

3534

STATUS OF APPLICATION

Change in place of use and add'l point of diversion
 Date filed 2-18-77
 Date of hearing 5-26-77
 Place of hearing Mc Minnville
 Date of order 7-26-77 Vol. 29, page 139
 Date for application of water 10-1-79
 Proof mailed MAY 25 1990
 Proof received _____
 Certificate issued AUG 14 1990 Vol. _____, page 64645

DESCRIPTION OF WATER RIGHT

Name of stream Willamette R.
 Trib. of _____ County of Gamhill
 Use irrigation
 Quantity of water _____ No. of acres 84²
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page 22232
 App. No. 28048 Per. No. 22063 Cert. No. 22232
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2/18/77</u>	<u>108.75</u>	<u>58281</u>
TOTAL . . .		
<u>2/18/77</u>	<u>2.00</u> Cert. Fee	<u>58282</u>
<u>Dayton Tribune</u>	<u>\$32.43</u>	<u>Part of ck. # 1350</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6/9/77</u>	<u>\$ 17.57</u>	<u>1351</u>

Exam 20.00
 POU 23.75
 POD 15.-
58.75

REMARKS

CARD FOR C DEC 26 1977 ASSIGNED

(New Owner) Carlton Nursery Company
Rt. 1, Box 214
Dayton, Or. 97114

Surveyed 6/18/84

(New Owner) Douglas B. & JoAnn Fries
P.O. Box 4158
Sunriver, Or. 97707

W.R.I.S.

Assembled 7-3-85 by MA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED

INDEX CARDS:

Entered _____ Checked _____

Name

Stream

Pt. of Div.

Calendar

CHECKED TO RECORD

Type of Fee

Description

Description

Cert. of W.R.

Per. Folder

Chained

Grant Ref.

Power Claim

Abstracts

16.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
 34.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
 40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
 14.6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
 18.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
 23.2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
 2.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

all as projected within S. Fullquarts DLC #72
 Section 1

*in error according
 to plat book*

449

11.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (a)
 4.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (a)
 18.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (b)
 40.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ (a)
 2.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ (b)
 1.6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ (b)
 39.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (a)
 5.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (a)
 14.9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (b)
 24.4 acres in Lot 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 1.9 acres in Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
 0.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (a)
 9.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (a)

- (a) as projected within S. Fullquarts DLC #72
 (b) as projected within F. Fullquarts DLC #73

Section 2

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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

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

ORDER APPROVING
TRANSFER NO. 3534

On February 18, 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 certificate recorded at page 22232, Volume 16, State Record of Water Right Certificates, in the name of David Saucy, describes a right for the use of not to exceed 2.5 cubic feet per second from the Willamette River for irrigation of a certain 323.1 acres, with a date of priority of January 29, 1953, described as follows:

16.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
34.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$	23.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
14.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$	

All as projected within S. Fullquarts DLC # 72
Section 1

11.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (a)	5.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (a)
4.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (a)	14.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (b)
18.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (b)	24.4 acres in Lot 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ (a)	1.9 acres in Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ (b)	0.6 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ (a)
1.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (b)	9.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ (a)
39.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ (a)	

(a) As projected within S. Fullquarts DLC # 72

(b) As projected within F. Fullquarts DLC # 73

Section 2

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

The applicant herein, owner of the lands above described, proposes

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P139-142

to sever the water right from a certain 11.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 39.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 2 and, without loss of priority, to irrigate in lieu thereof a certain 3.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 16.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 21.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1; 30.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, all as projected within the S. Fullquarts DLC #72, Township 4 South, Range 3 West, W.M.

Water for the said right is diverted from a point located 1950 feet South and 2310 feet East from the Northwest corner of Section 1, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 4 South, Range 3 West, W.M.

The applicant herein also proposes to maintain the point of diversion described above and to establish, without loss of priority, an additional point of diversion located 3400 feet South and 2600 feet East from the Northwest corner of Section 1, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 4 South, Range 3 West, W.M., for irrigation of all of the lands under the subject right, being:

16.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$	21.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
34.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$	21.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
14.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$

All as projected within S. Fullquarts DLC # 72
Section 1

30.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (a)	1.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (b)
5.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ (a)	5.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (a)
4.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (a)	14.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (b)
18.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (b)	24.4 acres in Lot 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
16.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ (a)	1.9 acres in Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
2.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ (b)	0.6 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ (a)

(a) As projected within S. Fullquarts DLC # 72

(b) As projected within F. Fullquarts DLC # 73

Section 2

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

Notice of the application, pursuant to ORD 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 objection 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, together with that diverted at the old 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 2.50 cubic feet 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 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 the construction work shall be completed and 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 David Saucy and recorded at page 22232, Volume 16, 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 26th day of July, 1977.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is To Certify, That DAVID SAUCY

of Dundee, 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
Willamette River, a tributary of Columbia River for the purpose of

irrigation under Permit No. 22063 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 January 29, 1953

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
2.5 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Fullquarts DLC #72,
Section 1, 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:

16.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
34.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
14.6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
18.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
23.2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
2.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

all as projected within S. Fullquarts DLC #72
Section 1

11.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within S. Fullquarts DLC #72 ✓
4.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within S. Fullquarts DLC #72 ✓
18.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within F. Fullquarts DLC #73 ✓
40.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within S. Fullquarts DLC #72 ✓
2.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within F. Fullquarts DLC #73 ✓
1.6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within F. Fullquarts DLC #73 ✓
39.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within S. Fullquarts DLC #72 ✓
5.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within S. Fullquarts DLC #72 ✓
14.9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within F. Fullquarts DLC #73 ✓
24.4 acres in Lot 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
1.9 acres in Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
0.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within S. Fullquarts DLC #72 ✓
9.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within S. Fullquarts DLC #72 ✓

Section 2

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

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

Part of S. Fullquarts DLC: Beginning at a point 20.79 chains E. & 39.05 chains
S. of the NW corner of said claim, which point is 21 rods N. of the SE corner
of land owned by B. C. Leland & wife; S. 21 rods; W. 15 rods; in northeasterly
direction to beginning. Containing 157 $\frac{1}{2}$ sq. rods = 1 acre.

S $\frac{1}{2}$ of Adeline Fullquarts DIO: Containing 319.91 acres ALSO: Beginning at point on division line between N $\frac{1}{2}$ & S $\frac{1}{2}$ of afore said DIO; which is 20.85 chains E. of SW corner of N $\frac{1}{2}$ of said claim; N. to township line 17 chains; E. 23.33 chains; S. 22° W. 5 chains; E. 20 chains to river; meandering up river to division line between N $\frac{1}{2}$ & S $\frac{1}{2}$ said claim; W. 43 chains to beginning. Containing 75 acres except 5 acres sold E. B. & O. K. Williamson to Mrs. James Barkes leaving 70 acres. Beginning at SE corner of F. Fullquarts; N. 80 rods W. 80 rods; S. 80 rods; E. 80 rods to beginning. Except .91 acres sold (Vol. 48-540) leaving 39.10 acres ALSO Lots 4 & 5 Sec. 2, T. 4 S., R. 3 W., Beginning at SE corner of Flor's Fullquarts DIO & W. 16.83 chains; S. 12.85 chains; S. 85° E. 16.89 chains; N. 14.27 chains to beginning. Containing 22.87 acres.

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 7th day of March, 19 57

LEWIS A. STANLEY

State Engineer

Public Notice

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3534

Notice is given hereby that Phillip A. Hawman has filed an application in the office of the Water Resources Director for the approval of a change in place of use and point of diversion from Willamette River.

The certificate recorded at Page 22232, Vol. 16, State Record of Water Right Certificates, in the name of David Saucy, describes a right for the use of not to exceed 2.5 cubic feet per second from the Willamette River for irrigation of a certain 323.1 acres in W $\frac{1}{2}$ Sec. 1; E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 2, T. 4 S., R. 3 W., W.M., with a date of priority of Jan. 29, 1953.

Water for the said right is diverted from a point located 1950 ft. S. and 2310 ft. E. from the NW corner of Sec. 1, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, T. 4 S., R. 3 W., W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use of 84.2 acres within the above de-

scribed area and without loss of priority establish an additional point of diversion for the entire said right at a point located 3400 ft. S. and 2600 ft. E. from the NW corner of Sec. 1, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1, 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, Oregon 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 and 21, 1977

Dayton Tribune
RECEIVED

of Publication MAY - 6 1977

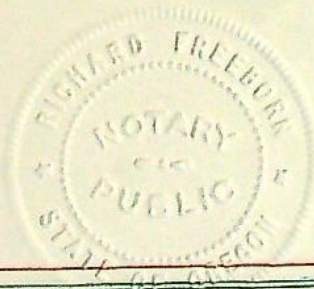
WATER RESOURCES DEPT
SALEM, OREGON

_____, being first duly sworn, depose and say:

THE DAYTON TRIBUNE, a weekly newspaper of sections 1-609 and 1-610, Oregon Compiled Laws Dayton in the aforesaid county and state; that

RIGHT TRANSFER

annexed, was published in the entire issue of said re and consecutive weeks in the following issues



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

Richard Freslon
Notary Public for Oregon

My Commission Expires: 5/8/80

NOTICE
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Notice
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ng at Labish Center Evangelical
Church Tuesday, April 5.
Thursday evening, the Easter
Communion service will be held at
the Unionvale Church, with Hope-
well Church participating.
Saturday afternoon at 1:30 pm,
the Children's Easter party and
story time will be held at the
Hopewell Church.

FOR
Sa
SALE - FRIDAY & SATURDAY
CLOSED EAST

The Dayton Tribune

RECEIVED

Affidavit of Publication MAY - 6 1977

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON,
County of Yamhill.

ss.

I, EDWINA MEITZEN, 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 # 3534

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 Meitzen

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

Richard Treason
Notary Public for Oregon

My Commission Expires: 5/8/80