

3536

STATUS OF APPLICATION

Change in *point of diversion & place of use*Date filed *2-18-77*Date of hearing *6-8-77*Place of hearing *McMinnville*Date of order *7-28-77* Vol. *29*, page *143*Date for application of water *10-1-79*

Proof mailed

Proof received

Certificate issued *JAN 13 1981* Vol. *43*, page *49835**Sept 29, 1988* *54* *57639**to survey 1/80*

DESCRIPTION OF WATER RIGHT

Name of stream *Lambert Slough*Trib. of _____ County of *Yamhill*Use *irrigation*Quantity of water _____ No. of acres *24⁵*

Name of ditch _____

Date of priority _____

In name of _____

_____ Adjudication, Vol. _____, page _____

App. No. *25717* Per. No. *20142* Cert. No. *22339*

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<i>2-18-77</i>	<i>45.00</i>	<i>58315</i>
TOTAL . . .		
<i>6-9-77</i>	<i>\$2.00</i>	Cert. Fee

PON 2-18-77 50.00 58316
Dayton Tribune 31.02 Part of ck. #1350

FEES REFUNDED

Date	Amount	Check No.
<i>6-9-77</i>	<i>16.98</i>	<i>1353</i>

Exam 20-
 POU 10-
 POD 15-
 Cert 2-

REMARKS

See file 3537

CARD FOR C DEC 26 1979

W.R.I.S.

Assembled *7-3-85* by *sol*

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:	Entered	Checked
____ Name	<i>lg</i>	____
____ Stream	<i>lg</i>	____
____ Pt. of Div.	____	____
____ Calendar	<i>lg</i>	____
CHECKED TO RECORDS:		
✓ Twp. & Rge.	<i>lg</i>	____
____ Decree-vault	____	____
____ Decree-safe	____	____
✓ Cert. of W/R	<i>lg</i>	____
____ Per. Folder	<i>lg</i>	____
____ Chaindex	____	____
____ Cross Ref.	____	____
____ Power Claim	____	____
✓ Abstracts	<i>lg</i>	____

STATE OF OREGON

COUNTY OF

YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. M. BOULDEN

of Route 1, Dayton, State of Oregon 97114, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Lambert Slough

a tributary of Willamette River for the purpose of irrigation of 50.5 acres

under Permit No. 20142 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 March 13, 1951

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 0.34 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 Lot 7 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 15, T. 5 S., R. 3 W., 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:

SEE NEXT PAGE

49835

11.0 acres Lot 7 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
0.1 acre Lot 7 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 15

1.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
1.8 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
both as projected within Hewitt DLC 56
Section 15

1.2 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 16

5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
8.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
16.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
5.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
all as projected within Hewitt DLC 56
Section 16
T. 5 S., R. 3 W., W.M.

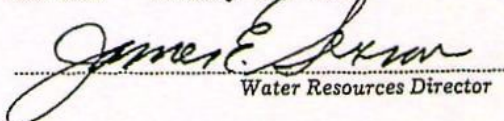
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 22339, Volume 16, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 28, 1977, approving transfer application No. 3536.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 19, 1981


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43 , page 49835

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROGER HILDEBRANDT FOR APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER FROM)
LAMBERT SLOUGH)

ORDER APPROVING
TRANSFER NO. 3536

On February 18, 1977, an application was filed in the office of the Water Resources Director by Roger Hildebrandt 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 22339, Volume 16, State Record of Water Right Certificates, in the name of C. M. Boulden describes a right which includes the use of not to exceed 0.16 cubic foot per second from Lambert Slough for irrigation of 24.5 acres in Lot 7 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 15, Township 5 South, Range 3 West, W.M., with a date of priority of March 13, 1951.

Water for the said right is diverted from a point located 2040 feet South and 1350 feet East from the Northwest corner of Section 15, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 15.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion and, without loss of priority, to irrigate in lieu thereof a certain 7.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 16.6 acres in Lot 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 22, Township 5 South, Range 3 West, W.M., by diversion of water from a point located 670 feet South and 480 feet East from the Northeast corner of Angell DLC No. 57, being within Lot 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 22.

Notice of the application, pursuant to ORS 540.510, was published in the Dayton Tribune, a newspaper printed and having general circulation in

129
2143

Yamhill County, Oregon, for a period of three weeks in the issues of April 14, 21 and 28, 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 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 0.16 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 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 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.

127
P144

It is FURTHER ORDERED that the certificate of water right heretofore issued to C. M. Boulden and recorded at page 22339, Volume 16, 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 the applicant herein.

Dated at Salem, Oregon, this 28th day of July, 1977.

/s/ James E. Sexson
Director

**NOTICE OF WATER RIGHT
TRANSFER APPLICATION**

NO. 3536

Notice is given hereby that Roger Hildebrandt 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 Lambert Slough.

The certificate recorded at Page 22339, Vol. 16, State Record of Water Right certificates, in the name of C. M. Boulden describes a right which includes the use of not to exceed 0.16 cubic foot per second from Lambert Slough for irrigation of 24.5 acres in Lot 7 (SW 1/4 NW 1/4) of Sec. 15, T. 5 S., R. 3 W., W.M., with a date of priority of March 13, 1951.

Water for the said right is diverted from a point located 2040 ft. S. and 1350 ft. E. from the NW corner of Sec. 15, being within the SE 1/4 NW 1/4 of said Sec. 15.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion and without loss of priority to irrigate in lieu thereof a certain 7.0 acres in NE 1/4 NW 1/4 and 16.6 acres in Lot 2 (NW 1/4 NW 1/4) of Sec. 22, T. 5 S., R. 3 W., W.M., by diversion of water from a point located 670 ft. S. and 480 ft. E. from the NE corner of Angell DLC #57, being within Lot 2 (NW 1/4 NW 1/4) of said Sec. 22.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on June 8, 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 Roger Hildebrandt, Dayton, Or., 97114, 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 1st day of April, 1977.

JAMES E. SEXSON
Director

Publish April 14, 21, 28, 1977

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 # 3536

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 14, 21, 28, 1977

Edwina Meitzen

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

Richard Trachten

Notary Public for Oregon

My Commission Expires: 5/8/80

\$ 31.02

The Dayton Tribune

Affidavit of Publication

RECEIVED

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 # 3536

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 14, 21, 28, 1977



Edwina Meitzen

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

Richard Freeborn
Notary Public for Oregon

My Commission Expires: 5/8/80