

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF CHARLES H. JONES FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER FROM MILL CREEK)

ORDER APPROVING
TRANSFER NO. 2614

On March 24, 1972, Charles H. Jones filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Donnell Mitchell and recorded at page 24792, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.10 cubic foot per second of the waters of Mill Creek for the irrigation of 8.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within Henshaw DLC No. 52, Section 28, Township 6 South, Range 6 West, W.M., with a date of priority of July 2, 1956. These lands are irrigated from a point of diversion located 550 feet West from the SW corner of Syrom DLC No. 54 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 6 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use of 2.0 acres to the irrigation of 1.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within Syrom DLC No. 54, and 1.0 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within Gilstrap DLC No. 53, Section 28, Township 6 South, Range 6 West, W.M., and irrigate these lands together with the 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, from a point of diversion to be located 450 feet South and 100 feet East from the NW corner of Gilstrap DLC No. 53, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 6 South, Range 6 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. Clayton Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in place of use and 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 place of use and 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 2.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within the Henshaw DLC No. 52, Section 28, Township 6 South, Range 6 West, W.M., with a date of priority of July 2, 1956, be severed therefrom and simultaneously and without loss of priority transferred to 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within the Syrom DLC No. 54 and 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within Gilstrap DLC No. 53, Section 28, Township 6 South, Range 6 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Mill Creek, to-wit:

From a point located 550 feet West from the Southwest corner of Syrom DLC No. 54 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 6 South, Range 6 West, W.M.

To a point to be located 450 feet South and 100 feet East from the Northwest corner of the Gilstrap DLC No. 53 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 6 South, Range 6 West, W.M.

for the irrigation of 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ being within the Henshaw DLC No. 52, 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within Syrom DLC No. 54, and 1.0 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within Gilstrap DLC No. 53, all in Section 28, Township 6 South, Range 6 West, W.M., with a date of priority of

July 2, 1956, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1972.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.10 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 watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Donnell Mitchell and recorded at page 24792, Volume 17, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to Charles H. Jones confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 26th day of April, 1972.


CHRIS L. WHEELER
State Engineer