

BEFORE THE STATE ENGINEER OF OREGON

Yamhill River

IN THE MATTER OF THE APPLICATION)  
OF CARL H. KREDER, JR. FOR THE )  
APPROVAL OF A CHANGE IN POINT OF)  
DIVERSION OF WATER FROM YAMHILL )  
RIVER )  
- - - - -

O R D E R

APPROVING APPLICATION

On April 1, 1963, Carl H. Kreder, Jr. of Dayton, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Luther S. and Nell M. Poe and recorded on page 15122, Volume 12, State Record of Water Right Certificates, confirms a right under Permit No. 14751 to the use of the waters of Yamhill River for the irrigation of, among other lands, 2.7 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 13.8 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, Township 4 South, Range 3 West, W. M., with a date of priority of February 11, 1941. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 1122 feet South and 739.2 feet East from the N $\frac{1}{2}$  corner of Section 17, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 17, Township 4 South, Range 3 West, W. M.

The applicant herein, owner of 7.0 acres of the lands above described, to-wit: 2.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 17, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 170 feet North and 3100 feet East from the southwest corner of Stewart Hanna DLC No. 44, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, Township 4 South, Range 3 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. Myron V. Bish, 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 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 Yamhill River, to-wit:

From a point located 1122 feet South and 739.2 feet East from the N $\frac{1}{2}$  corner of Section 17, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 17, Township 4 South, Range 3 West, W. M.

To a point to be located 170 feet North and 3100 feet East from the southwest corner of Stewart Hanna DLC No. 44, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 17, Township 4 South, Range 3 West, W. M.

for the irrigation of 2.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, Township 4 South, Range 3 West, W. M., with a date of priority of February 11, 1941, 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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

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.

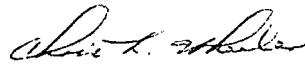
That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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 Luther S. and Nell M. Poe and recorded at page 15122, Volume 12, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the point of diversion, a certificate of water right shall be issued to Carl H. Kreder, Jr. confirming said change in point of diversion.

Dated at Salem, Oregon, this 20th day of June, 1963.

*Notations on Records  
App. # 19159  
Cert. # 15122*



CHRIS L. WHEELER  
State Engineer