

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF ALLAN E. & LOUISE KATZ FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3099

On July 22, 1974, an application was filed in the office of the Water Resources Director by Allan E. and Louise Katz for approval of changes in place of use and point of diversion from North Fork Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 20250, Volume 15, State Record of Water Right Certificates, in the name of Daniel J. Fry, describes a right which includes the use of not to exceed 0.14 cubic foot per second from North Fork Yamhill River for irrigation of 2.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 8.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within D.L.C. No. 65, of Section 28, Township 3 South, Range 4 West, W.M., with a date of priority of May 16, 1939.

The certificate recorded at page 20251 of said Volume 15, in the name of Daniel J. Fry, describes a right for the use of not to exceed 0.294 cubic foot per second from North Fork Yamhill River for irrigation of 20.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within D.L.C. No. 65, of Section 28, Township 3 South, Range 4 West, W.M., with a date of priority of April 25, 1941.

The authorized point of diversion of record for said rights is located 1350 feet North and 2350 feet West from the Southeast Corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 3 South, Range 4 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 3.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 3 South, Range 4 West, W.M., with a date of priority of May 16, 1939; and 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33, with a date of priority of April 25, 1941.

The applicants herein also propose to change the point of diversion therefrom, without loss of priority, and to hereafter divert water for irrigation of the above described lands in said Section 33 from a point located South 72 degrees 30 minutes

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West, 640 feet from the Northeast Corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, 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 September 13, 20 and 27, 1978.

Mr. Clifton R. King, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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:

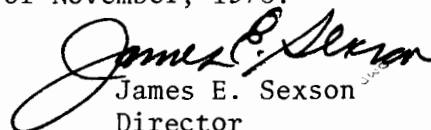
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificates of water right recorded at pages 20250 and 20251, Volume 15, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 6th day of November, 1978.


James E. Sexson
Director