulation as defined by O.R.S.

3.010 and O.R.S. 193.020, published thrice each week at McMinnville, County

Yamhill, State of Oregon, and that the NO Right Transfer

....., a printed copy of which is hereto annexed

and marked Exhibit "A," was published in the entire issue of said newspaper

..... 3 successive and consecutive weeks in the following issues:

September 13, 20 & 27, 1978

Subscribed and sworn before me this 28 day of September, 1978.

[Signature]
Notary Public for Oregon.

My Commission Expires 7-22-79

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3099

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Allan E. & Louise Katz for approval of changes in place of use & point of diversion from North Fork Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 20250, Volume 15, State Record of Water Right Certificates, in the name of Daniel J. Fry, describes a right which includes the use of not to exceed 0.14 cubic foot per second from N. Fk. Yamhill Riv. for irrigation of 2.8 ac in NE 1/4 SE 1/4 & 8.7 ac in NW 1/4 SE 1/4, as projected within D.L.C. No. 65 of Sec 28, T 3S, R 4W, WM, with a date of priority of May 16, 1939.

The certificate recorded at page 20251 of said Volume 15, in the name of Daniel J. Fry, describes a right for the use of not to exceed 0.294 cubic foot per second from N. Fk. Yamhill Riv. for irrigation of 20.0 ac in SW 1/4 SE 1/4 & 3.5 ac in SE 1/4 SE 1/4 as projected within D.L.C. No. 65 of Sec 28, T 3S, R 4W, WM, with a date of priority of April 25, 1941.

The authorized point of diversion of record for said rights is located 1350 ft N & 2350 ft W from the SE Corner of Sec 28, being within the NW 1/4 SE 1/4 of Sec 28, T3s, R4W, WM.

"EXHIBIT A"

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Yamhill

ss.

I, Homer Rohse, being first duly sworn,
depose and say that I am the Business Manager of the
NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S.
193.010 and O.R.S. 193.020, published thrice each week at McMinnville, County
of Yamhill, State of Oregon, and that the NO Right Transfer.

....., a printed copy of which is hereto annexed
and marked Exhibit "A," was published in the entire issue of said newspaper
for 3 successive and consecutive weeks in the following issues:

September 13, 20 & 27, 1978

Subscribed and sworn before me this 28 day of September,
19 78.

[Signature]
Notary Public for Oregon.

My Commission Expires 7-22-79

RECEIVED

SEP 29 1978

WATER RESOURCES DEPT.
SALEM, OREGON