

3832 ANDERSON

Name James C. Anderson

By _____

Address Rt. 1 Box 38-cSheridan, Or 97378Change in PODDate filed Nov. 1, 1977Date of hearing —

Place of hearing _____

Date of order 2-7-78 Vol. 30, page 392Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued 7-26-88 Vol. 53, page 5737157372Surveyed 10/3/84

CARD FOR C DEC 26 1979

REMARKS

- Finis -

3832

DESCRIPTION OF WATER RIGHT

Name of stream South Yamhill RiverTrib. of _____ County of YamhillUse Irr.Quantity of water _____ No. of acres 235

Name of ditch _____

Date of priority Sept. 25, 1969In name of Otto Brandt

_____ Adjudication, Vol. _____, page _____

App. No. 46441 Per. No. 34700 Cert. No. 43621

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-1-77</u>	<u>\$ 35 00</u>	<u>64774</u>
TOTAL . . .		
<u>11-1-77</u>	<u>\$ 2 Cert. Fee</u>	<u>64773</u>

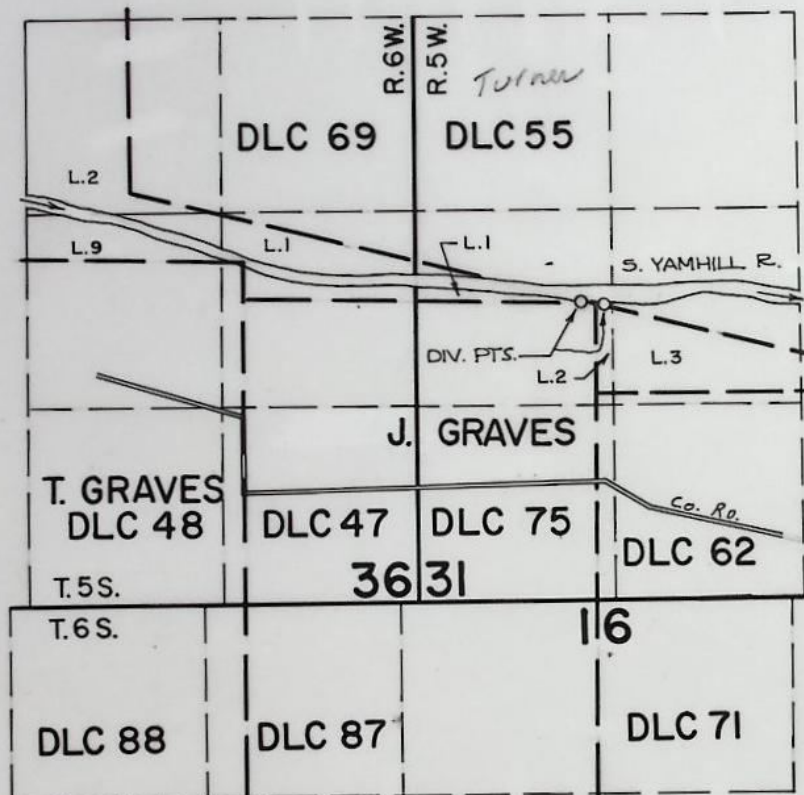
FEES REFUNDED

Date	Amount	Check No.

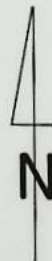
TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<input checked="" type="checkbox"/>	Name	lcj	_____
	<input checked="" type="checkbox"/>	Stream	lcj	_____
	<input type="checkbox"/>	Pt. of Div.	_____	_____
	<input checked="" type="checkbox"/>	Calendar	lcj	_____
	CHECKED TO RECORDS:			
	<input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

374

T.5&6S., R.5&6W., W.M.



Div. Pts. Loc. : 100' W. & 50' E. from NE Cor. DLC 75.



FINAL PROOF SURVEY

UNDER

SCALE: 4"=1 MILE

TRANSFER NO. 3832

IN NAME OF

JAMES C. ANDERSON

Surveyed OCT. 3, 1984, by P. Paster

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that DAVID R. KLUGE, of 23550 SW LOGANBERRY LANE, SHERIDAN, OREGON 97378, has a right to the use of the waters of SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER, for the purpose of IRRIGATING 23.5 ACRES.

The right has been perfected under Permit 34700. The date of priority is SEPTEMBER 25, 1969. The right is limited to not more than 0.25 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 1 (NW1/4 SW1/4), LOT 2(NW1/4 SW1/4) Section 31, T5S, R5W, WM; 100 feet WEST AND 50 FEET EAST from NE Corner, DLC 75

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.

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

SEE NEXT PAGE

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

	NE1/4 SW1/4	1.1	ACRES
	AS PROJECTED WITHIN TURNER DLC 55		
LOT 3(NE1/4 SW1/4)		8.0	ACRES
	NE1/4 SW1/4	1.0	ACRE
	AS PROJECTED WITHIN MCCANE DLC 62		
LOT 2(NW1/4 SW1/4)		1.6	ACRES
	NW1/4 SW1/4	0.2	ACRE
	SW1/4 SW1/4	1.5	ACRES
	SE1/4 SW1/4	10.1	ACRES
ALL AS PROJECTED WITHIN MCCANE DLC 62			
SECTION 31			
TOWNSHIP 5 SOUTH, RANGE 5 WEST, WM			

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered FEBRUARY 7, 1978, and together with certificate 57371, State Record of Water Right Certificates, supersedes certificate 43621.

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.

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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

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 this date July 26, 1988.

/S/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57372

T-3832

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that OTTO P. BRANDT, of ROUTE 1 BOX 38, SHERIDAN, OREGON 97378, has a right to the use of the waters of SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER, for the purpose of IRRIGATING 62.1 ACRES.

The right has been perfected under Permit 34700. The date of priority is SEPTEMBER 25, 1969. The right is limited to not more than 0.66 CUBIC FOOT 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:

LOT 1 (NW1/4 SW1/4), Section 31, T5S, R5W, WM; 630 feet North & 630 feet West from NW Corner, McCane DLC 62

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.

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

SEE NEXT PAGE

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

NE1/4 SW1/4 1.7 ACRES
 AS PROJECTED WITHIN TURNER DLC 55
 LOT 3(NE1/4 SW1/4) 3.4 ACRES
 NE1/4 SW1/4 0.7 ACRE--
 AS PROJECTED WITHIN MCCANE DLC 62
 NW/14 SW1/4 9.3 ACRES
 SW1/4 SW1/4 7.2 ACRES
 BOTH AS PROJECTED WITHIN GRAVES DLC 75
 SE1/4 SW1/4 6.4 ACRES
 AS PROJECTED WITHIN MCCANE DLC 62
 SECTION 31
 TOWNSHIP 5 SOUTH, RANGE 5 WEST, WM

LOT 1(NE1/4 SE1/4) 0.6 ACRE
 NE1/4 SE1/4 18.6 ACRES
 SE1/4 SE1/4 14.2 ACRES
 BOTH AS PROJECTED WITHIN GRAVES DLC 47
 SECTION 36
 Township 5 South, Range 6 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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

This certificate describes that portion of the water right confirmed by certificate 43621, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered February 7, 1978, approving transfer application 3832.

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 this date July 26, 1988.

/S/ WILLIAM H. YOUNG
 Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57371

T-3832

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That OTTO P. BRANDT

of Rt. 1 Box 38, Sheridan, State of Oregon, 97378, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of South Yamhill River

a tributary of Yamhill River for the purpose of irrigating 85.6 acres

under Permit No. 34700 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 September 25, 1969

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 0.91 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 1 (NW 1/4 SW 1/4), Section 31, T. 5 S., R. 5 W., W. M., 630 feet North and 630 feet West from the NW Corner, McCane DLC 62.

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:

SEE NEXT PAGE

2.8 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 As projected within Turner DLC 55
 11.4 acres Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
 1.7 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 As projected within McCane DLC 62
 1.6 acres Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
 9.3 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 As projected within Graves DLC 75
 0.2 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$
 1.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Both projected within McCane DLC 62
 7.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 As projected within Graves DLC 75
 16.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 As projected within McCane DLC 62
 Section 31
 T. 5 S., R. 5 W., W. M.
 0.6 acre Lot 1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
 18.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 14.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Both projected within Graves DLC 47
 Section 36
 T. 5 S., R. 6 W., W. M.

An order of the State Engineer entered May 15, 1974 approved a change in point of diversion for the irrigation of 15.0 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Otto P. Brandt recorded at Page 39112, Volume 31, State Record of Water Right Certificates.

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. August 30, 1976

.....James..E....Sexson.....
 Water Resources Director

On November 1, 1977, an application was filed in the office of the Water Resources Director by James C. Anderson for approval of a change in point of diversion from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43621, Volume 35, State Record of Water Right Certificates, in the name of Otto P. Brandt, describes a right which includes the use of not to exceed 0.25 cubic foot per second from South Yamhill River for irrigation of 1.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Turner D.L.C. No. 55, 8.0 acres in Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within McCane D.L.C. No. 62, 1.6 acres in Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 0.2 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 10.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within McCane D.L.C. No. 62, of Section 31, Township 5 South, Range 5 West, W.M.

Water for the said right is diverted from a point located 630 feet North and 630 feet West from the Northwest Corner of McCane D.L.C. No. 62, being within Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31, Township 5 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 75 feet South and 125 feet West from the Northeast Corner of Graves D.L.C. No. 75, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Graves D.L.C. No. 75, of Section 31, Township 5 South, Range 5 West, W.M.

Mr. Keith M. Palmer, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections 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, 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 under the subject right, and shall not exceed 0.25 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

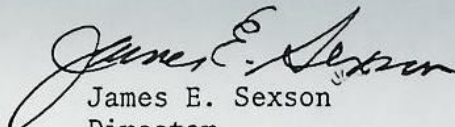
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Otto P. Brandt and recorded at page 43621, Volume 35, 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 7th day of February, 1978.


James E. Sexson
Director