

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

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

ORDER APPROVING
TRANSFER NO. 2409

On June 22, 1970, Vera Trivelpiece 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 Frank M. Trivelpiece and recorded at page 16643, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from North Yamhill River for the irrigation of 7.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 3 South, Range 4 West, W.M., with a date of priority of September 14, 1938.

Certificate of water right issued to Frank M. Trivelpiece and recorded at page 16651, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from North Yamhill River for the irrigation of, among other lands, 2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 3 South, Range 4 West, W.M., with a date of priority of June 27, 1939.

These lands are irrigated from a point of diversion located 740 feet north and 90 feet west from the S $\frac{1}{4}$ corner of Section 5 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, 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 1725 feet north and 1970 feet west from the S $\frac{1}{4}$ corner of Section 5 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, 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 September 8, 1970, at 9:00 a.m. The notice was published in the Carlton-Yamhill Review, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of July 16, 23, and 30, 1970. 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 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 North Yamhill River, to-wit:

From a point located 740 feet north and 90 feet west from the S $\frac{1}{4}$ corner of Section 5 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

To a point to be located 1725 feet north and 1970 feet west from the S $\frac{1}{4}$ corner of Section 5 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

for the irrigation of 7.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, with a date of priority of September 14, 1938, 2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, with a date of priority of June

27, 1939, 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, 1971.

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 0.25 cubic foot per second, with a date of priority of September 14, 1938, and 0.12 cubic foot per second, with a date of priority of June 27, 1939.

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.

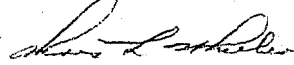
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

Wendell Trivelpiece has filed an application for approval of a change in point of diversion for the irrigation of the remaining right evidenced by certificate recorded at page 16651 not involved in this proceeding.

It is FURTHER ORDERED that certificates of water right heretofore issued to Frank M. Trivelpiece and recorded at pages 16643 and 16651, Volume 13, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right shall be issued to Vera Trivelpiece confirming the change in point of diversion.

Dated at Salem, Oregon, this 8th day of January, 1971.



CHRIS L. WHEELER
State Engineer