

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION }
OF ARNOLD L. JOHNSON FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM YAMHILL }
RIVER }

ORDER APPROVING
TRANSFER NO. 3226

On May 15, 1975, Arnold L. Johnson filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. D. Warmington and recorded at Page 17277, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.22 cubic foot per second of water from Yamhill River for the irrigation of 10.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, 0.5 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 4 South, Range 4 West, W.M., with a date of priority of May 12, 1943. These lands are irrigated from a point of diversion located 1160 feet South and 775 feet West from the Northeast corner of Section 14, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 4 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1150 feet South and 2040 feet West from the Northeast corner of Section 14, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 4 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Gene McGinnis, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Yamhill River, to wit:

From a point located 1160 feet South and 775 feet West from the Northeast corner of Section 14, being within the $NE\frac{1}{4} NE\frac{1}{4}$ of Section 14, Township 4 South, Range 4 West, W.M.

To a point to be located 1150 feet South and 2040 feet West from the Northeast corner of Section 14, being within the $NW\frac{1}{4} NE\frac{1}{4}$ of Section 14, Township 4 South, Range 4 West, W.M.

for the irrigation of 10.0 acres in $SW\frac{1}{4} SE\frac{1}{4}$, 1.6 acres in $SE\frac{1}{4} SE\frac{1}{4}$, Section 11, 0.5 acre in $NE\frac{1}{4} NE\frac{1}{4}$ and 5.5 acres in $NW\frac{1}{4} NE\frac{1}{4}$, Section 14, Township 4 South, Range 4 West, W.M., with a date of priority of May 12, 1943, is approved.

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, 1976.

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, and shall not exceed 0.22 cubic foot per second.

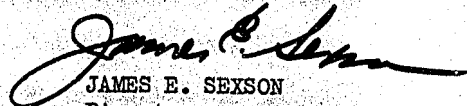
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 water master.

It is FURTHER ORDERED that certificate of water right heretofore issued to W. D. Warmington and recorded at page 17277, Volume 14, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Arnold L. Johnson confirming the change in point of diversion.

Dated at Salem, Oregon, this 1st day of December, 1975.


JAMES E. SEXSON
Director