

3500

STATUS OF APPLICATION

Change in point of diversion
 Date filed 12-15-76
 Date of hearing _____
 Place of hearing _____
 Date of order 12-21-76 Vol. 28, page 217
 Date for application of water completed
 Proof mailed _____
 Proof received _____
 Certificate issued DEC 19 1977 Vol. 37, page 45127
JAN 29 1979 40 January 5/77

DESCRIPTION OF WATER RIGHT

Name of stream Willammina Creek
 Trib. of _____ County of Yamhill
 Use irrigation
 Quantity of water _____ No. of acres 0 6
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 14119 Per. No. 10231 Cert. No. T#2690
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|-----------------|--------------|--------------|
| <u>12-15-76</u> | <u>35.00</u> | <u>57240</u> |
| TOTAL . . . | <u>2.00</u> | <u>57241</u> |
| <u>12-15-76</u> | Cert. Fee | |

FEES REFUNDED

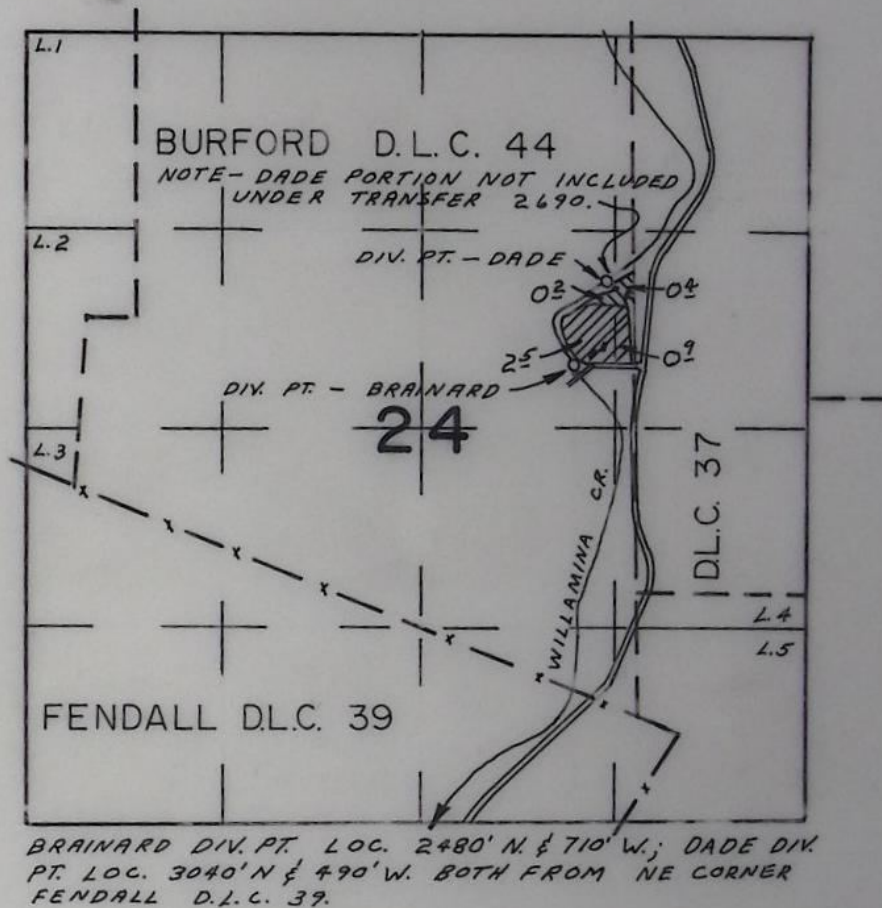
| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

REMARKS

Re transfer re POD as changed under T#2690

| INDEX CARDS: | | Entered | Checked |
|---------------------|--------------|------------|---------|
| <u>WH</u> | Name | <u>✓</u> | |
| <u>WH</u> | Stream | <u>✓</u> | |
| <u>WH</u> | Pt. of Div. | <u>✓</u> | |
| <u>WH</u> | Calendar | <u>✓</u> | |
| CHECKED TO RECORDS: | | <u>GLS</u> | |
| <u>✓</u> | Twp. & Rge. | | |
| | Decree-vault | | |
| | Decree-safe | | |
| <u>0</u> | Cert. of W/R | <u>leg</u> | |
| <u>✓</u> | Per. Folder | | |
| | Chainindex | | |
| | Cross Ref. | | |
| | Power Claim | | |
| | Abstracts | <u>✓</u> | |

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



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2690

Application No. Permit No.
IN NAME OF

ROBERT BRAINARD

Surveyed OCT. 12... 1976., by L.H. NUNN.....

STATE OF OREGON

COUNTY OF

YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROBERT W. BRAINARD

of Rt. 2, Box 76-C, Willamina, State of Oregon, 97396, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Willamina River

a tributary of Yamhill River for the purpose of the irrigation of 3.4 acres

under Permit No. 10231 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 28, 1931

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 0.04 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 $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Burford DLC 44, Section 24, T. 5 S., R. 7 W., W. M., 2480 feet North and 710 feet West from the NE Corner, of Fendall DLC 39

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:

2.5 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

0.9 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$

Both as projected within Burford DLC 44

Section 24

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

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 15372, Volume 13, State Record of Water Right Certificates, modified under the provisions of an order of the Water Resources Director entered on April 10, 1973, approving transfer application No. 2690, excluding the portion thereof further modified by the provisions of an order of the Water Resources Director entered on December 21, 1976, approving transfer application No. 3500.

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. December 19, 1977

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45127

add T 2690 up
3500 CF RR

STATE OF OREGON

COUNTY OF

YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **THOMAS A. DADE**

of Rt. 2, Box 82-A, Willamina, State of Oregon, 97396, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Willamina Creek

a tributary of Yamhill River
irrigation of 0.6 acre

for the purpose of

under Permit No. 10231 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 28, 1931

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 0.01 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 $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Burford DLC 44, Section 24, T. 5 S., R. 7 W., W. M., 3040 feet North and 490 feet West from the NE Corner, Fendall DLC 39

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-eighth 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:

0.2 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$

0.4 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$

Both as projected within Burford DLC 44

Section 24

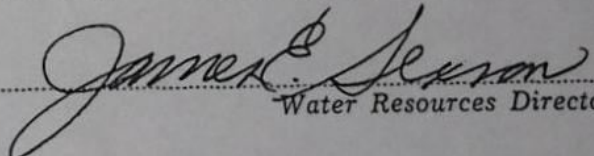
T. 5 S., R. 7 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 15372, Volume 13, State Record of Water Right Certificates, modified under the provisions of an order of the Water Resources Director entered on December 21, 1976, approving transfer application No. 3500.

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 47365

T 3500

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION }
OF THOMAS A. DADE FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM WILLAMINA CREEK }

ORDER APPROVING
TRANSFER NO. 3500

On December 15, 1976, Thomas A. Dade 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.

An existing water right of record, being a portion of the right described by the certificate recorded at Page 15372, Volume 13, State Record of Water Right Certificates, and modified under the provisions of an order of the State Engineer dated April 10, 1973, approving water right transfer application No. 2690, authorizes the appropriation of not to exceed 0.01 cubic foot per second from Willamina Creek at a point of diversion located 3050 feet North and 1600 feet West from the Southeast corner of Section 24, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 5 South, Range 7 West, W.M., for irrigation of 0.2 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within the Burford DIC 44, Section 24, Township 5 South, Range 7 West, W.M., with a date of priority of May 28, 1931.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point located 3040 feet North and 490 feet West from the Northeast corner of the Fendall DIC 39, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within the Burford DIC 44, Section 24, Township 5 South, Range 7 West, W.M.

Mr. Ben 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 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, and shall not exceed 0.01 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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the confirming certificate to be issued as provided by the order entered April 10, 1973, approving transfer application No. 2690, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized

2/8

herein, a certificate of water right shall be issued to Thomas A. Dade
confirming the change in point of diversion.

Dated at Salem, Oregon, this 21st day of December, 1976.

/s/ JAMES E. SEXSON
Director