

35-16 Samuel B. Sauer  
Route 1, Box 8  
Denton, Or 97114

3546

STATUS OF APPLICATION

DVA Notification

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in placed use  
Date filed 2-24-77  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 5-17-77 Vol. 29, page 24  
Date for application of water 10-1-79  
Proof mailed JAN 12 1987  
Proof received APR 3 1987  
Certificate issued 12/06/2006 Vol. 51, page 56077  
82752

Name of stream Palmer Creek, West Branch  
Trib. of \_\_\_\_\_ County of Yamhill  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 8<sup>0</sup>  
Name of ditch \_\_\_\_\_  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 38239 Per. No. 28502 Cert. No. 31659  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
<u>2-24-77</u>	<u>30.00</u>	<u>58472</u>
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
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REMARKS

CARD FOR C DEC 26 1979

Form 130 sent FEB 13 1987

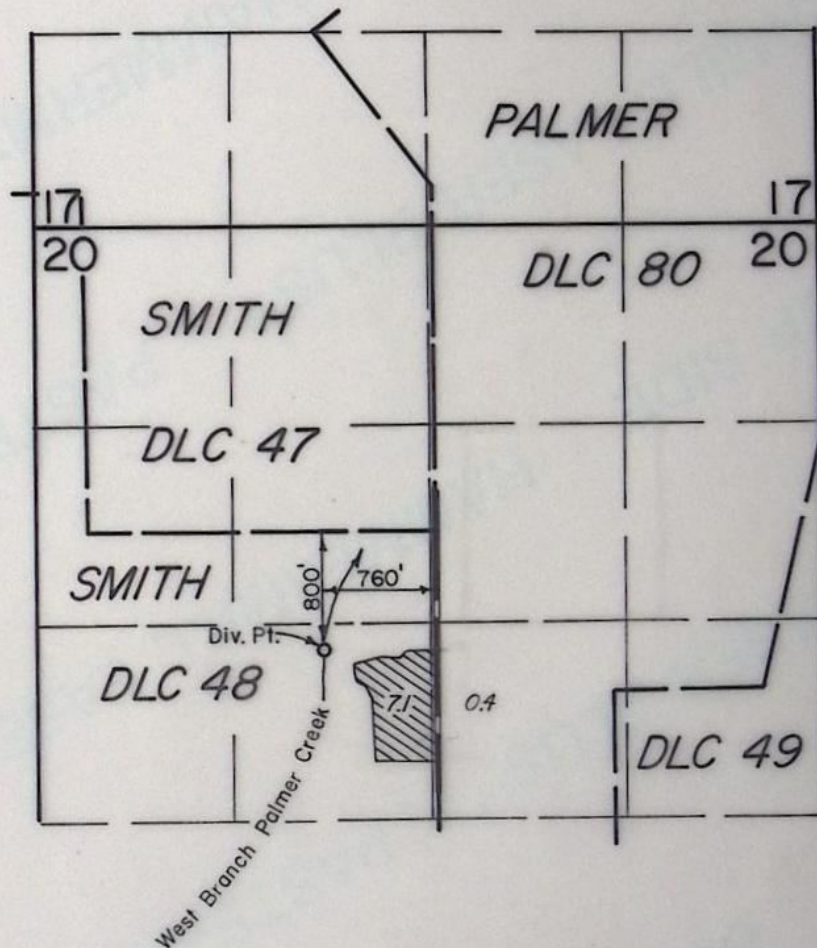
Also see T-5930

W.R.I.S.	
Assembled	<u>7-9-85</u> by <u>SK</u>
Entered	_____ by _____
Verified	_____ by _____

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



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



**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3546

Application No. .... Permit No. ....

IN NAME OF

**SAMUEL B. SWEENEY**

Surveyed **JUNE 3, 1980**, by *[Signature]*



T 3546

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SAMUEL B. SWEENEY  
1070 FERRY  
DAYTON, OREGON 97114

confirms the right to use the waters of WEST BRANCH PALMER CREEK, a tributary of PALMER CREEK, for the purpose of IRRIGATION OF 7.5 ACRES.

This right was perfected under Permit 28502. The date of priority is NOVEMBER 19, 1962. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.09 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 as follows:

NE 1/4 SW 1/4, AS PROJECTED WITHIN SMITH DLC 48, SECTION 20, T 4 S, R 3 W, W.M.; 800 FEET SOUTH AND 760 FEET WEST FROM THE SOUTHERLY NE CORNER, SMITH DLC 48.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 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 each year.



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

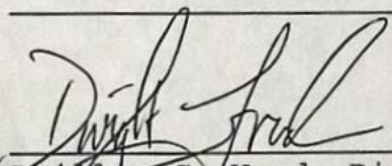
SE 1/4 NW 1/4      5.0 ACRES  
NE 1/4 SW 1/4      2.5 ACRES  
BOTH AS PROJECTED WITHIN SMITH DLC 48  
SECTION 20  
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JULY 14, 1987, approving Transfer Application 5930, and supersedes certificate 56077, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed

DEC 06 2006



Philip C. Ward, Director  
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Number 82752.

T-5930\_cf\_56077.JWG



## STATE OF OREGON

COUNTY OF **YAMHILL**

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That **SAMUEL B. SWEENEY**

**Rt 1 Box 8**  
 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  
**West Branch of Palmer Creek**

a tributary of **Palmer Creek** (**YAMHILL RIVER**) for the purpose of  
 irrigation of ~~8.0~~ **7.1** acres

under Permit No. **28502** 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 **November 19, 1962,**

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

~~9.10~~ **0.10** cubic foot per second

**0.09**

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the **NE 1/4 SW 1/4**, as projected within Smith DLC 48, Section  
**20, T. 4 S., R. 3 W., W. M.** ~~800 ft S. & 760 ft W from the Southerly~~  
~~NE corner Smith DLC 48~~

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,

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:

**7.1 ACRES NE 1/4 SW 1/4**  
**0.1 ACRES NW 1/4 SE 1/4**

~~5.5 acres SE 1/4 NW 1/4~~

~~2.5 acres NE 1/4 SW 1/4~~

**both as projected within Smith DLC 48**

**Section 20**

**T. 4 S., R. 3 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 17, 1977** and together with certificate of water right  
 recorded at page **31659**, Volume **23**, State Record of Water Right  
 Certificates, supersedes certificate of water right recorded at  
 page **31659**, Volume **23**, 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.

State Engineer

Recorded in State Record of Water Right Certificates, Volume **23**, page **31659**

T#3546



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION  
OF SAMUEL B. SWEENEY FOR APPROVAL  
OF A CHANGE IN PLACE OF USE OF  
WATER FROM WEST BRANCH PALMER  
CREEK

ORDER APPROVING  
TRANSFER NO. 3546

On February 24, 1977, Samuel B. Sweeney filed an application in the office of the Water Resources Director for approval of a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 31659, Volume 23, State Record of Water Right Certificates, in the name of Samuel B. Sweeney, describes a right for the use of not to exceed 0.10 cubic foot per second from West Branch of Palmer Creek for irrigation of 5.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.5 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 4 South, Range 3 West, W.M., with a date of priority of November 19, 1962.

Water for the said right is diverted from a point located 754 feet South and 746 feet West from the most easterly Northeast corner of DIC #48, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 20.

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 7.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.9 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, Township 4 South, Range 3 West, W.M.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.



No objection having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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 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 Samuel B. Sweeney and recorded at Page 31659, Volume 23, 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 17th day of May, 1977.

/s/ JAMES E. SEXSON  
Director