

4250 Frost

Name Jack D. Frost

4250

DESCRIPTION OF WATER RIGHT

By _____

Address Rt. 1, Box 151

Yamhill, OR 97148

Name of stream North Yamhill River

Trib. of _____ County of Yamhill

Use irrigation

Quantity of water _____ No. of acres 20⁰

Name of ditch _____

Date of priority Sept 14, 1938

In name of Charles G. Bauer

Adjudication, Vol. _____, page _____

App. No. 17593 Per. No. 13289 Cert. No. 15722

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-9-79</u>	<u>85-</u>	<u>12662</u>
TOTAL . . .		
	Cert. Fee	

New Register #39.25 pd 12/20/79 ck #3978

FEES REFUNDED

Date	Amount	Check No.
<u>12-20-79</u>	<u>10⁷⁵</u>	<u>3979</u>

FX 20
POD 15
AN 39²⁵
74²⁵

Change in POD

Date filed July 9, 1979

Date of hearing Nov 27, 1979

Place of hearing McMinnville

Date of order 12-20-79 Vol. 32, page 603

Date for application of water completed

Proof mailed _____

Proof received _____

Certificate issued FEB 9 1989 Vol. _____, page 59987

Surveyed 7/9/84

REMARKS

See T-9158

finis

W.R.I.S.

Assembled 3-7-85 by SM

Entered _____ by _____

Verified _____ by _____

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

445

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK D. FROST
ROUTE 1, BOX 151
YAMHILL, OREGON 97148

confirms the right to use the waters of NORTH YAMHILL RIVER, a tributary of YAMHILL RIVER, for the purpose of IRRIGATING 20.0 ACRES.

The right has been perfected under Permit 13289. The date of priority is SEPTEMBER 14, 1938. The right is limited to not more than 0.25 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL DIVERSION POINT; or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SW 1/4, AS PROJECTED WITHIN DLC 41, SECTION 5, T 3 S, R 4 W, W.M.; 1630 FEET NORTH & 830 FEET EAST FROM THE SW CORNER SECTION 5.

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 2.5 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.

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

SEE NEXT PAGE

SW 1/4 SW 1/4 0.7 ACRE
SE 1/4 SW 1/4 14.2 ACRES

SECTION 5

NE 1/4 NW 1/4 3.2 ACRES
NW 1/4 NW 1/4 1.9 ACRES

SECTION 8

ALL AS PROJECTED WITHIN DLC 41
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 20, 1979 and supersedes certificate 15722, 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.

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.

WITNESS the signature of the Water Resources Director,
affixed this date FEBRUARY 9, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 59987

T-4250.BE

: POD
POU
USE
Add'1 POD

County YAMHILL

1. Name Jack D. Frost

2. Source of Supply North Yamhill River

, Trib of

4. Amount of Water 0.25 cfs

Priority Date Sept. 14, 1938

5. Proposed Point of Diversion 1650' N & 750' E from SW Corner of Sec 5, within
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 5, T 3S, R 4W, WM

6. Completion Date COMPLETED

7. Place of Use:

[illegible]

INFO: Talked To Jack Frost. He showed us what he irrigates, and pointed out the location of the new diversion point. He said he uses a 40 hp pump, but it is not in place this year yet.

SOURCE Pumps directly from N. Yamhill River.

PUMP & PIPE 40 hp pump (statement from Mr. Frost.)
4710' 6" AL. Mainline
4480' 3" AL Laterals
112 RB 30's 3/16 x 0 65 max

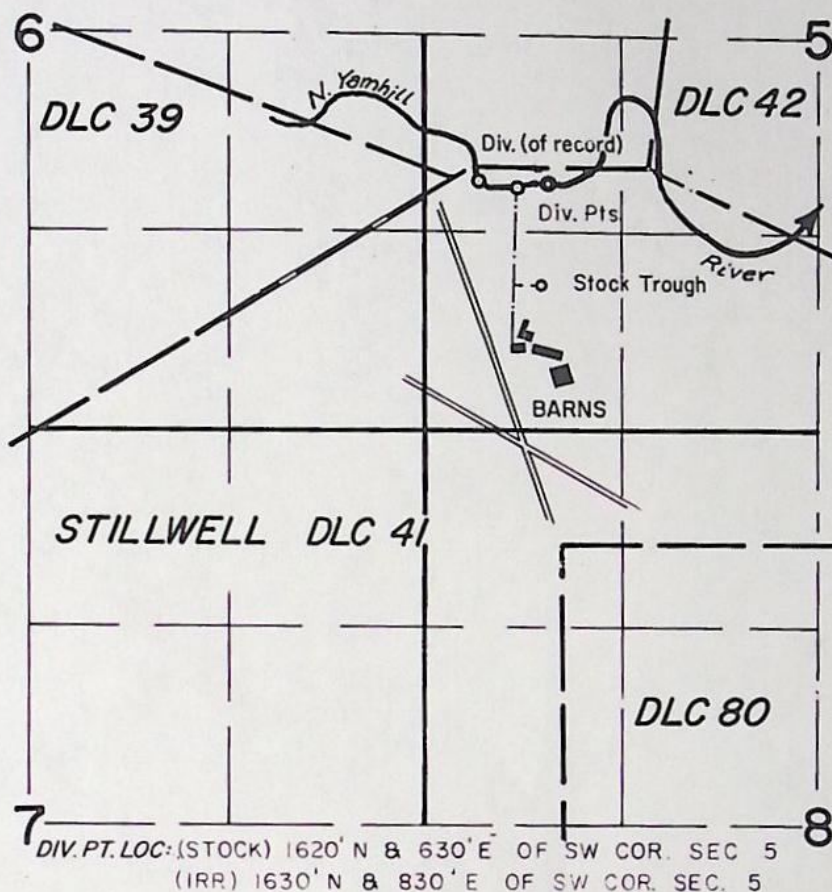
LIFT: 30'

USE: Irrigation of pasture, hay & corn.

TIE: DEQ-144-134

Philip L. Thibault
7/10/84 Asst. WRE
PRP

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



FINAL PROOF SURVEY
UNDER

TRANSFERS 2865, 4158, 4250
IN NAME OF

JACK D. FROST

Surveyed Sept. 9, 1977, by *AC Brown*
JUL 10, 1984 P. PAGTER

Application for Transfer of Water Right

RECEIVED

JUL - 9 1979

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Jack D. Frost

(Name of applicant)

of Route 1, Box 151

(Mailing address)

Yamhill

(City)

State of OREGON

97148

(Zip Code)

(Phone number)

, do hereby make application for change
in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No - Charles G. Bauer

(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings

(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 13289 Number of certificate 15722

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is North Yamhill River

5. What is the date of priority of your water right? Spet. 14, 1938

6. The authorized point of diversion is located 750 ft. N and 2550 ft. E from the SW

(N. or S.)

(E. or W.)

corner of Sec 5 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5 Tp. 3 S R. 4 W W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of YAMHILL The name of the ditch used is pump

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1650 ft. N and 750 ft. E from the SW

(N. or S.)

(E. or W.)

corner of Sec 25 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5 Tp. 3 S R. 4 W W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of YAMHILL The name of the ditch to be used is pump

8. The use to which the water is applied is irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
3 South	4 West	5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.7
		5	SE $\frac{1}{4}$ SW $\frac{1}{4}$	14.2
		8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.2
		8	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.9

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

15. Construction work will be completed on or beforecompleted.....

16. The water will be completely applied to the proposed use on or before now in use.

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Jack D. Frost, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 5 day of July, 1979.

Signature

(Name of applicant)

Subscribed and sworn to before me this 5th day of July, 1979.

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

My commission expires 3-10-82

NORTH VANHILL R

LF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000042501 PERMIT NO. 013289 CERTIF. NO.
 ORIG. NO. A000175931 PREV. NO. A000175931 SUPER. NO.

NAME: JACK D. FROST

ADDRESS: R1, BOX 151

CITY/STATE/ZIP/COUNTY: VANHILL, OR 97148

36

STREAM-ID 02 1140 0760 0120

RIV. MI.

WM. DIST. 18 W.R. TYPE SA STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 12 20 1979

YR. LAST USED----->

NEXT ACTION DUE--->

PRIORITY-----> 09 14 1938

PUT TO USE-----> 12 20 1979

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 07 09 1979

SURVEYED-----> 07 09 1984

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE---> 12 20 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 12 20 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA:
 TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS:----->
 ** DATED-->

0305 090W 05 C B 02 1140 0760 0120

0.250

V

P

** POD: 1650' N & 750' E FM SW
 ** COR S S. CHANGES POD ALL
 ** OF C-15722.

PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY

USE % CNSMTV ACRES

STATUS S OR P

0305 090W 05 C C 36 1R 100 0.70

V

P

05 C D

14.20

08 B A

3.20

08 B B

1.90

VER. I.S.

Approved 3-7-85 J. S. D.

Printed 3-7-85 J. S. D.

Verified 3-7-85 J. S. D.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF JACK D. FROST FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH YAMHILL RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4250

On July 9, 1979, an application was filed in the office of the Water Resources Director by Jack D. Frost for approval of a change in point of diversion of water from North Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is described by the certificate recorded at page 15722, Volume 13, State Record of Water Right Certificates, in the name of Charles C. Bauer, and is for the use of not to exceed 0.25 cubic foot per second from North Yamhill River, under a priority date of September 14, 1938, for irrigation of a certain 0.7 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5; 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 8, Township 3 South, Range 4 West, W.M.

The authorized point of diversion is located 750 feet North and 2550 feet East from the Southwest Corner of Section 5, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

The applicant proposes to change the point of diversion therefrom to a point located 1650 feet North and 750 feet East from the Southwest Corner of Section 5, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of October 5, 12 and 19, 1979.

Mr. Michael F. Ladd, 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.

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:

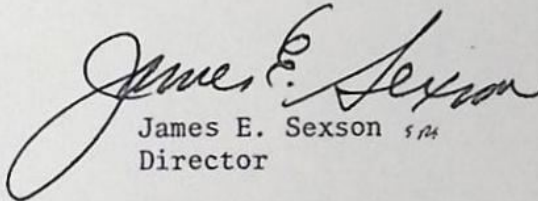
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 15722, Volume 13, 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 20th day of December, 1979.


James E. Sexson
Director



STATE OF OREGON

INTEROFFICE MEMO

REPORT FROM
GENE WILLIAMSON
NO INTERVIEWING

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Dec. 17, 1979FROM: ** Michael F. Ladd, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4250IN THE NAME OF Jack D. Frost

In my opinion the proposed change in point of diversion from North Yamhill River
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? NO

(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- ____ (1) PRIOR to the diverting of water at the new point of diversion . . .
✓ (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

** Michael F. Ladd
Watermaster's signature or initials

"EXHIBIT A"

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION
NO. 4250

The Water Resources Director of Oregon has received and filed an application by Jack D. Frost for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is described by the certificate recorded at page 15722, Volume 13, State Record of Water Right Certificates, in the name of Charles G. Bauer, and is for the use of not to exceed 0.25 cubic foot per second from No. Yamhill R., under a priority date of September 14, 1938, for irrigation of a certain 0.7 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.2 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 5; 3.2 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.9 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 8, T 3S, R 4W, WM.

The authorized point of diversion is located 750 ft N & 2550 ft E from the SW Corner of Sec 5, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 5, T 3S, R 4W, WM.

The applicant proposes to change the point of diversion therefrom to a point located 1650 ft N & 750 ft E from the SW Corner of Sec 5, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 5, T 3S, R 4W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Tuesday, November 27, 1979, at the Yamhill County Courthouse, McMinnville, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at Rt 1, Box 151, Yamhill, OR 97148; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 27th day of September, 1979.

James E. Sexson,
Director

N-R Published: October 5, 12 and
October 19, 1979.

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

County of Yamhill

ss.

I, Homer Rohse, being first duly sworn, depose and say that I am the Business Manager of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020, published thrice each week at McMinnville, County of Yamhill, State of Oregon, and that the Notice of Water Right Transfer

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

October 5, 12 and 19, 1979

Subscribed and sworn before me this 19th day of October,
19 79

Notary Public for Oregon.

My Commission Expires 7-22-83



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

July 17, 1979

Jack D. Frost
Route 1, Box 151
Yamhill, Oregon 97148

RE: Files Nos. T-4158, T-4250

Dear Mr. Frost:

On July 9, 1979, we received your superseding water right transfer application No. 4158, together with the supporting map, now describing a proposed change in point of diversion for stock and irrigation purposes. The additional transfer application for a change in point of diversion for the right described by certificate 15722 was also received, together with supporting map and fees of \$85, and was filed as transfer No. 4250. Our receipt No. 12662 is enclosed.

Your new application for a permit to appropriate water from North Yamhill River for irrigation of approximately 20 acres did not specify in item No. 4 the amount of water you intend to apply to beneficial use, so it could not be filed. The fees of \$30 you submitted for this application have been placed in a pending account and will be refunded or credited to an acceptable application. Our receipt No. 12663 is enclosed.

I am returning your application for permit and the map along with a copy of this letter to Gene Williamson, the assistant watermaster for your area, for completion. Mr. Williamson will contact you in regard to making any additions or corrections on your application. In addition to stating the amount of water you wish to appropriate, it will be necessary to complete the map showing the specific additional acreage you wish to apply for irrigation of; note the acres in each quarter-quarter section; and complete item No. 3 on the application by listing the number of acres in each quarter-quarter section to be in agreement. The number of acres to be noted on the map and in item No. 3 must be specific, not approximate, figures.

By copy of this letter, we are asking the watermaster, Mike Ladd, for his usual report regarding your requested changes as now proposed by your transfer applications Nos. 4158 and 4250.

When you return your new application, please also tell us which newspaper printed and having general circulation in Yamhill County where your water rights are located that you prefer we use for publishing the change described by your transfer application No. 4250.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: Michael F. Ladd, Watermaster
cc: Gene Williamson, Assistant Watermaster