

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION
OF RICHARD E. AND MARGARET E. OLSON
FOR THE APPROVAL OF A CHANGE IN POINT
OF DIVERSION OF WATER FROM SOUTH FORK
YAMHILL RIVER

ORDER APPROVING
TRANSFER NO. 2818

On May 22, 1973, Richard E. and Margaret E. Olson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Fork Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Harlow H. Baker and recorded at page 28290, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.11 cubic foot per second of water from South Fork Yamhill River for the irrigation of 6.4 acres in $SE\frac{1}{4} NE\frac{1}{4}$, 0.6 acre in $NE\frac{1}{4} SE\frac{1}{4}$, Section 33, 1.5 acres in $SW\frac{1}{4} NW\frac{1}{4}$, and 0.5 acre in $NW\frac{1}{4} SW\frac{1}{4}$, Section 34, Township 5 South, Range 6 West, W.M., with a date of priority of November 25, 1957. These lands are irrigated from a point of diversion located 100 feet South and 80 feet East from the Westerly Southwest corner of Graves D.L.C. #42, being within the $SE\frac{1}{4} NE\frac{1}{4}$, Section 33, Township 5 South, Range 6 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 680 feet South and 1200 feet East from the Westerly Southwest corner of Graves D.L.C. #42, being within the $NW\frac{1}{4} SW\frac{1}{4}$, Section 34, Township 5 South, Range 6 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 October 9, 1973 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 August 15, 22 and 29, 1973. 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 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.

O. E. Schell, mortgagee of the land involved has submitted written approval of the proposed change in point of diversion.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from South Fork Yamhill River, to wit:

From a point located 100 feet South and 80 feet East from the Westerly Southwest corner of Graves D.L.C. #42, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 5 South, Range 6 West, W.M.

To a point to be located 680 feet South and 1200 feet East from the Westerly Southwest corner of Graves D.L.C. #42, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 5 South, Range 6 West, W.M.

for the irrigation of 6.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.6 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, 1.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 5 South, Range 6 West, W.M., with a date of priority of November 25, 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, 1974.

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 0.11 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 certificate of water right heretofore issued to Harlow H. Baker and recorded at page 28290, Volume 20, 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, a certificate of water right shall be issued to Richard E. and Margaret E. Olson confirming the change in point of diversion.

Dated at Salem, Oregon, this 26th day of December, 1973.



CHRIS L. WHEELER
State Engineer