

STATUS OF APPLICATION

Change in point of diversion + place of use
 Date filed 2-22-77
 Date of hearing 5-26-77
 Place of hearing McMinnville
 Date of order 7-29-77 Vol. 29, page 146
 Date for application of water 10-1-79
 Proof mailed NOV 30 1999 MAR 10 2000
 Proof received _____
 Certificate issued MAY 24 2000 Vol. _____, page 76563

DESCRIPTION OF WATER RIGHT

Name of stream Yamhill River
 Trib. of _____ County of Yamhill
 Use irrigation
 Quantity of water _____ No. of acres 10.7³
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 22945 Per. No. 18125 Cert. No. 21185
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-22-77</u>	<u>68.40</u>	<u>58342</u>
TOTAL . . .		
<u>2-22-77</u>	<u>50.00</u>	<u>58343</u>
<u>6-7-77</u>	<u>50.00</u>	<u>50.00 Paid to Newspaper all</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-9-77</u>	<u>3.90</u>	<u>Part of: 1352</u>

Rec'd 68.40
 Exam 20-
 POD 15-
 POU 29.50
64.50

3⁹⁰ excess

to survey 3/80

OK Cert

REMARKS

Cross Transfer with T#3540

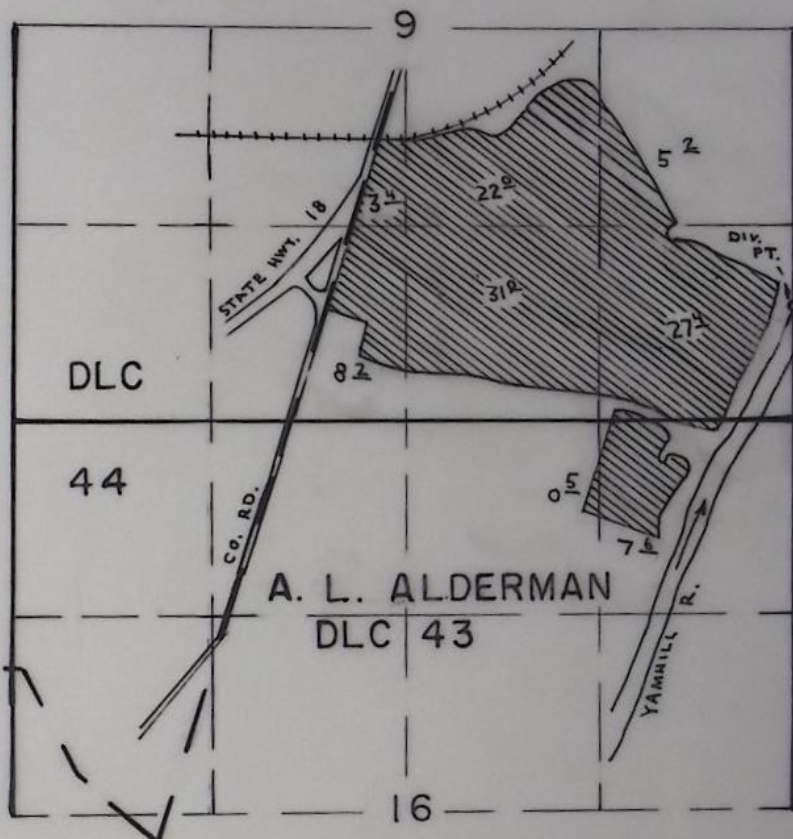
CARD FOR C DEC 26 1979

Surveyed 5/17/84

W.R.I.S.		
Assembled	<u>7-3-85</u>	by <u>SD</u>
Entered	_____	by _____
Verified	_____	by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
_____ Name	<u>lgj</u>	_____
_____ Stream	<u>lgj</u>	_____
_____ Pt. of Div.	_____	_____
_____ Calendar	<u>lgj</u>	_____
✓ <u>_____</u> CHECKED TO RECORDS:		
_____ <u>Temp. & Rga.</u>	<u>lgj</u>	_____
_____ <u>Decree-Grant</u>	_____	_____
_____ <u>Decree-Conf.</u>	_____	_____
_____ <u>Card of W/R</u>	<u>✓</u>	_____
_____ <u>Per. Folder</u>	<u>✓</u>	_____
_____ <u>Clindex</u>	_____	_____
_____ <u>Cross Ref.</u>	_____	_____
_____ <u>Power Claim</u>	_____	_____
_____ <u>Abstracts</u>	<u>lgj</u>	_____

T. 4 S. R. 3 W. WM



DIV. PT. LOC.: 750' N & 10' W OF SE COR. SEC. 9

FINAL PROOF SURVEY
UNDER

TRANSFER 3539
IN NAME OF
PHILLIP A. HAWMAN
Surveyed MAY 17, 1984, by P. PAGTER

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PHILLIP A. HAWMAN
ROUTE 1, BOX 629
DUNDEE, OREGON 97115

confirms the right to use the waters of YAMHILL RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION OF 105.3 ACRES.

This right was perfected under Permit 18125. The date of priority is DECEMBER 11, 1947. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.32 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, AS PROJECTED WITH A. ALDERMAN DLC 43, SECTION 9, TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.; 750 FEET NORTH AND 10 FEET WEST FROM THE SE CORNER OF SECTION 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4	3.4 ACRES
SE 1/4 SW 1/4	8.2 ACRES
NE 1/4 SE 1/4	5.2 ACRES
NW 1/4 SE 1/4	22.0 ACRES
SW 1/4 SE 1/4	31.0 ACRES
SE 1/4 SE 1/4	27.4 ACRES

ALL AS PROJECTED WITHIN ALDERMAN DLC 43
SECTION 9

NE 1/4 NE 1/4	7.6 ACRES
NW 1/4 NE 1/4	0.5 ACRE

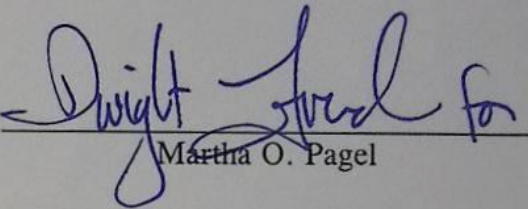
BOTH AS PROJECTED WITHIN ALDERMAN DLC 43
SECTION 16
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This certificate is issued to confirm a change in point of diversion, place of use approved by an order of the Water Resources Director entered July 29, 1977, and supersedes Certificate 21185 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 MAY 24, 2000.


Martha O. Pagel



Recorded in State Record of Water Right Certificates numbered 76563.

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

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ROUTE 1, BOX 629
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SE 1/4 SE 1/4, AS PROJECTED WITH A. ALDERMAN DLC 43, SECTION 9, TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.; 750 FEET NORTH AND 10 FEET WEST FROM THE SE CORNER OF SECTION 9.

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The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4	3.4 ACRES
SE 1/4 SW 1/4	8.2 ACRES
NE 1/4 SE 1/4	5.2 ACRES
NW 1/4 SE 1/4	22.0 ACRES
SW 1/4 SE 1/4	31.0 ACRES
SE 1/4 SE 1/4	27.4 ACRES

ALL AS PROJECTED WITHIN ALDERMAN DLC 43
SECTION 9

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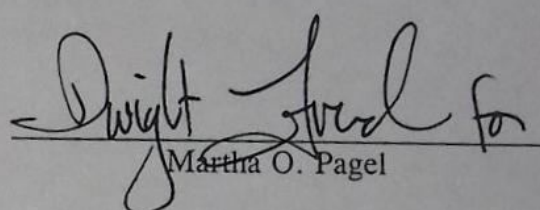
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The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAY 24, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76563.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF PHILLIP A. HAWMAN FOR APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)
FROM YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 3539

On February 22, 1977, an application was filed in the office of the Water Resources Director by Phillip A. Hawman for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificates recorded at page 21185, Volume 15, State Record of Water Right Certificates, in the name of Keith F. Coburn, describes a right for use of not to exceed 1.34 cubic feet per second from Yamhill River for irrigation of 1.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 12.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8; 12.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 38.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 19.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9; 3.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 4 South, Range 3 West, W.M., with a date of priority of December 11, 1947.

Water for the said right is diverted from a point located 1440 feet South and 1050 feet West from the Northeast corner of Section 16, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 4 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom, and without loss of priority, to irrigate in lieu thereof a certain 3.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 22.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 32.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 27.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; 7.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.2 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 4 South, Range 3 West, W.M., by diversion of water from a point located 4530 feet South and 10 feet West from the Northeast corner of Section 9, being within

the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 4 South, Range 3 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Dayton Tribune, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of April 7, 14 and 21, 1977.

Mr. Benjamin E. Monroe, 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 right, and shall not exceed 1.34 cubic feet per second.

It is FURTHER ORDERED that the following 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Keith F. Coburn and recorded at page 21185, Volume 15, 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 29th day of July, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is To Certify, That KEITH F. COBURN

of Route 2, 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 Yamhill River a tributary of Willamette River for the purpose of irrigation under Permit No. 18125 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 December 11, 1947,

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 1.34 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within A.L. Alderman D.L.C. No. 43, Section 16, Township 4 South, Range 3 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:

- 1.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
- 12.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
- All as projected within Stewart Hanna D.L.C. No. 44
Section 8
- 12.8 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
- 18.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
- 38.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
- 19.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
- All as projected within Stewart Hanna D.L.C. No. 44
Section 9
- 3.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
- 1.9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
- All as projected within Stewart Hanna D.L.C. No. 44
Section 16
Township 4 South, Range 3 West, W. M.

Land on which water is to be used is a part of that described as follows:

Commencing on the E. boundary line of the D.L.C. No. 44 of Stewart Hanna and wife, in T. 4 S., R. 3 W., W. M., in Yamhill County, Oregon, 15.84 chains S. 17° 30' W. from the NE corner of said Claim, and running thence S. 17° 30' W. along the center of the County Road 36.02 chains, thence N. 67° 32' W. 37.28 chains to the division line of said Claim, thence N. 22° 29' E. along division line of said Claim 24.61 chains to the S. line of the Southern Pacific Railroad Right-of-Way, thence Easterly along the S. line of said Southern Pacific Railroad Right-of-Way to place of beginning.

Water Right Certificates, in the name of Keith F. Coburn, describes a right for the use of not to exceed 1.34 cubic foot per second from Yamhill River for irrigation of 1.8 acres in NE 1/4 SE 1/4 and 12.2 acres in SE 1/4 SE 1/4 of Sec. 8; 12.8 acres in NE 1/4 SW 1/4 18.4 acres in NW 1/4 SW 1/4, 38.0 acres in SW 1/4 SW 1/4 and 19.0 acres in SE 1/4 SW 1/4 of Sec. 9; 3.2 acres in NE 1/4 NW 1/4 and 1.9 acres in NW 1/4 NW 1/4 of Sec. 16, T. 4 S., R. 3 W., W.M., with a date of priority of Dec. 11, 1947.

Water for the said right is diverted from a point located 1440 ft. S. and 1050 ft. W. from the NE corner of Sec. 16, being within the SE 1/4 NE 1/4 of Sec. 16, T. 4 S., R. 3 W., W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom, and without loss of priority to irrigate in lieu thereof a certain 3.4 acres in NE 1/4 SW 1/4, 9.4 acres in SE 1/4 SW 1/4, 5.2 acres in NE 1/4 SE 1/4, 22.0 acres in NW 1/4 SE 1/4, 32.0 acres in SW 1/4 SE 1/4, and 27.4 acres in SE 1/4 SE 1/4 of Sec. 9; 7.7 acres in NE 1/4 NE 1/4 and 0.2 acre in NW 1/4 NE 1/4 of Sec. 16, T. 4 S., R. 3 W., W.M., by diversion of water from a point located 4530 ft. S. and 10 ft. W. from the NE corner of Sec. 9, being within the SE 1/4 SE 1/4 of Sec. 9, T. 4 S., R. 3 W., W.M.

Pursuant to the provisions of ORS 537.260 (2) proof has been made to the satisfaction of the Water Resources Director that a right has been perfected under the terms of permit No. 36861, in the name of Phillip A. Hawman, which includes the use of not to exceed 0.75 c.f.s. from the Yamhill River for irrigation of 3.4 acre in NE 1/4 SW 1/4, 2.2 acres in SE 1/4 SW 1/4, 5.2 acres in NE 1/4 SE 1/4, 22.0 acres in NW 1/4 SE 1/4, 16.0 acres in SW 1/4 SE 1/4 and 11.4 acres in SE 1/4 SE 1/4 of Sec. 9, T. 4 S., R. 3 W., W.M., with a date of priority of April 19, 1972.

Water for the said right is diverted from a point located 4530 ft. S. and 10 ft. W. from the NE corner of Sec. 9, being within the SE 1/4 SE 1/4 of Sec. 9, T. 4 S., R. 3 W., W.M. By transfer application No. 3540, the applicant herein, owner of the lands above described, proposes to sever the right therefrom, and without loss of priority to irrigate in lieu thereof a certain 38.0 acres in SW 1/4 SW 1/4 and 19.0 acres in SE 1/4 SW 1/4 of Sec. 9; and 3.2 acres in NE 1/4 NW 1/4 of Sec. 16, T. 4 S., R. 3 W., by diversion of water from a point located 1440 ft. S. and 1050 ft. W. from the NE corner of Sec. 16, being within the SE 1/4 NE 1/4 of Sec. 16, T. 4 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on May 26, 1977, 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 Phillip A. Hawman, Rt. 1, Box 629, Dundee, Ore., 97115, 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 OBJECTION IS 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 28th day of March, 1977.

JAMES E. SEXSON
Director

Published April 7, 14, 21, 1977

The Dayton Tribune

Affidavit of Publication

RECEIVED

MAY - 6 1977

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON, { ss.
County of Yamhill. }

I, EDWINA MEITZER, being first duly sworn, depose and say:

That I am the publisher of THE DAYTON TRIBUNE, a weekly newspaper of general circulation, as defined in Sections 1-609 and 1-610, Oregon Compiled Laws Annotated, printed and published at Dayton in the aforesaid county and state; that

the NOTICE OF WATER RIGHT TRANSFER

APPLICATION # 3539 + 3540

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

APRIL 7, 14, 21, 1977

Edwina Meitzer

Subscribed and sworn to before me this 5th day of May, 1977

Richard Freshman
Notary Public for Oregon

My Commission Expires: 5/8/80

54 99

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3539 and 3540

Notice is given hereby that Phillip A. Hawman has filed applications in the office of the Water Resources Director for the approval of changes in place of use and point of diversion from Yamhill River.

The certificate recorded at Page 21185, Vol. 15, State Record of