

2409 Vera Trivelpiece
546 Market NE
Salem, Ore. 97301

2409

STATUS OF APPLICATION

Change in Point of Diversion
Date filed June 22, 1970
Date of hearing September 8, 1970
Place of hearing Mc Minnville, Ore
Date of order 1-8-71 Vol. 20, page 338
Date for application of water 10-1-71
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. 30, page 38186
To Survey Mar. 2, 1971

DESCRIPTION OF WATER RIGHT

Name of stream North Yamhill River
Trib. of _____ County of Yamhill
Use Irrigation
Quantity of water 0.25 - 9/4/38 No. of acres 29.5
Name of ditch _____
Date of priority Sept. 14, 1938 + June 27, 1939
In name of Frank M. Trivelpiece
Adjudication, Vol. _____, page _____
App. No. 17592 Per. No. 13288 Cert. No. 16651
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
6/22/70	\$ 25.00	19509
6/22/70	\$ 30.00	19510
TOTAL . . .		
8-6-70	\$1 Cert. Fee	From Pub. & Nat.
1-16-73	2.00	32110

FEES REFUNDED

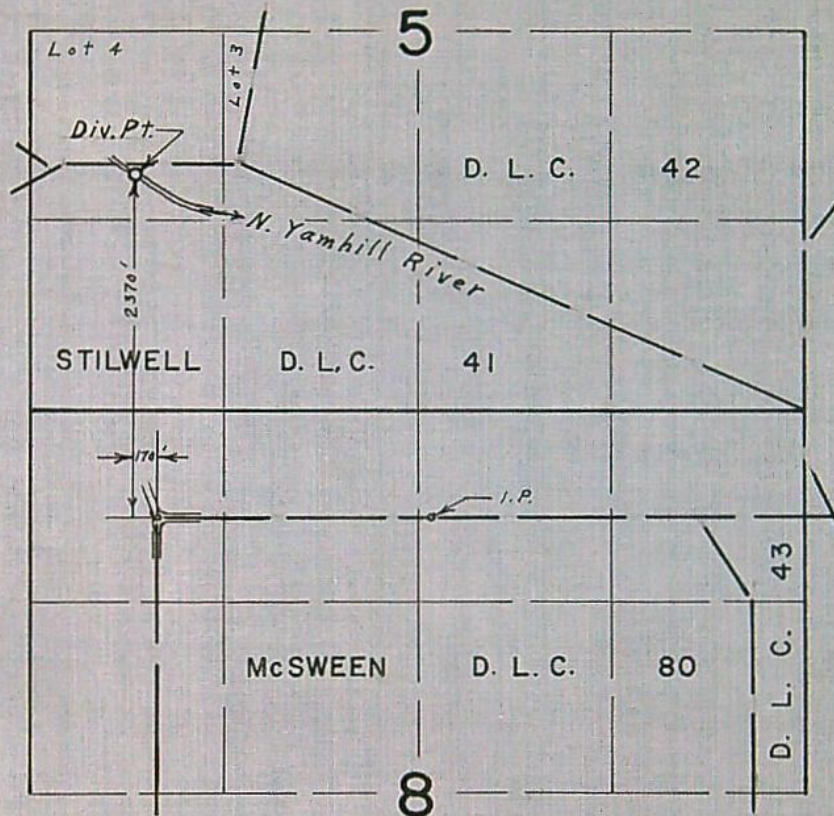
Date	Amount	Check No.
8-6-70	\$3.17 Pub. & Nat.	3811

REMARKS

See T-4200

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>slu</u>	
	Stream	<u>slu</u>	
	Pt. of Div.	<u>slu</u>	
	Calendar	<u>slu</u>	
	Twp. & Rge.	<u>slu</u>	
	Decree-vault	<u>slu</u>	
	Decree-safe	<u>slu</u>	
	Cert. of W/R	<u>slu</u>	
	Per. Folder	<u>slu</u>	
	Chainindex	<u>slu</u>	
CHECKED TO RECORDS:			
	Cross Ref.	<u>slu</u>	
	Power Claim	<u>slu</u>	
	Abstracts	<u>slu</u>	

T. 3 S. R. 4 W. W. M.



FINAL PROOF SURVEY
UNDER

Application No. _____ Transfer 2409
Permit No. _____
IN NAME OF

VERA TRIVELPIECE

Surveyed Sept. 29, 1971, by L. E. Gould

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF VERA TRIVELPIECE FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM NORTH)
YAMHILL RIVER)
-----)

ORDER APPROVING
TRANSFER NO. 2409

On June 22, 1970, Vera Trivelpiece filed an application in the office of the State Engineer for the 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.

Certificate of water right issued to Frank M. Trivelpiece and recorded at page 16643, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from North Yamhill River for the irrigation of 7.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 3 South, Range 4 West, W.M., with a date of priority of September 14, 1938.

Certificate of water right issued to Frank M. Trivelpiece and recorded at page 16651, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from North Yamhill River for the irrigation of, among other lands, 2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 3 South, Range 4 West, W.M., with a date of priority of June 27, 1939.

These lands are irrigated from a point of diversion located 740 feet north and 90 feet west from the SW $\frac{1}{4}$ 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 herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be

located 1725 feet north and 1970 feet west from the S $\frac{1}{4}$ 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 filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on September 8, 1970, at 9:00 a.m. The notice was published in the Carlton-Yamhill Review, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of July 16, 23, and 30, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report 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 proposed change in point of diversion of water from North Yamhill River, to-wit:

From a point located 740 feet north and 90 feet west from the S $\frac{1}{4}$ 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.

To a point to be located 1725 feet north and 1970 feet west from the S $\frac{1}{4}$ 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.

for the irrigation of 7.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, with a date of priority of September 14, 1938, 2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, with a date of priority of June

27, 1939, 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, 1971.

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 and shall not exceed 0.25 cubic foot per second, with a date of priority of September 14, 1938, and 0.12 cubic foot per second, with a date of priority of June 27, 1939.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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.

Wendell Trivelpiece has filed an application for approval of a change in point of diversion for the irrigation of the remaining right evidenced by certificate recorded at page 16651 not involved in this proceeding.

It is FURTHER ORDERED that certificates of water right heretofore issued to Frank M. Trivelpiece and recorded at pages 16643 and 16651, Volume 13, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right shall be issued to Vera Trivelpiece confirming the change in point of diversion.

Dated at Salem, Oregon, this 8th day of January, 1971.

/s/ CHRIS L. WHEELER
State Engineer

100% COTTON FIBER
REGISTERED
TRADE MARK



NOTICE OF FILING
APPLICATION FOR A
CHANGE
IN POINT OF DIVERSION
OF WATER

Notice is given hereby that Vera Trivelpiece has filed an application for the approval of a change in point of diversion of water from North Yamhill River.

Certificate of water right issued to Frank M. Trivelpiece and recorded at page 16643, Volume 13, State Record of Water Right Certificates, confirms a right to the use of 0.25 cubic foot per second of water from North Yamhill River for the irrigation of 7.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 3 S., R. 4 W., W.M., with a date of priority of September 14, 1938.

Certificate of water right issued to Frank M. Trivelpiece and recorded at page 16651, Volume 13, State Record of Water Right Certificates, confirms a right to the use of 0.25 cubic foot per second of water from North Yamhill River for the irrigation of, among other lands, 2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 3 S., R. 4 W., W.M., with a date of priority of June 27, 1939.

These lands are irrigated from a point of diversion located 740 ft. N and 90 ft. W from the S $\frac{1}{4}$ corner of Sec. 5 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 5, T. 3 S., R. 4 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1725 ft. N and 1970 ft. W from the S $\frac{1}{4}$ corner of Sec. 5 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 5, T. 3 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on September 8, 1970, at 9:00 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Vera Trivelpiece, 546 Market N. E., Salem, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 7th day of July, 1970.

CHRIS L. WHEELER
State Engineer

Date of First Publication:

July 16, 1970

Date of Last Publication:

July 30, 1970

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }
COUNTY OF YAMHILL } ss.

RECEIVED
AUG 6 1970
STATE ENGINEER
SALEM OREGON

I, Gladys E. Bennett

first duly sworn, depose and say that I am the

of the CARLTON-YAMHILL REVIEW, a newspaper of general circulation printed and published at Carlton, in the aforesaid county and state, as defined

Notice of Filing Application
in Section 58, Oregon Laws, that for a change of Point of

Diversion of Water a printed copy of which is hereto annexed,

was published in the entire issue of said newspaper for three

successive and consecutive weeks in the following issues:

July 16, 23 and 30, 1970

(Signed)

Gladys E. Bennett

Subscribed and sworn to before me this 4th day of

August, 1970

Dorothy J. Sumner
Notary Public for Oregon

(My Commission expires Sept 29, 1972)

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRANK M. TRIVELPIECE

of Route 1, Yamhill, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
North Yamhill River
a tributary of Yamhill and Willamette Rivers for the purpose of
irrigation
under Permit No. 13890 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from June 27, 1939

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.25 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 3 South, Range 4
West, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited to
a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during
the irrigation season of each year,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

T2409 - 2410
25 1.5 4.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Wm. D. Stilwell D.L.C. No. 41
7.0 9.0 16.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. D. Stilwell D.L.C. No. 41
Section 8
T. 3 S., R. 4 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this 30th day of December, 1949.

CHAS. E. STRICKLIN
State Engineer