

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF ROBERT GALINAT FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM SOUTH)
YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. G-70

On March 16, 1967, Robert Galinat 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 540.550.

Certificate of water right issued to Dan Gardner and recorded at page 29463, Volume 21, State Record of Water Right Certificates, confirms a right to the use of the waters of South Yamhill River for the irrigation of 8.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 11.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 15.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 5 South, Range 6 West, W.M.; and 5.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within J. Brown DLC 90, 1.2 acres in Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), 3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within J. Brown DLC 90, and 0.8 acre in Lot 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 5, Township 6 South, Range 6 West, W.M., with a date of priority of February 27, 1957. These lands are irrigated from a point of diversion located 120 feet south and 930 feet west from the SE corner of J. Brown DLC 60, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 6 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands from a point of diversion to be located 100 feet south and 1040 feet west from the SE corner of J. Brown DLC 60, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 6 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. Clayton J. Gardner, Watermaster of District No. 1, 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 changes in point of diversion of water 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 South Yamhill River, to-wit:

From a point located 120 feet south and 930 feet west from the SE corner of J. Brown DLC 60, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 6 South, Range 6 West, W.M.

To a point to be located 100 feet south and 1040 feet west from the SE corner of J. Brown DLC 60, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 6 South, Range 6 West, W.M.

for the irrigation of 8.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 11.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 15.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 5 South, Range 6 West, W.M.; and 5.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within J. Brown DLC 90, 1.2 acres in Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), 3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within J. Brown DLC 90, and 0.8 acre in Lot 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 5, Township 6 South, Range 6 West, W.M., with a date of priority of February 27, 1957, 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, 1968.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion, and shall not exceed 0.68 cubic foot per second of water.

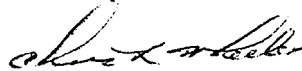
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to Dan Gardner and recorded at page 29463, Volume 21, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, certificate shall be issued to Robert Galinat confirming said change in point of diversion of water.

Dated at Salem, Oregon, this 2nd day of May, 1967.



CHRIS L. WHEELER
State Engineer