

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF RHODA C. SMITH FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SOUTH YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 3208

On April 23, 1975, Rhoda C. Smith filed an application in the office of the Water Resources Director 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 Rhoda C. Smith and recorded at Page 22365, Volume 16, 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 12.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 6 South, Range 5 West, W.M., 8.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 36.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 5 South, Range 5 West, W.M., with a date of priority of October 12, 1951. These lands are irrigated from a point of diversion located 150 feet South and 2150 feet East from the Southwest corner of Section 33, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 6 South, Range 5 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 575 feet North and 900 feet East from the Southwest corner of Section 33, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 5 South, Range 5 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 point of diversion of water, if any there were, namely: at the

county courthouse in McMinnville, Oregon, on January 14, 1976, at 9:30 a.m. The notice was published in the Sheridan Sun, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of November 20, 27 and December 4, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Gene McGinnis, acting Watermaster of District No. 18, 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 150 feet South and 2150 feet East from the Southwest corner of Section 33, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 6 South, Range 5 West, W.M.

To a point to be located 575 feet North and 900 feet East from the Southwest corner of Section 33, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 5 South, Range 5 West, W.M.

for the irrigation of 12.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 6 South, Range 5 West, 8.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 36.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 5 South, Range 5 West, W.M., with a date of priority of October 12, 1951, 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, 1977.

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 0.45 cubic foot per second.

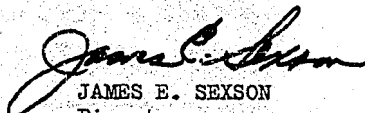
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

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 watermaster.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Rhoda C. Smith and recorded at Page 22365, Volume 16, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Rhoda C. Smith confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of March, 1976.


JAMES E. SEXSON
Director