

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION )  
OF JACK D. FROST FOR THE APPROVAL )  
OF A CHANGE IN USE OF WATER FROM )  
NORTH YAMHILL RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2865

On July 20, 1973, Jack D. Frost filed an application in the office of the State Engineer for the approval of a change in use of water from North Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Bob B. Webb and recorded at page 15582, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.28 cubic foot per second of water from North Yamhill River for the irrigation of, among other lands, 5.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 3 South, Range 4 West, W.M., with a date of priority of June 27, 1939. These lands are irrigated from a point of diversion located 1700 feet North and 370 feet East from the Southwest corner of Section 5, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 3 South, Range 4 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, from irrigation to stock use within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 3 South, Range 4 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on February 5, 1974, at 9:30 a.m. The notice was published in the Carlton-Yamhill Review, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of December 13, 20 and 27, 1973. The date set

for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use may be made without injury to existing rights, the application should be approved.

Harry H. Williams, contract seller, has submitted written approval of the proposed change in use.

NOW, THEREFORE, it hereby is ORDERED that the change in use of water is approved and the water right hereinbefore described as appurtenant to irrigation of 5.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 3 South, Range 4 West, W.M., with a date of priority of June 27, 1939, be severed therefrom and simultaneously and without loss of priority transferred to stock use within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 3 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1975.

It is FURTHER ORDERED that the quantity of water diverted for stock use shall not exceed 0.06 cubic foot per second.

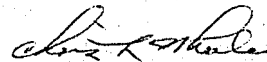
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 certificate of water right heretofore issued to Bob B. Webb and recorded at page 15582, Volume 13, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Jack D. Frost confirming the extent to which the water has been applied beneficially and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 15th day of February, 1974.



CHRIS L. WHEELER  
State Engineer