

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION
OF THELMA JOHNSON FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM NORTH YAMHILL RIVER

ORDER APPROVING
TRANSFER No. 2992

On March 6, 1974, Thelma Johnson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from North Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Fidel Bros. and recorded at page 39110, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.40 cubic feet per second of water from North Yamhill River for the irrigation of 10.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 13.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 35.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 10.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 33.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, 6.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 31.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.6 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 3 South, Range 4 West, W.M., with a date of priority of December 12, 1968. These lands are irrigated from a point of diversion located 530 feet North and 630 feet East from the W $\frac{1}{2}$ corner of Section 9, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 3 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 1430 feet South and 1670 feet East from the W $\frac{1}{4}$ corner of Section 9, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, 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 point of diversion of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on June 20, 1974, at 9:30 a.m.

The notice was published in the McMinnville News Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of April 27, May 4, 11, 1974. 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 point of diversion of water may be made without injury to existing rights.

The Federal Land Bank, mortgage holder, has submitted written approval of the proposed change in point of diversion.

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 North Yamhill River, to wit:

From a point located 530 feet North and 630 feet East from the $W\frac{1}{4}$ corner of Section 9, being within the $SW\frac{1}{4} NW\frac{1}{4}$, of Section 9, Township 3 South, Range 4 West, W.M.

To a point to be located 1430 feet South and 1670 feet East from the $W\frac{1}{4}$ corner of Section 9, being within the $SE\frac{1}{4} SW\frac{1}{4}$ of Section 9, Township 3 South, Range 4 West, W.M.

for the irrigation of 10.8 acres in $NE\frac{1}{4} SW\frac{1}{4}$, 4.0 acres in $NW\frac{1}{4} SW\frac{1}{4}$, 13.6 acres in $SW\frac{1}{4} SW\frac{1}{4}$, 35.0 acres in $SE\frac{1}{4} SW\frac{1}{4}$, 10.8 acres in $NE\frac{1}{4} SE\frac{1}{4}$, 10.4 acres in $NW\frac{1}{4} SE\frac{1}{4}$, 33.5 acres in $SW\frac{1}{4} SE\frac{1}{4}$, 35.0 acres in $SE\frac{1}{4} SE\frac{1}{4}$, Section 8, 6.4 acres in $NW\frac{1}{4} SW\frac{1}{4}$, 31.6 acres in $SW\frac{1}{4} SW\frac{1}{4}$, and 0.6 acre in $SE\frac{1}{4} SW\frac{1}{4}$, Section 9, Township 3 South, Range 4 West, W.M., with a date of priority of December 12, 1968, 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, 1975.

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 2.40 cubic feet 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 Fidel Bros. and recorded at Page 39110, Volume 31, 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, a certificate of water right shall be issued to Thelma Johnson confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of June, 1974.


CHRIS L. WHEELER
State Engineer