

3347 *Case 1*  
*Route 2, Box 82 B*  
*Williamine, Ca 92391*

3347

STATUS OF APPLICATION

Change in point of diversion  
Date filed 1-12-76  
Date of hearing 12-28-76  
Place of hearing McMinnville  
Date of order 1-26-77 Vol. 28, page 280  
Date for application of water 10-1-78  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued NOV 28 1977 Vol. 37, page 45018  
June 3, 1982 Vol 45 page 51057  
Survey 3-79

DESCRIPTION OF WATER RIGHT

Name of stream Williamine Creek  
Trib. of \_\_\_\_\_ County of Yamhill  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 1.5  
Name of ditch \_\_\_\_\_  
Date of priority March 4, 1959  
In name of Eldon Fendall  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 32935 Per. No. 26028 Cert. No. 28293  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
1-12-76	35.00	51029
1-12-76	45.00 p.o.w.	51030
TOTAL . . .		
1-25-77	<u>2.00</u> Cert. Fee	51030

FEEES REFUNDED

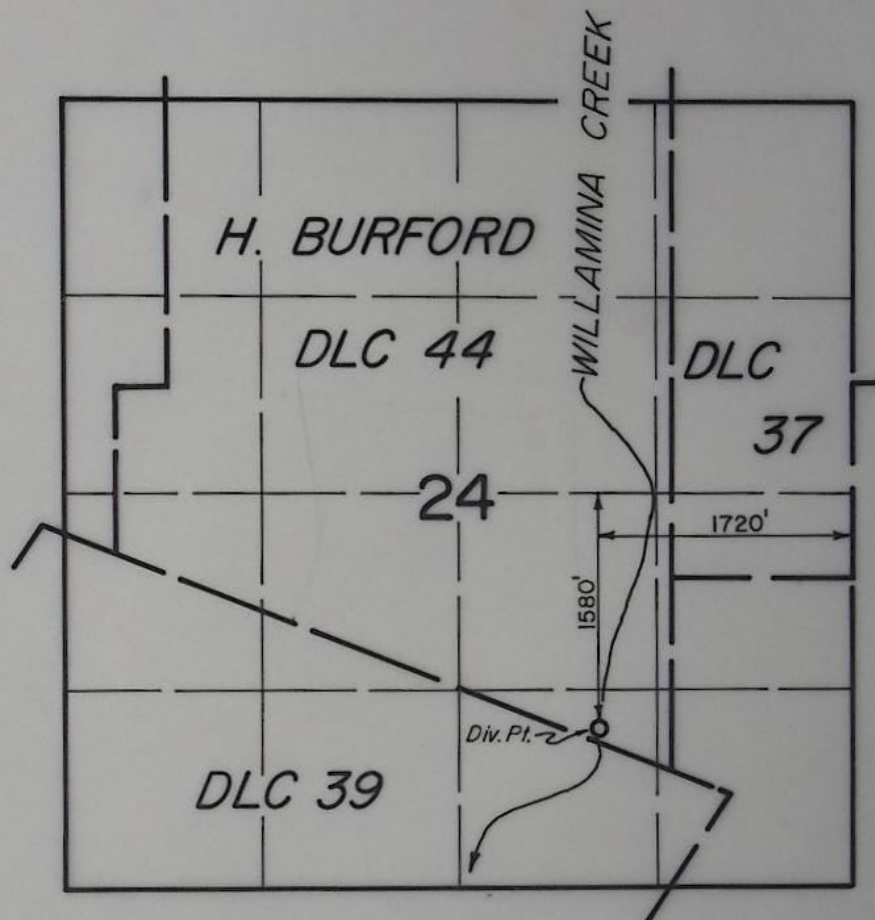
Date	Amount	Check No.
1/25/77	\$ 10.75	1099

*Paid w/ck. # 1098 - Sheridan Sum \$32.25*  
*1/25/77*

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	W/H	W/H		
			Name	✓
			Stream	✓
			Pt. of Div.	✓
			Calendar	✓
			CHANGED TO RECORDS:	
			Twp. & Rge.	GLS
			Decree-vault	
			Decree-sale	
✓			Cert. of W. R.	✓
✓			Per. holder	lg
			Chaindex	
			Cross Ref.	
✓			Power Claim	
			Abstracts	✓

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



**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3347  
IN NAME OF

David E. Fendall

Surveyed AUG. 20, 1979, by dlB

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION )  
OF DAVID E. FENDALL FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM WILLAMINA CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3347

On January 12, 1976, David E. Fendall filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Willamina Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate recorded at Page 28293, Volume 20, State Record of Water Right Certificates, in the name of Eldon Fendall includes the use of not to exceed 0.013 cubic foot per second from Willamina Creek for the irrigation of 1.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, Township 5 South, Range 7 West, W.M., with a date of priority of March 4, 1959.

Water for said right is diverted from a point located 1725 feet North and 1575 feet West from the Southeast 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 the lands above described, proposes to change, without loss of priority, the point of diversion and to irrigate the above described 1.5 acres from a point of diversion located 1020 feet North and 1670 feet West from the Southeast corner of Section 24, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, Township 5 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Sheridan Sun, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of November 4, 11 and 18, 1976.

Mr. Benjamin E. Monroe, Watermaster of District No. 18, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 from Willamina Creek 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, and shall not exceed 0.013 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, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Eldon Fendall and recorded at Page 28293, Volume 20, State Record of Water Right Certificates, is 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, a confirming certificate of water right shall be issued to David E. Fendall.

Dated at Salem, Oregon, this 26th day of January, 1977.

/s/ JAMES E. SEXSON  
Director

34-45

County Yamhill

66-02-8  
REL  
66-12-7  
NOT HANDLED 5LL-45

1. Name David E. Fendall  
Address Route 2, Box 82 B Williamina, ON 97396
2. Source of Supply Williamina Creek, Trib of \_\_\_\_\_
3. Use irrigation
4. Amount of Water \_\_\_\_\_ Priority Date March 4, 1959
5. Proposed Point of Diversion 1020 ft. North and 1670 ft. West from  
South East Corner, Sec. 24, being w/4 SW 1/4 SE 1/4, Sec. 24, T.  
5 South, R. 7 West, W.M., Yamhill County.
6. Completion Date October 1, 1978
7. Place of Use: \_\_\_\_\_

[illegible]

NOTE: This is Additional DIVERSION Not Change  
in P.O.D.

AUG - 20, 1979

INFO: INSPECTION, & MRS FENDALL

SOURCE: WILLAMINA CREEK

USE: IRRIGATION

CROP: GARDEN (APPROX  $\frac{1}{2}$  AC along creek)

Pump: 3 hp BRIGGS & Stratton  
DDC STA RITE 2" x 2"

Pipe: 2" Buried PVC

heads: 2 - RB 35'5 -  $\frac{3}{16}$ " x 0" } ALLMAX  
1 - RB 30  $\frac{1}{64}$ " x  $\frac{1}{8}$ "  
1 - Nelson 12 R  $\frac{3}{16}$ " x 0"  
1 - Lawn Sprinkler

@ lift: suction 4 ft, discharge 4 ft.

tie PHOTOGRAPH-3LL-45

Steve Bunn  
F.E.

T-3347

Sec. 24: T5S R7W W Mand  
in H Buford and J.T. Allen D.L.C's  
scale - 1" = 400'

House

House

Point of Diversion  
Eldon Fendall  
app. 32935  
PERMIT 26028

Point of Diversion  
Roy Dent J.T. Allen D.L.C.  
app. 10,27223  
PERMIT NO. 21419

PLACE OF USE & PT of div  
this application  
Road

1670 ft W.

(1.5a  
involved  
in Transfer)

Chick  
MARKET

RECEIVED

JAN 12 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

T-3347

APP. 35  
NOTICE 45  
80

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, DAVID E. FENDALL  
(Name of applicant)

of RT2 BOX 8<sup>13</sup> WILLAMINA 97396, County of YAMHILL  
(Postoffice)

State of OREGON, do hereby make application for change POINT OF DIVERSION

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

1. The source of present water right is WILLAMINA CREEK  
(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 \_\_\_\_\_

4. The point of diversion is located 1725 ft. N and 1575 ft. W from the S.E.  
(N. or S.) (E. or W.)

corner of Sec. 24 being within the N.W. 1/4 & S.E. 1/4  
(Section or subdivision)

of Section 24 Tp. 5S R. 7W W. M., in the County of YAMHILL  
(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
5S	7W	24															1.5a.	

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? MARCH 4, 1959

9. Was your water right acquired by State Engineer's Permit? YES If so, give number  
(Yes or No)

of permit 26028

10. Do you hold a water right certificate? ..... If so, give number of certificate 28293  
(Yes or No)

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

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

12. Is the water right recorded in your name? NO ELDON FENDALL  
(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 1020 ft. N and 1690 ft. W from the S.E.  
(N. or S.) (E. or W.)  
corner of Sec. 24 being within the S.W. $\frac{1}{4}$  & S.E. $\frac{1}{4}$  of Section 24 Tp. 5 S R. 7 W W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of Yamhill. 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? YES (CERT. 26040)

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 So as to Pump  
adjacent to my PROPERTY

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

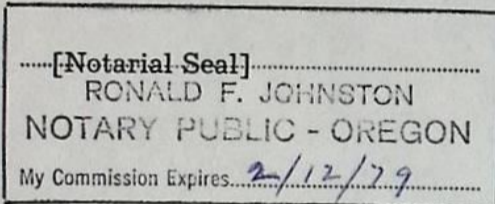
County of Yamhill } ss.

I, DAVID E. FENDALL, 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 7<sup>th</sup> day of January, 1976.

David E. Fendall  
(Name of applicant)

Subscribed and sworn to before me this 7<sup>th</sup> day of January, 1976



RONALD F. JOHNSTON  
NOTARY PUBLIC - OREGON  
My Commission Expires 2/12/79  
My commission expires Feb. 12, 1979

Remarks Balance of Right owned by  
ELDON FENDALL

Publish in SHERIDAN SUN  
SHERIDAN, ORE. 97378

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.



**Water Resources Department**  
**MILL CREEK OFFICE PARK**

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

February 8, 1979

David E. Fendall  
Route 2, Box 82 B  
Willamina, Oregon 97396

RE: File No. T-3347

The time allowed for completion of the change in point of diversion of water from Willamina Creek, proposed by your water right transfer application No. 3347, expired on October 1, 1978.

If the authorized change(s) was/were accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were diligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

*James W. Carver, Jr.*  
James W. Carver, Jr.  
Engineer

JWC:lcj

-----  
**STATEMENT OF COMPLETION**

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3347 was accomplished by June 1, 1977.

Feb. 26, 1979  
Date

*David E. Fendall*  
Signature

-----  
☐ Please send form for application for extension of time limit.

**RECEIVED**  
**FEB 28 1979**  
**WATER RESOURCES DEPT.**  
**SALEM, OREGON**



*Water Resources Department*

**MILL CREEK OFFICE PARK**

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

March 6, 1979

David E. Fendall  
Route 2, Box 82 B  
Willamina, OR 97396

RE: File No. T-3347

Dear Mr. Fendall:

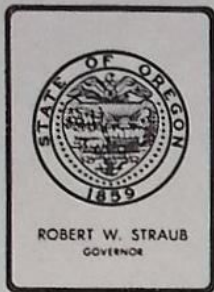
The notice of completion of works and use of water under the provisions of the order of the Water Resources Director approving water right transfer application No. T-3347, for a change in point of diversion of water from Willamina Creek, was received and, in line with the general practice of this office, a survey will be made at a later date.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:jfv

cc: Michael F. Ladd, Watermaster, District 18



## Water Resources Department

### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

February 8, 1979

David E. Fendall  
Route 2, Box 82 B  
Willamina, Oregon 97396

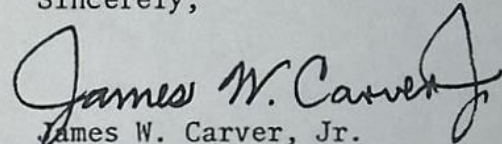
RE: File No. T-3347

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If the authorized change(s) was/were accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were diligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

  
James W. Carver, Jr.  
Engineer

JWC:lcj

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#### STATEMENT OF COMPLETION

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3347 was accomplished by \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



Please send form for application for extension of time limit.



STATE OF OREGON

INTEROFFICE MEMO

TO: Jim Jarver

DATE: 12-6-76

FROM: Ben Monroe

SUBJECT: Regarding application for transfer of point of diversion, T.3347

After examining the above said application and stream on which application was made, I find no reason not to allow said transfer. Also I feel that provision 2 should be written into the order.

*B. Monroe*

RECEIVED

JAN 18 1977

WATER RESOURCES DEPT  
SALEM, OREGON

NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
NO. 3347 FOR A CHANGE  
IN POINT OF DIVERSION

Notice is given hereby that on January 12, 1976, David E. Fendall filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record as described by the certificate recorded at Page 28293, Vol. 20, State Record of Water Right Certificates, in the name of Eldon Fendall, which includes the use of not to exceed 0.013 cubic foot per second from Willamina Creek for the irrigation of 1.5 acres in SW1/4 SE1/4 of Sec. 24, T. 5 S., R. 7 W., W.M., with a date of priority of March 4, 1959.

Water for said right is diverted from a point located 1725 ft. N. and 1575 ft. W. from the SE corner of Sec. 24, being within the NW1/4 SE1/4 of Sec. 24, T. 5 S., R. 7 W., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to irrigate the above described 1.5 acres from a point of diversion located 1020 ft. N. and 1670 ft. W. from the SE corner of Sec. 24, being within the SW1/4 SE1/4 of Sec. 24, T. 5 S., R. 7 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Or., on Dec. 28, 1976, 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 David E. Fendall at Rt. 2, Box 82B, Willamina, Or. 97396, and one copy filed with the Water Resources Department, Salem, Oregon 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 25th day of October, 1976.

JAMES E. SEXSON  
Director

Pub. S. Sun, Nov. 4, 11, 18, 1976

Affidavit of Publication

STATE OF OREGON,  
COUNTY OF YAMHILL, ss.

Douglas K. Parker

being first duly sworn, deposes and says

that he is the publisher  
of The Sheridan Sun, a newspaper of  
general circulation printed and published  
at Sheridan, in the aforesaid county and  
state, as defined in Section 58, Oregon

Laws that NOTICE OF WATER  
RIGHT TRANSFER APPLICATION,  
No. 3347  
a printed copy of which is hereto annex-  
ed, was published in the entire issue of  
said newspaper for three successive  
and consecutive weeks in the following  
issues: Nov. 4, 11, 18, 1976

Douglas K. Parker  
Publisher.

Publication Fee \$.....

Subscribed and sworn to before me this

17th day of

January, 1977.

Karen Ennis  
Notary Public for Oregon

(My commission expires 3/13/79.)



## WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3066

ROBERT W. STRAUB  
GOVERNOR

T-3347

October 25, 1976

Sheridan Sun  
P.O. Box 68  
Sheridan, Oregon 97378

Gentlemen:

Enclosed is a notice for publication in the November 4, 11 and 18, 1976, issues of your newspaper.

If, for any reason, you cannot publish this notice on the dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

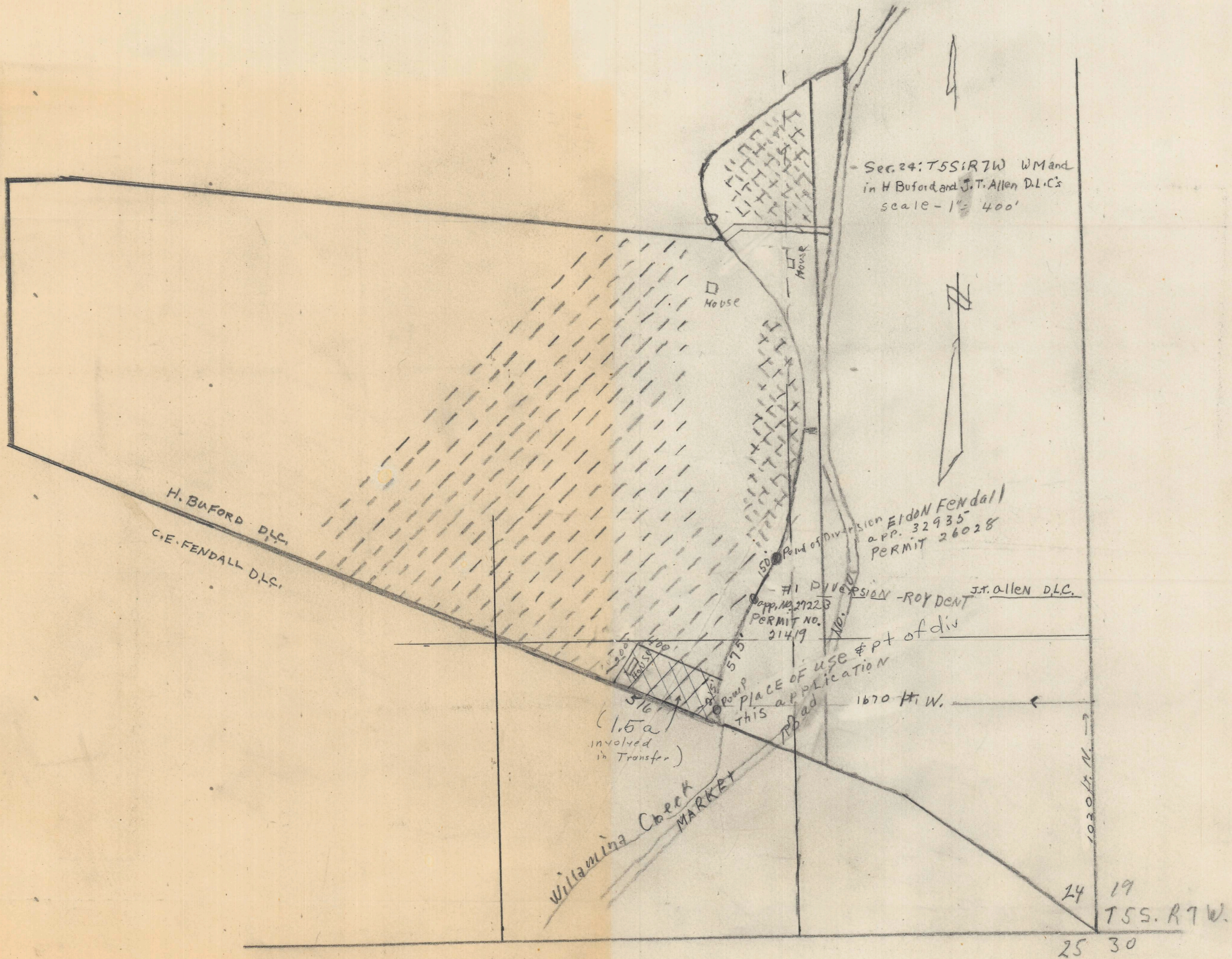
Sincerely,

James W. Carver, Jr.  
Engineer

JWC:whh  
Enc. P.O.N.  
cc: David B. Pendall  
cc: Benjamin Monroe, Watermaster, Dist. No. 18

Need Watermaster's report, please.

C O P Y



RECEIVED

JAN 12 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

T-3347