

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION }
OF T. J. BOYER FOR THE APPROVAL }
OF A CHANGE IN POINTS OF DIVERSION }
OF WATER FROM SOUTH YAMHILL RIVER }

ORDER APPROVING
TRANSFER NO. 2966

On January 10, 1974, T. J. Boyer filed an application in the office of the State Engineer for the approval of a change in points 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 Theodore J. and Dorothea M. Boyer and recorded at page 24179, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.45 cubic foot per second of water from South Yamhill River for the irrigation of 15.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 19.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.2 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of August 18, 1939. These lands are irrigated from point of diversion located: (1) 1050 feet South and 125 feet East from the Northwest corner of Section 4, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, (2) 1375 feet South and 1000 feet East from the Northwest corner of Section 4, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, (3) 2600 feet South and 400 feet East from the Northwest corner of Section 4, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, (4) 3500 feet South and 600 feet East from the Northwest corner of Section 4, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, (5) 850 feet South and 250 feet West from the Northwest corner of Section 4, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, and (6) 3850 feet South and 175 feet West from the Northwest corner of Section 4, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, all in Township 5 South, Range 4 West, W.M.

The applicant herein, owner of lands above described, proposes to maintain diversion points 4 and 6, and to establish a new diversion point to be located 1830 feet South and 1520 feet East from the Northwest corner of Section 4, being within the SE $\frac{1}{4}$ NW $\frac{1}{2}$, Section 4, Township 5 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 points of diversion of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on May 30, 1974, at 9:30 a.m. The notice 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 April 3, 10, and 17, 1974. 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 points 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 points 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 points (1) 1050 feet South and 125 feet East from the Northwest corner of Section 4, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, (2) 1375 feet South and 1000 feet East from the Northwest corner of Section 4, being within the SW $\frac{1}{2}$ NW $\frac{1}{2}$, Section 4, (3) 2600 feet South and 400 feet East from the Northwest corner of Section 4, being within the NW $\frac{1}{4}$ SW $\frac{1}{2}$, Section 4, (5) 850 feet South and 250 feet West from the Northwest corner of Section 4, being within the NE $\frac{1}{4}$ NE $\frac{1}{2}$, Section 5 all in Township 5 South, Range 4 West, W.M.

To a point to be located 1830 feet South and 1520 feet East from the Northwest corner of Section 4, being within the $SE\frac{1}{4} NW\frac{1}{4}$, Section 4, Township 5 South, Range 4 West, W.M.

and the applicant shall be allowed to maintain the points of diversion located (4) 3500 feet South and 600 feet East from the Northwest corner of Section 4, being within the $NW\frac{1}{4} SW\frac{1}{4}$, Section 4, and (6) 3850 feet South and 175 feet West from the Northwest corner of Section 4, being within the $SE\frac{1}{4} SE\frac{1}{4}$, Section 5, all in Township 5 South, Range 4 West, W.M.

for the irrigation of 15.7 acres in $SW\frac{1}{4} NW\frac{1}{4}$, 12.1 acres in $NW\frac{1}{4} SW\frac{1}{4}$, Section 4, 1.0 acres in $NE\frac{1}{4} NE\frac{1}{4}$, 19.5 acres in $SE\frac{1}{4} NE\frac{1}{4}$, 3.8 acres in $NE\frac{1}{4} SE\frac{1}{4}$, and 0.2 acre in $SE\frac{1}{4} SE\frac{1}{4}$, Section 5, Township 5 South, Range 4 West, W.M., with a date of priority of August 18, 1939, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in points of diversion of water made on or before October 1, 1975.

It is FURTHER ORDERED that the quantity of water diverted at the three points of diversion shall not exceed the quantity of water available at the old points of diversion, and shall not exceed 0.45 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points of diversion as herein confirmed.

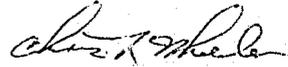
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Theodore J. and Dorethea M. Boyer and recorded at Page 24179, Volume 17, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized

changes in points of diversion, a certificate of water right shall be issued to T.J. Boyer confirming the changes in points of diversion.

Dated at Salem, Oregon, this 4th day of May, 1974.



CHRIS L. WHEELER
State Engineer