

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION )  
OF ST. JAMES CEMETERY ASSOCIATION )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
THE NORTH FORK YAMHILL RIVER )  
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ORDER APPROVING  
TRANSFER NO. S-171

On June 7, 1965, St. James Cemetery Association filed an application in the office of the State Engineer for a change in point of diversion of water from the North Fork Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to St. James Cemetery Association and recorded at page 9729, Volume 9, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.04 cubic feet per second of water from the North Fork Yamhill River for the irrigation of 3 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, Township 4 South, Range 4 West, W.M., with a date of priority of January 21, 1930. These lands are irrigated from a point of diversion located 650 feet north and 1250 feet west from the SE corner of Section 10, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 10, Township 4 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point to be located 805 feet north and 1310 feet west from the SE corner of Section 10, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 10, 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. Myron Bish, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from the North Fork Yamhill River, to-wit:

From a point located 650 feet north and 1250 feet west from the SE corner of Section 10, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 10, Township 4 South, Range 4 West, W.M.

To a point to be located 805 feet north and 1310 feet west from the SE corner of Section 10, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 10, Township 4 South, Range 4 West, W.M.,

for the irrigation of 3.0 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, Township 4 South, Range 4 West, W.M., with a date of priority of January 21, 1930, 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, 1966.

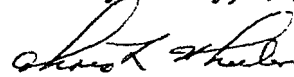
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.04 cubic foot per second of water.

It is FURTHER ORDERED that the following provision 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 a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster before beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 20th day of July, 1965.

  
CHRIS L. WHEELER  
State Engineer