

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF RICHARD KIRKHAM FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM SOUTH YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 4226

On May 22, 1979, an application was filed in the office of the Water Resources Director by Richard Kirkham for approval of a change in place of use of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

By performance under the provisions of an order of the Water Resources Director approving water right transfer No. 3971, a water right now exists for the use of not to exceed 1.18 cubic feet per second of water from South Yamhill River for irrigation of a certain 8.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 28.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 7.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6; 17.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 32.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 6 South, Range 6 West, W.M.; and 0.6 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 6 South, Range 7 West, W.M., with a date of priority of October 11, 1938.

The authorized point of diversion of record for said right is located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 6 South, Range 7 West, W.M.

The applicant herein proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 0.9 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 6 South, Range 6 West, W.M.; 8.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.3 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 39.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 11.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 6 South, Range 7 West, W.M.

Mr. Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that NO new certificate of water right be issued as provided by the order of the Water Resources Director approving transfer No. 3971; 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 8th day of June, 1979.


James E. Sexson ^{JES}
Director