

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION
OF ROBERT D. STEVENS FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM SOUTH
YAMHILL RIVER

ORDER APPROVING
TRANSFER NO. 3202

On April 11, 1975, Robert D. Stevens 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 Carl E. Yoder and recorded at Page 22245, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.125 cubic foot per second of water from South Yamhill River for the irrigation of, among other lands, 2.7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 5 South, Range 6 West, W.M., with a date of priority of October 5, 1953 and December 14, 1953. These lands are irrigated from a point of diversion located 1850 feet North and 1675 feet East from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 5 South, Range 6 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 2150 feet North and 2000 feet East from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 5 South, Range 6 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. Leon McGinnis, Watermaster of District No. 2, 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.

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 South Yamhill River, to wit:

From a point located 1850 feet North and 1675 feet East from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 5 South, Range 6 West, W.M.

To a point to be located 2150 feet North and 2000 feet East from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 5 South, Range 6 West, W.M.

for the irrigation of 2.7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 5 South, Range 6 West, W.M., with a date of priority of October 5, 1953, and December 14, 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, 1976.

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 0.023 cubic foot per second with a priority date of October 5, 1953, and 0.01 cubic foot per second with a priority date of December 14, 1953.

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 water master.

It is FURTHER ORDERED that certificate of water right heretofore issued to Carl E. Yoder and recorded at page 22245, Volume 16, State Record of

Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 Robert D. Stevens confirming the change in point of diversion.

Dated at Salem, Oregon, this 2nd day of June, 1975.



CHRIS L. WHEELER
State Engineer