

Yamhill County

IN THE MATTER OF THE APPLICATION )  
OF EZEKIEL WILLIAMS FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM SOUTH )  
YAMHILL RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2686

On August 10, 1972, Ezekiel Williams filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Oscar Wideman and recorded at page 24751, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.29 cubic foot per second of water from South Yamhill River for irrigation of 2.1 acres in NE¼ NE¼ and 7.1 acres in SE¼ NE¼, Section 11, and 3.6 acres in NW¼ NW¼, and 10.2 acres in SW¼ NW¼, Section 12, Township 5 South, Range 5 West, W.M., with a date of priority of April 3, 1953. These lands are irrigated from a point of diversion located 1550 feet South and 700 feet East from the NW corner of Section 12, being within the SW¼ NW¼ of Section 12, Township 5 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point located 850 feet South and 180 feet East from the NW corner of Section 12, being within the NW¼ NW¼ of Section 12, Township 5 South, Range 5 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 J. Gardner, 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 South Yamhill River, to-wit:

From a point located 1550 feet South and 700 feet East from the NW corner of Section 12, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 12, Township 5 South, Range 5 West, W.M.

To a point to be located 850 feet South and 180 feet East from the NW corner of Section 12, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 12, Township 5 South, Range 5 West, W.M.

for the irrigation of 2.1 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 7.1 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, and 3.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.2 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 12, Township 5 South, Range 5 West, W.M., with a date of priority of April 3, 1953, 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, 1973.

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 0.29 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.

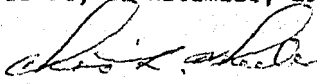
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 Oscar Wideman and recorded at page 24751, 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 a certificate of water right shall be issued to Ezekiel Williams confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of November, 1972.

  
CHRIS L. WHEELER  
State Engineer