

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF GEORGE H. WARMINGTON FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM YAMHILL)
RIVER.)

O R D E R
APPROVING APPLICATION

On August 12, 1953 George H. Warmington of Route 2, Box 152, McMinnville, Oregon filed an application for the approval of a change in point of diversion of water from Yamhill River, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right issued in the name of Clyde A. and Elma A. Bowen and recorded at page 15703, Volume 13, State Record of Water Right Certificates, confirms a right to the use of water from Yamhill River under Permit No. 13389 for the irrigation of 1.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.9 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 4 South, Range 4 West, W. M., with a date of priority of December 23, 1938, and Certificate of water right issued in the name of Clyde A. and Elma A. Bowen and recorded at page 15706 Volume 13, State Record of Water Right Certificates, confirms a right to the use of water from Yamhill River under Permit No. 13776 for the irrigation of 11 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 7.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.1 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 4 South, Range 4 West, W. M., with a date of priority of May 29, 1939. All of the lands above described are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 1050 feet south and 745 feet west from the northeast corner of Section 14, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on D. L. C. No. 50 in Section 14, Township 4 South, Range 4 West, W. M.

George H. Warmington, owner of the lands above described, proposes to change his point of diversion downstream to a point to be located 1950 feet south and 2200 feet east from the Reentrant corner on the

north boundary of Jacob Haun D. L. C. No. 51, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 4 South, Range 4 West, W. M.

Notice by publication as provided by Section 116-606, O.C.L.A., was given in the Daily News-Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks, being the issues of August 19 and 26 and September 2, 1953. The time for hearing as set forth in the notice, namely: October 14, 1953, was not less than thirty days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in point of diversion of water from Yamhill River 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, to-wit:

From a point located 1060 feet south and 745 feet west from the northeast corner of Section 14, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on D.L.C. No. 50 in Section 14, Township 4 South, Range 4 West, W. M.,

To a point to be located 1950 feet south and 2200 feet east from the Reentrant corner on the north boundary of Jacob Haun D.L.C. No. 5, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 4 South, Range 4 West, W. M.,

for the irrigation of 1.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.9 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 4 South, Range 4 West, W. M., with a date of priority of December 23, 1938 and 11 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 7.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.1 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 4 South, Range 4 West, W. M., with a date of priority of May 29, 1939, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion shall be completed on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion thereof satisfactory proof shall be filed with the State Engineer.

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, less stream losses and less inflow, if any, between the present and proposed points 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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Yamhill County, Oregon and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 6th day of November 1953.

Noted on Certs. 15703 and 15706

Chas. E. Stricklin
CHAS. E. STRICKLIN
State Engineer