

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF VERA TRIVELPIECE FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH YAMHILL RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4200

On April 16, 1979, an application was filed in the office of the Water Resources Director by Vera Trivelpiece for 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.

The certificate recorded at page 38786, Volume 30, State Record of Water Right Certificates, in the name of Vera Trivelpiece, describes a right for the use of not to exceed 0.12 cubic foot per second from North Yamhill River for irrigation of a certain 2.5 acres in NW¹/₄ NE¹/₄ and 7.0 acres in NE¹/₄ NW¹/₄, as projected in D.L.C. No. 41 of Section 8, Township 3 South, Range 4 West, W.M., with a date of priority of July 27, 1939.

The certificate recorded at page 38787, Volume 30, State Record of Water Right Certificates, in the name of Vera Trivelpiece, describes a right for the use of not to exceed 0.25 cubic foot per second from North Yamhill River for irrigation of a certain 7.7 acres in SE¹/₄ SW¹/₄ and 9.2 acres in SW¹/₄ SE¹/₄ of Section 5; and 1.5 acres in NW¹/₄ NE¹/₄ and 1.6 acres in NE¹/₄ NW¹/₄ of Section 8, all as projected in D.L.C. No. 41, Township 3 South, Range 4 West, W.M., with a date of priority of September 14, 1938.

The authorized point of diversion for said rights is located 2370 feet North and 170 feet West from the Northwest Corner of McSween D.L.C. No. 80, being within the NW¹/₄ SW¹/₄ of Section 5, Township 3 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 740 feet North and 90 feet West from the South Quarter Corner of Section 5, being within the SE¹/₄ SW¹/₄ of Section 5, Township 3 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The 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 and 11, 1979.

Mr. Michael F. Ladd, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject rights.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificates recorded at pages 38786 and 38787, Volume 30, State Record of Water Right Certificates, are canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 28th day of June, 1979.


James E. Sexson
Director