

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF JACK D. FROST FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 4158

On February 15, 1979, an application was filed in the office of the Water Resources Director by Jack D. Frost for approval of a change in point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 15582, Volume 13, State Record of Water Right Certificates, in the name of Bob B. Webb, describes a right which includes the use of not to exceed 0.22 cubic foot per second from North Yamhill River with a date of priority of June 27, 1939, for irrigation of a certain 1.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5; 0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 3 South, Range 4 West, W.M., and as modified in accord with the provisions of an order of the State Engineer entered February 15, 1974, approving transfer No. 2865, a portion of the water right previously described by said certificate 15582, now exists for use of not to exceed 0.06 cubic foot per second from North Yamhill River, with a date of priority of June 27, 1939, for stock use at facilities within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

The certificate recorded at page 15574 of said volume, in the name of Bob B. Webb, describes a right for the use of not to exceed 0.19 cubic foot per second from North Yamhill River, with a date of priority of September 14, 1938, for irrigation of a certain 6.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

The authorized point of diversion for said rights is located 1700 feet North and 370 feet East from the Southwest 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.

The applicant herein, owner of the lands and stock facilities above described, proposes to change the point of diversion therefrom, without loss of priority, and to hereafter divert water for stock use from a point located 1620 feet North and 630 feet East from the Southwest Corner of Section 5; and to hereafter divert water for irrigation from a point located 1650 feet North and 750 feet East from the Southwest Corner of Section 5, both points within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

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 points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

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 NO time need be fixed for completion as the change in point of diversion is completed.

The order of the State Engineer entered February 15, 1974, approving transfer No. 2865, provided for cancellation of the certificate recorded at page 15582, Volume 13, State Record of Water Right Certificates, and issuance of a new certificate; therefore,

It is FURTHER ORDERED that NO new certificate be issued as provided by said order; 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, a confirming certificate of water right shall be issued to the applicant herein.

It is FURTHER ORDERED that the certificate recorded at page 15574, Volume 13, State Record of Water Right Certificates, is 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 9th day of October, 1979.


James E. Sexson
Director