

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION )  
OF RICHARD KIRKHAM FOR APPROVAL )  
OF A CHANGE IN PLACE OF USE OF WATER )  
FROM SOUTH YAMHILL RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3568

On March 7, 1977, an application was filed in the office of the Water Resources Director by Richard Kirkham for a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 20894, Volume 15, State Record of Water Right Certificates, in the name of William Schulz, describes a right for the use of not to exceed 1.18 cubic feet per second from South Yamhill River for irrigation of 4.3 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 30.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6; 15.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 38.8 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 3.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, Township 6 South, Range 6 West, W.M.; 3.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 0.1 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 12, Township 6 South, Range 7 West, W.M., with a date of priority of October 11, 1938.

Water for the said right is diverted from a point located 880 feet South and 270 feet West from the Northeast corner of Section 12, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12, Township 6 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom, and without loss of priority, to irrigate in lieu thereof a certain 2.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 7, Township 6 South, Range 6 West, W.M.; 6.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 37.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 29.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 13.6 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 6 South, Range 7 West, W.M.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

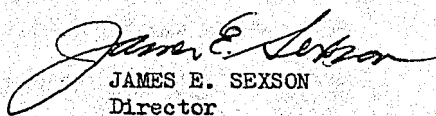
No objection having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to William Schulz and recorded at Page 20894, Volume 15, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 28th day of April, 1977.

  
JAMES E. SEXSON  
Director