

SP-45673-119



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Ownership Update For Certificated Rights Only

NO FEES ARE REQUIRED TO SUBMIT THIS FORM

NOTICE: A certificate of water right typically stays with the land. In order to track water right ownership, the Department requests that this form be submitted to the Department. **To update multiple rights, a separate form is required for each right.**

If you have any questions about this form, please contact your local watermaster, or call the Water Resources Department at (503) 986-0900.

This form is not for Applications, Permits, Transfers, Groundwater Registrations, or Limited Licenses. To notify the Department of changes in ownership to these types of authorizations, an Assignment is required.

Current Landowner Information

Name: Kelly Smothers
Mailing Address: 6600 NE Dunway Rd
City: Dayton State: OR Zip: 97114
Phone (Home): _____ Work: _____ Other: 971 241 3953

Property Description

County: Yamhill Township: 735 Range: R3W Section: 3A

Taxlot Number(s): 105

Street Address of water right property: 6600 NE Dunway Rd

Water Right Information: Application: S-50605 Permit: S-38242 Certificate #: S417354

Are all the lands associated with this water right owned by the requester? Yes ☒ No ☒ If No, include a map showing the portion of the right involved. -

Name of individual completing this form: Kelly Smothers Phone: 971 241 3953

Signature of requestor: [Signature] Date: 30 April 2019

The Department does not change names on certificates. This form will be placed in the file for future reference only. The Department does not provide acknowledgement that this form has been received.

NOTE: LAND was subdivided - updated map

Last updated: June 21, 2017 Request for Ownership Update for Certificated Rights Only

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MAY 02 2019

OWRD

**Leland MacDonald &
Associates, LLC**

Boundary & Topographic Surveys, Subdivisions,
Partitions, Construction Staking, Aerial Photo
Control, Water Rights, Flood Certificates.

3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Fax : 503-472-0367
Email: lee@macdonaldsurveying.com

April 5, 2019

Kelly Smothers
6600 NE Duniway Rd.
Dayton, OR 97114

Dear Kelly,

At your request I have reviewed the water rights documents you provided to me that are appurtenant to your property at 6600 NE Duniway Road, Dayton, Oregon (Yamhill County Tax Lot R3332 – 00105).

My findings:

Your property is a portion of U.S. Lot 2 of Section 32, T. 3 S., R. 3 W., W.M., and is also a portion of Lot 8N as shown on County Survey P-4706. U.S. Lot 2 is the NW ¼ of the SW ¼ of said Section 32 lying east of the Matthew Patton Donation Land Claim No. 62, said Township and Range. There are two water rights associated with U.S. Lot 2 being Certificate No. 47354 (dated 1/29/1979) under Permit No. 38242 issued to Robert A. & Donna A. Fisher for domestic use of two families and Certificate No. 64808 (dated 9/28/1990) under Permit No. 42761 issued to Bluebird Valley Water Co-operative for domestic use of 7 families.

The final proof survey for Certificate No. 47354, Application No. 50605 under Permit No. 38242 clearly show two house sites in U.S. Lot 2 lying just north of a bend in a roadway that appears to be Bluebird Lane as shown in said CSP-4706. Also shown on this final proof survey is a line connecting the two house sites in said Lot 2 to "Big Springs" shown to be in the H. C. Hill Donation Land Claim No. 55 in Section 33, T. 3 S., R. 3 W., W.M.. You also provided a copy of the Application Map for Permit 38242 which shows in more detail how the two sites are connected by waterlines to the Point of Diversion at the "Big Springs". You further provided a copy of an amendment to the application which shows metes & bounds descriptions of the two properties the house sites are located on. The second description matches the surveyed boundary of Lot 8N on said CSP-4706.

Water rights run with the location as described by the certificate (in this case U.S. Lot 2) and are not affected by adjustments to the boundaries of the parcels on which the right is located. Moving the location of the place of use to another property would have to be done by an application through the Oregon Water Resources Department.

I recently performed an on the ground survey of your property in which I tied into existing survey monuments sufficient to locate the east line of the Matthew Patton Donation Land Claim No. 62 & 37 and the subdivision lines of said Section 32. I also located a point on your property where you knew the old water supply line ran to the mobile home on that lot. I then overlaid a digital copy of

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MAY 02 2019

OWRD

● Page 2

April 5, 2019

the final proof survey for Permit No. 38242 and it matched up well with the road location, the shot I took on the old waterline servicing the home site and the westerly of the two house sites fell on your property. See attached map.

Based on the above evidence I have concluded that you are entitled to the rights granted in Certificate No. 47354 (dated 1/29/1979) under Permit No. 38242 issued to Robert A. & Donna A. Fisher.

Sincerely,



Leland A. MacDonald
PLS, CWRE, CfedS
Oregon Reg. #53226
CfedS No. 1220

Enclosure: Site Map showing Final Proof Overlay & Oregon Dept. of Water Resources WRIS map.

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SP, CSP-4706, on record as being
05°45'E 2891.88' from the SE corner
Matthew Patton DLC

County Road 1656, cannot locate by deed.
The worksheet of #85
looks like this.

5/8"IR, CSP-4706, on record as being
N00°05'45"E 2891.88' from the SE corner
Matthew Patton DLC

M. PATTON

Lot 3

County Road Deed
FV. 127 Pg. 1106

45.95'

N81°28'45"E
335.49' (335.40', #1, #4)

$\Delta = 146^\circ 17' 09''$
R = 50.00'
T = 165.01'
L = 127.66'
chord = 95.70'
S07°21'32"W

$\Delta = 80^\circ 24' 21''$
R = 10.00'
T = 8.45'
L = 14.03'
chord = 12.91'
S40°17'56"W

8N
TL 400
FV 165 P 421
4.4 acres
excluding Dunway Road

set reference IR on line,
29.92' from center line

407.09' IR to IR
S89°42'00"E N89°42'00"W
adjusted tax lot line

2.3 acres added to TL 105

(S01°50'E 25.00', #4)

535°02'05"W, calc.
30.86'

S. line 8N, CSP-4709
328.91' (299.5', #2)

S89°42'00"E N89°42'00"W
(S89°42'E, #2, #4)

N. line 4N, CSP-4709
76.14'

587°58'54"W, calc.

3N
TL 102

FV 286 P 1141

including all roads

(S15°54'25"W)
(122.60')

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(S88°07'E 705.87')1

(474.87')5

(N88°07'W 231.00')5

(S00°04'30"W 333.30')5

TL 301
Instr. #200326574
(FV.97 Pg.2143)

(S00°04'30"W 237.00')5

(N00°04'30'E 53.00')1.5

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(S88°24'00"E 404.13')

(S88°07'E 130.00'±)5

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(N00°04'30'E

Amendment to water right application submitted by Robert A. and Donna A. Fisher.

We have two adjacent pieces of property. Our residence is on a 5.5 acre parcel and we own a mobile home set up on a 7.3 acre piece.

tax
lot no.
3332-500

5.5 acres: Beginning at a pipe on the North boundary of the existing 50-ft. County Road, said pipe being North 2203.59 ft. and East 429.03 ft. from the Southeast corner of the Matthew Patton D.L.C. T3S, R3W, W.M.: thence N 03°49' E 557.50 ft. to a rod: Thence S 81° E 487.71 ft. to a rod; thence S 18° W 393.95 ft. to a rod: thence S 04° 32' W 138.5 ft. to the center of the County Road: thence Westerly along the center of the County Road 382 ft. more or less to a point due South of the P.O.B.; thence North 25 ft. to the P.O.B.

tax
lot no.
3332-400

7.3 acres: Beginning at a point 2,152.77 ft. North 00°05'45" E of the S.E. Corner of the Patton D.L.C. and on the East boundary of the D.L.C., T.3 S, R3W, W.M.; thence N 00°05'45" E along the East boundary of the D.L.C. 739.11 ft. to an iron rod in center of the roadway; thence N 81°28'45" E along center of existing roadway 335.40 ft. to an iron rod; thence S 00°05' 172.8 ft. to an iron rod; thence S. 86°04' E 130.2 ft. to an iron rod; thence S 04°11' W 557.34 ft. to an iron pipe; thence S 01°50' E 25.0 ft. to center of the public roadway; thence Southwesterly along said roadway to point S 89°42' E of the P.O.B. Thence N 89°42' W to the P.O.B.

Application No. 50605
Permit No.

Abstract of Permit No. 38242 ✓

Application No. 50605 ✓

Certificate No.

Name Robert A. & Donna A. Fisher ✓
Address Route 2, Box 249 - A ✓
Dayton, Oregon 97114 ✓

Source of water supply Big Springs trib of Millican Cr ✓

Use Domestic use for two families ✓

Point of diversion ~~2500'S & 200'E from NE c. s. 32, being within~~ 33, T.3 S., R.3 W.,
Yamhill County ~~SE 1/4 NE 1/4 S. 32~~

Number of acres ~~320' N & 80'E from W 1/4 cor Sec 33~~

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
3 S	3 W	32	✓											DOM				

Priority date June 5, 1973 ✓

Amount of water 0.01 c.f.s. ✓

Time limit to begin construction ~~10-9-76~~

Time limit to complete construction ~~10-1-77~~ extended to extended to

Time limit to completely apply water ~~10-1-78~~ extended to extended to

Remarks:

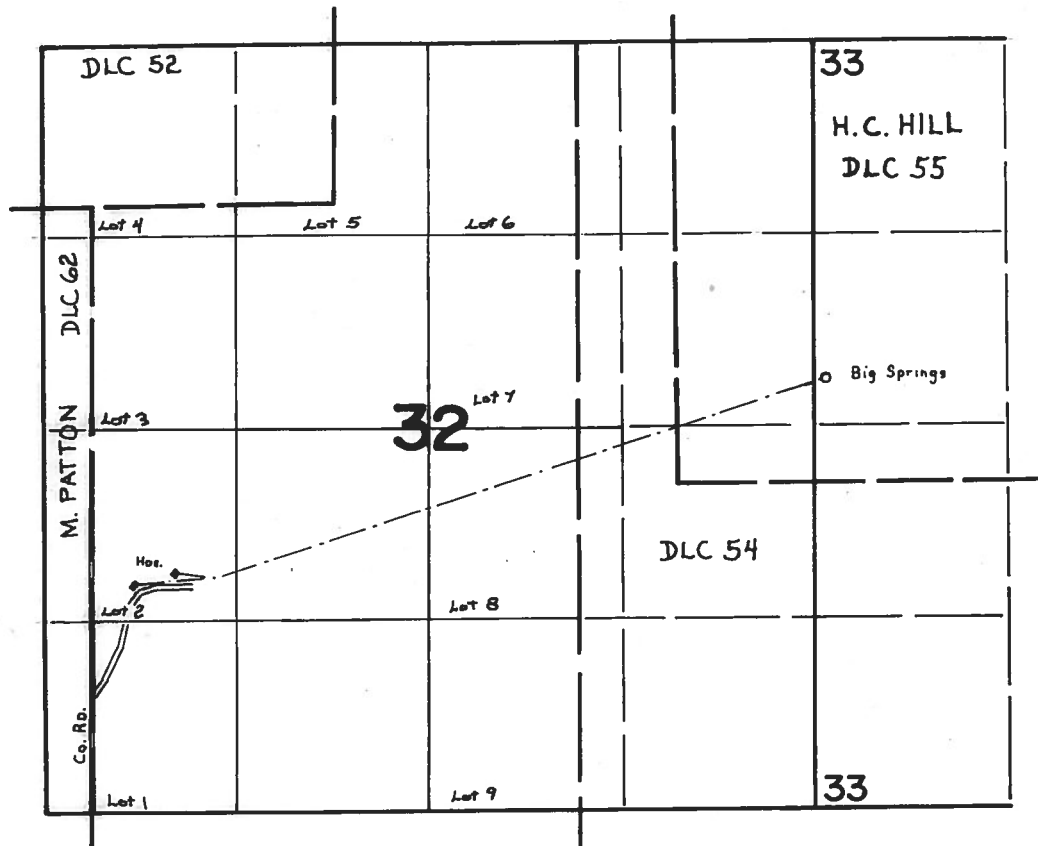
DFQ-2LL-211
4-16-76
L.H.N.

cgm
Millican Cr

in 2, Volume 12A

Box
Yamhill Hill Div. 55

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



SPRING Loc: 320' N $\frac{1}{2}$ 80' E fr. W $\frac{1}{4}$ COR. SEC 33.

FINAL PROOF SURVEY
UNDER

Application No. 50605 Permit No. 38242
IN NAME OF

ROBERT A. & DONNA A. FISHER

Surveyed APRIL 16 1976, by L. H. NUNN

1973-T

DFQ-2LL-211

JD CLK

DFG-244-211
4-16-76 LHM

Pg 1

Abstract of Permit No. 38242

Application No. 50605 Certificate No.

Name ROBERT & DONNA FISHER

Address RT 2 Box 249-A, DAYTON 97114

Source of water supply BIG SPRINGS, TRIB LAFAYETTE RES & MILLICAN CR.

Use DOM, 2 FAMS.

Point of diversion YAMHILL-2500'S 200'E FR. NE COR. SEC 32 in SWNW sec 33

Number of acres

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
35	3W	32											2					

Priority date 6-5-73

Amount of water .817

Time limit to begin construction 10-9-76

Time limit to complete construction 10-1-77 extended to

Time limit to completely apply water 10-1-78 extended to

Remarks: Bissonette says water used in Both Fisher houses

Abstract of Permit No. 38542

Application No. 20002

NAME ROBERT Y DONNA FISHER

Addressed to City Employees.

out of spring, then buried

Point of diversion
YAMHIL-2500

Numbered 1/2

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACED

1913 Spring is Fishers only water

32 34 35

Tic: DFG-244-211

Remarks: these are part of many families on spring most of which have not filed. Springs owned by City of Lafayette.

~~Priority date~~

Return to Bureau

Time limit to begin construction 10-2-01

Front 4: Gould Curve

1973-T

Remarks:

Abstract of Permit No. 38242

Source: Spring

Certificate No.

2000

Application No.

NAME ROBERT J DONNA FISHER 7/21/53

Div: Conc slab 3x3 buried says City employees.

Pipes 4" steel cut of spring, then buried.

Use of Mr. D. 11

his house and says fisher uses water in both

has a mobile home which he rents to

THIS SPRING IS FISHERS ONLY WATER

12/1	12/2	12/3	12/4	12/5	12/6	12/7	12/8	12/9	12/10	12/11	12/12	12/13	12/14	12/15	12/16	12/17	12/18	12/19	12/20	12/21	12/22	12/23	12/24	12/25	12/26	12/27	12/28	12/29	12/30	12/31	12/32	12/33	12/34	12/35	12/36	12/37	12/38	12/39	12/40	12/41	12/42	12/43	12/44	12/45	12/46	12/47	12/48	12/49	12/50	12/51	12/52	12/53	12/54	12/55	12/56	12/57	12/58	12/59	12/60	12/61	12/62	12/63	12/64	12/65	12/66	12/67	12/68	12/69	12/70	12/71	12/72	12/73	12/74	12/75	12/76	12/77	12/78	12/79	12/80	12/81	12/82	12/83	12/84	12/85	12/86	12/87	12/88	12/89	12/90	12/91	12/92	12/93	12/94	12/95	12/96	12/97	12/98	12/99	12/100	12/101	12/102	12/103	12/104	12/105	12/106	12/107	12/108	12/109	12/110	12/111	12/112	12/113	12/114	12/115	12/116	12/117	12/118	12/119	12/120	12/121	12/122	12/123	12/124	12/125	12/126	12/127	12/128	12/129	12/130	12/131	12/132	12/133	12/134	12/135	12/136	12/137	12/138	12/139	12/140	12/141	12/142	12/143	12/144	12/145	12/146	12/147	12/148	12/149	12/150	12/151	12/152	12/153	12/154	12/155	12/156	12/157	12/158	12/159	12/160	12/161	12/162	12/163	12/164	12/165	12/166	12/167	12/168	12/169	12/170	12/171	12/172	12/173	12/174	12/175	12/176	12/177	12/178	12/179	12/180	12/181	12/182	12/183	12/184	12/185	12/186	12/187	12/188	12/189	12/190	12/191	12/192	12/193	12/194	12/195	12/196	12/197	12/198	12/199	12/200	12/201	12/202	12/203	12/204	12/205	12/206	12/207	12/208	12/209	12/210	12/211	12/212	12/213	12/214	12/215	12/216	12/217	12/218	12/219	12/220	12/221	12/222	12/223	12/224	12/225	12/226	12/227	12/228	12/229	12/230	12/231	12/232	12/233	12/234	12/235	12/236	12/237	12/238	12/239	12/240	12/241	12/242	12/243	12/244	12/245	12/246	12/247	12/248	12/249	12/250	12/251	12/252	12/253	12/254	12/255	12/256	12/257	12/258	12/259	12/260	12/261	12/262	12/263	12/264	12/265	12/266	12/267	12/268	12/269	12/270	12/271	12/272	12/273	12/274	12/275	12/276	12/277	12/278	12/279	12/280	12/281	12/282	12/283	12/284	12/285	12/286	12/287	12/288	12/289	12/290	12/291	12/292	12/293	12/294	12/295	12/296	12/297	12/298	12/299	12/300	12/301	12/302	12/303	12/304	12/305	12/306	12/307	12/308	12/309	12/310	12/311	12/312	12/313	12/314	12/315	12/316	12/317	12/318	12/319	12/320	12/321	12/322	12/323	12/324	12/325	12/326	12/327	12/328	12/329	12/330	12/331	12/332	12/333	12/334	12/335	12/336	12/337	12/338	12/339	12/340	12/341	12/342	12/343	12/344	12/345	12/346	12/347	12/348	12/349	12/35
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[illegible]

Trk: DFG-244-211

Remarks: these are part of many families on spring most of which have not filed. Springs owned by City of Lafayette.

4-16-76

Larry B. Gunn
 25-3-72

Field Engineer

Note:

Location of Spring Prompt-5 Gould Survey

APP. 48485

Time limit to completely apply water 10-15 extended to 1773-1

Pg 2

1000

50605

August 1, 1973

Robert A. & Donna A. Fisher
Route 2, Box 249-A
Dayton, OR 97114

Dear Mr. and Mrs. Fisher:

This will acknowledge your application for a permit to appropriate 1/100th of a cubic foot of water per second from Big Springs for domestic use for two families. A reproducible map, legal descriptions, and fees of \$25.00 were also received. Our receipt No. 34246 is enclosed.

Your application has been filed and numbered 50605 and is in satisfactory form for approval by the issuance of a permit.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:mjf
Enclosure

RECEIVED
JUN 5 1973
STATE ENGINEER
SALEM, OREGON

June 4, 1973

Dear Mr. Overcash:

Here is our application with the additions and corrections that you specified. The fee and legal descriptions should be correct, however, the corrections on the map may not be suitable. Mr. Church at the SCS showed the distance to the point of diversion from the reference corner on the map we had rather than make a new one to show the entire NE corner of Section 32. He said it was possible this wouldn't be acceptable to your office. If it won't do I will ask him to make a new map.

Sincerely,

Mrs. Robert A. Fisher

Mrs. Robert A. Fisher

Application No. 50605
Permit No.

RECEIVED
JAN 19 1979
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
COUNTY OF YAMHILL

Proof of Appropriation of Water

ROBERT A. & DONNA A. FISHER

of Rt. 2, Box 249-A, Dayton
has applied beneficially the waters of
Big Springs

, State of Oregon, 97114 ,

a tributary of Millican Creek
doemstic use for two families

for the purpose of

under Permit No. 38242 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
June 5, 1973

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
0.01 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 SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Hill DLC 55,
Section 33, T. 3 S., R. 3 W., W. M., 320 feet North and 80 feet East from the
W $\frac{1}{4}$ Corner, Section 33

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 ----- of one cubic foot per second
per acre,

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, and to which such right is appurtenant, is
as follows:

Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 32
T. 3 S., R. 3 W., W. M.

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of JANUARY,

1979.

Robert A. Fisher
Donna A. Fisher

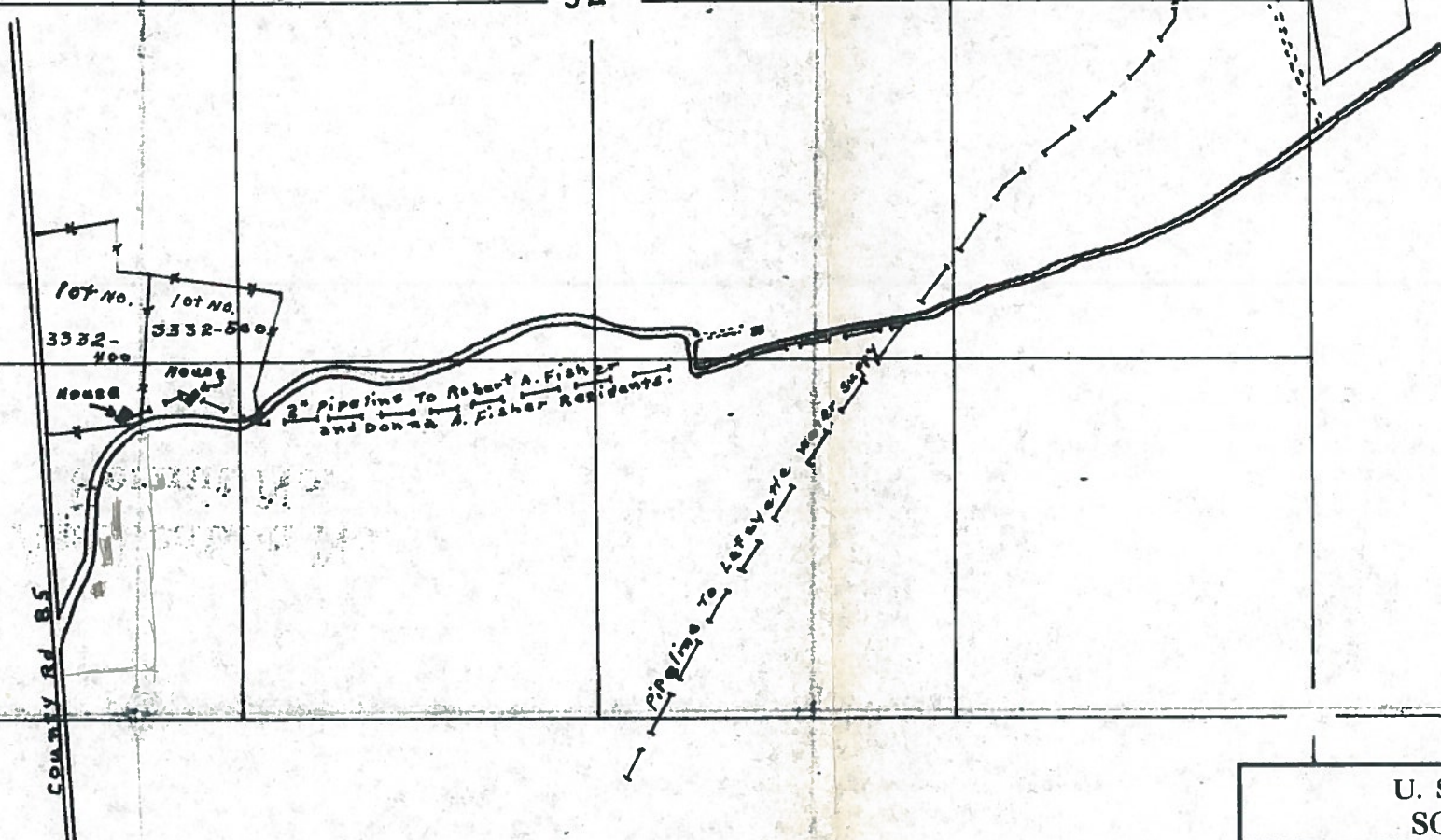
RECEIVED
STATE ENGINEER
6/26/54
OREGON

R.3WWM



WATER RIGHT APPLICATION MAP
FOR: Robert A. and Donna A. Fisher.
Rt. 2 Box 249-A
Dayton, Oregon 97114

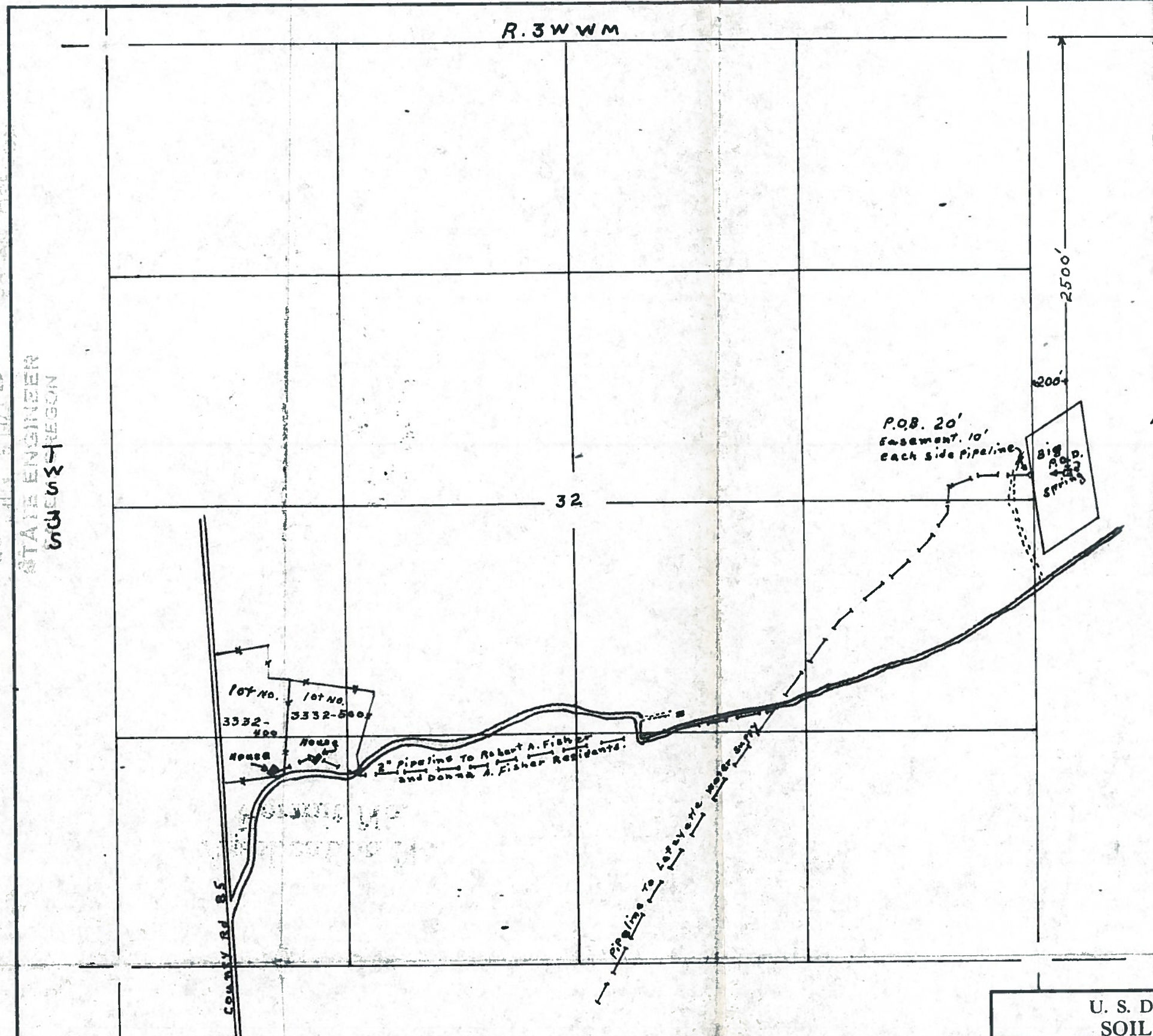
Scale: 1" = 660'
Traced from Photo No. DFO-211-211
BY M. Church SCS 3/20/73
County Rd. —=====
Spring — 
Pipeline — 
Unimproved Rd. — 
Trail — 
House — 
Farm boundary — 



Application No.
Permit No. 50605
38212

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
DESIGNED BY	APPROVED BY
CHECKED BY	DRAWING NO.
DATE:	SHEET OF

RECEIVED
STATE ENGINEER
64605-4
OREGON



WATER RIGHT APPLICATION MAP
FOR: Robert A. and Donna A. Fisher.
Rt. 2 Box 249-A
Dayton, Oregon 97114

Scale: 1" = 660'
Traced from Photo No. DFO-2LL-211
BY M. Church SCS 3/28/73
County Rd. ———
Spring — ○ —
Pipeline — — — — —
Unimproved Rd. — ~~~~~
Trail — - - - -
House — ■ —
Farm boundary — — x —

Application No.
Permit No. 50605
38212

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
DESIGNED BY	APPROVED BY
CHECKED BY	DRAWING NO.
DATE:	SHEET OF

RECEIVED
APR 2 1973
STATE ENGINEER
SALEM, OREGON

RECEIVED
JUN 5 1973
STATE ENGINEER
SEASIDE, OREGON

R. 3 W W M

2500'



WATER RIGHT APPLICATION MAP

FOR: Robert A. and Donna A. Fisher.
Rt. 2 Box 249-A
Dayton, Oregon 97114

Scale: 1" = 660'

Traced from Photo No. DFO-211-211

BY M. Church SCS 3/28/73

County Rd. ———

Spring — □

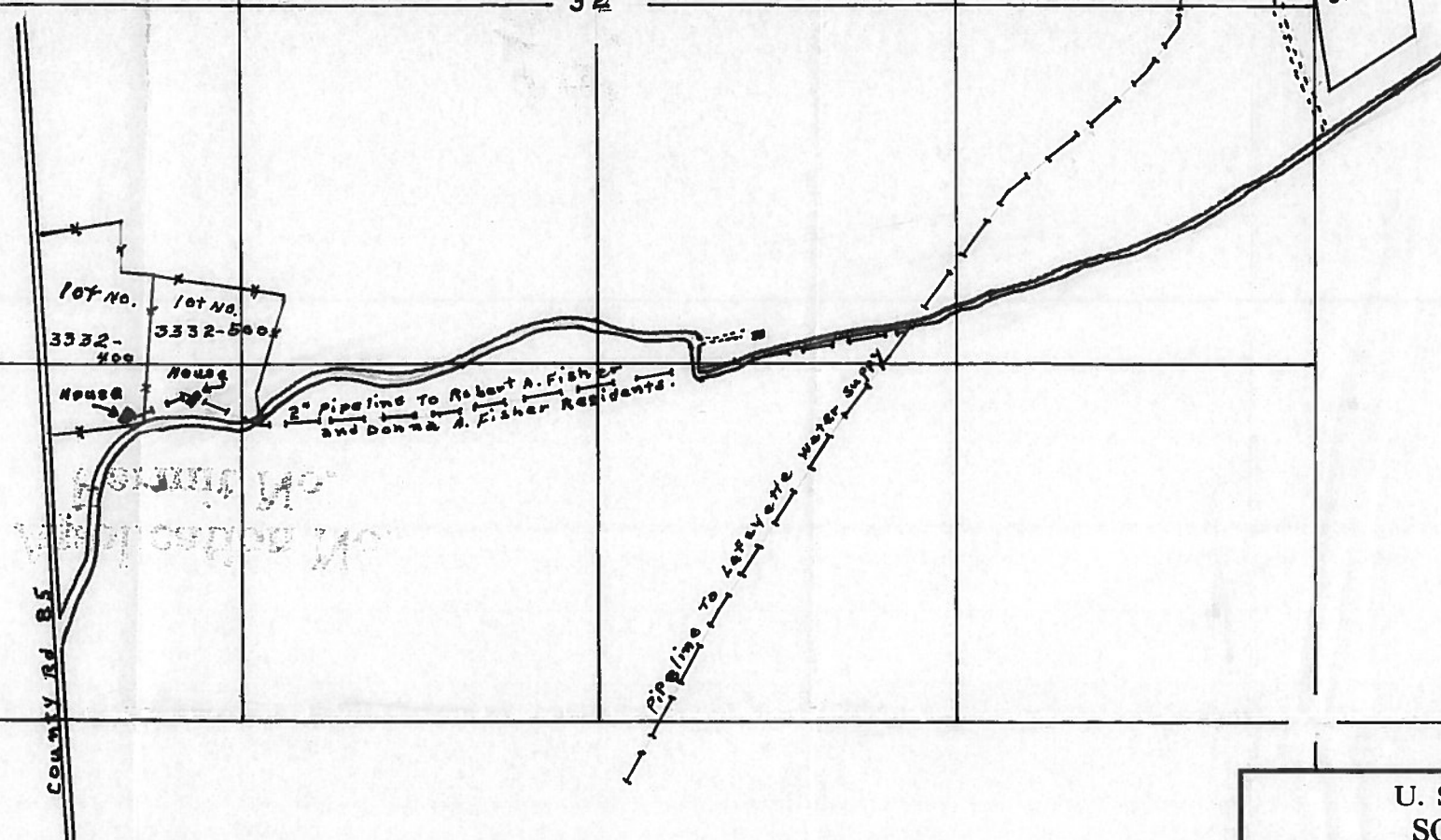
Pipe line — —

Unimproved Rd. ———

Trail — —

House — ■

Farm boundary — —



Application No.
Permit No. 50605
38242

33322 400

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

DESIGNED BY	APPROVED BY
CHECKED BY	DRAWING NO.
DATE:	SHEET OF