

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF SOL J. YUTZY FOR APPROVAL OF A)
A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4566

On July 22, 1980, an application was filed in the office of the Water Resources Director by Sol J. Yutzy for 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.

The certificate recorded at page 47355, Volume 40, State Record of Water Right Certificates, in the name of Sol Yutzy, describes a right for the use of not to exceed 0.14 cubic foot per second from South Yamhill River for irrigation of a certain 10.3 acres in NE 1/4 NE 1/4 and 0.9 acre in NW 1/4 NE 1/4, Section 34, Township 4 South, Range 4 West, W.M., with a date of priority of July 5, 1973.

Water for the said right is diverted from a point located 860 feet North and 1150 feet East from the South Quarter Corner of Section 27, being within the SW 1/4 SE 1/4 of Section 27, Township 4 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point located South 56° 03' East, 6965 feet from the Northwest Corner of R. Boothe DLC Number 57, being within the SE 1/4 NE 1/4, Section 34, Township 4 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 July 30, August 6 and 13, 1980.

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:

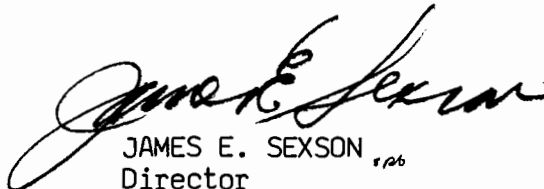
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 47355, Volume 40, 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 29th day of September, 1980.


JAMES E. SEXSON
Director