

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF JACK D. FROST FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 4250

On July 9, 1979, an application was filed in the office of the Water Resources Director by Jack D. Frost for approval of a change in point of diversion of water from North Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is described by the certificate recorded at page 15722, Volume 13, State Record of Water Right Certificates, in the name of Charles C. Bauer, and is for the use of not to exceed 0.25 cubic foot per second from North Yamhill River, under a priority date of September 14, 1938, for irrigation of a certain 0.7 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5; 3.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 3 South, Range 4 West, W.M.

The authorized point of diversion is located 750 feet North and 2550 feet East from the Southwest Corner of Section 5, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

The applicant proposes to change the point of diversion therefrom to a point located 1650 feet North and 750 feet East from the Southwest Corner of Section 5, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 3 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 October 5, 12 and 19, 1979.

Mr. Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

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:

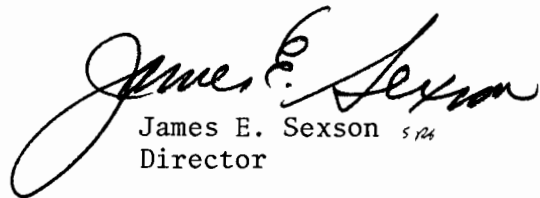
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 15722, Volume 13, 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 20th day of December, 1979.


James E. Sexson *5/24*
Director