

2410

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 342
Date for application of water 10-1-71
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. 20, page 342
To Summary 1/26/71

DESCRIPTION OF WATER RIGHT

Name of stream North Yamhill River
Trib. of - County of Yamhill
Use Irrigation
Quantity of water 0.13 cfs No. of acres 10⁵
Name of ditch -
Date of priority June 27, 1939
In name of Frank M. Trivelpiece
Adjudication, Vol. _____, page _____
App. No. 18229 Per. No. 13890 Cert. No. 16651
Certificate cancelled _____
Notation made on record by sh

FEES PAID

Date	Amount	Receipt No.
6/22/70	\$ 25.00	19511
6/22/70	\$ 30.00	19512
TOTAL . . .		
8-6-70	\$2. \$1 Cert. Fee	From Pub. g Not

FEES REFUNDED

Date	Amount	Check No.
10-9-79	1.50	3849
8-6-70	\$7.20 Pub. g Not.	3812

REMARKS

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

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That WENDELL TRIVELPIECE

of **Route 1, Box 153, 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 River (Willamette River)** for the purpose of irrigation of **10.5 acres**

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 **0.13 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 **NE $\frac{1}{4}$ NE $\frac{1}{4}$** as projected within **Stilwell DLC 41, Section 8, T. 3 S., R. 4 W., W. M., 400 feet North and 3320 feet East from NW Corner, McSween DLC 80.**

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:

**1.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
9.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Both as projected within Wm. D. Stilwell DLC 41
Section 8
T. 3 S., R. 4 W., W. M.**

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered January 8, 1971, and together with the certificate recorded at page 38786 supersedes certificate of water right issued to Frank M. Trivelpiece and recorded at page 16651, Volume 13, State Record of Water Right Certificates.

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

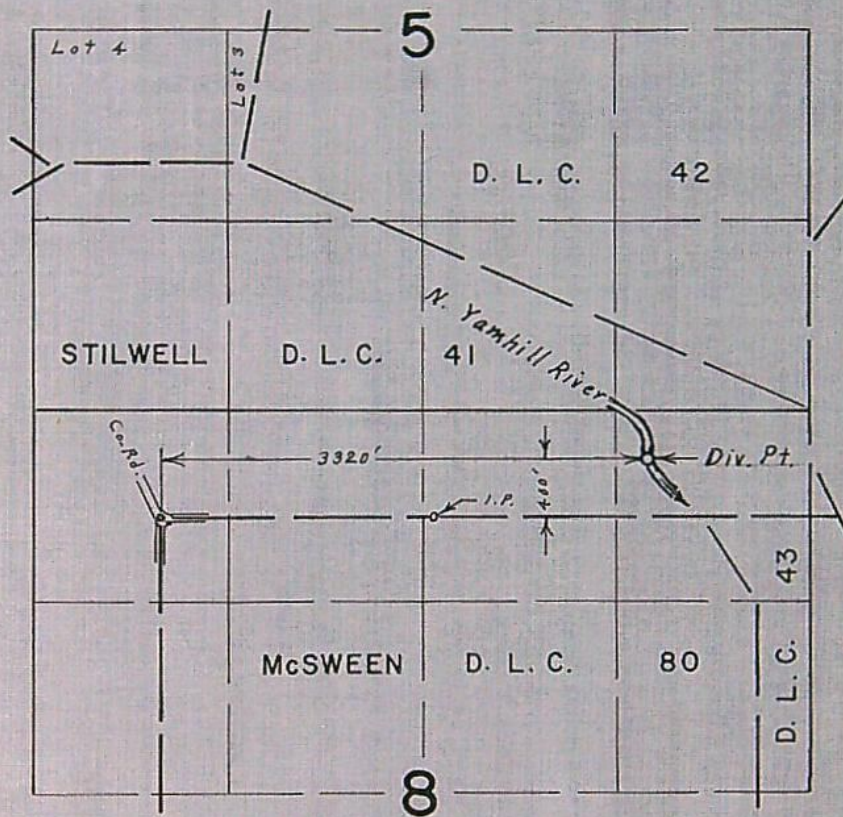
WITNESS the signature of the State Engineer, affixed

this date. **January 11, 1973**

CHRIS L. WHEELER

State Engineer

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



FINAL PROOF SURVEY

UNDER

Application No. _____ Transfer Permit No. 2410
IN NAME OF _____

WENDELL TRIVELPIECE

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

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WENDELL TRIVELPIECE**

of **Route 1, Box 153, 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 River (Willamette River)** for the purpose of **irrigation of 10.5 acres**

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 **0.13 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 **NE $\frac{1}{4}$ NE $\frac{1}{4}$** as projected within **Stilwell DLC 41, Section 8, T. 3 S., R. 4 W., W. M., 400 feet North and 3320 feet East from NW Corner, McSween DLC 80.**

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:

**1.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
9.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Both as projected within Wm. D. Stilwell DLC 41
Section 8
T. 3 S., R. 4 W., W. M.**

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered January 8, 1971, and together with the certificate recorded at page 38786 supersedes certificate of water right issued to Frank M. Trivelpiece and recorded at page 16651, Volume 13, State Record of Water Right Certificates.

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 date. **January 11, 1973**

CHRIS L. WHEELER

State Engineer

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ^{Wendell} FRANK M. TRIVELPIECE

^{1A BOX 153}
 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 ^{of 10.5 acres}
 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,
^{0.13}

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 1/4 SW 1/4~~ Section 5, Township 3 South, Range 4
 West, W. M. ^{NE 1/4 NE 1/4 with Stillwell D.C. 41}

^{400 ft N of 3320 ft E from NW cor of McSwain D.C. 80}

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 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:

^{1.5} ~~4.0~~ acres in the NW 1/4 NE 1/4, as projected on Wm. D. Stilwell D.L.C. No. 41
^{9.0} ~~16.0~~ acres in the NE 1/4 NW 1/4, as projected on Wm. D. Stilwell D.L.C. No. 41
 Section 8
 T. 3 S., R. 4 W., W. M.

This certificate is issued to confirm a change in ^{point of diversion} approved by an order
 of the State Engineer entered ^{Jan 8, 1971}, and ^{together with the Cert recorded at page} supersedes certificate of water

right issued to ^{Frank M. Trivelpiece} and recorded at page ¹⁶⁶⁵¹, Volume ¹³ ^(to Vera),

State Record of Water Right Certificates.

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF WENDELL TRIVELPIECE FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM NORTH)
YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 2410

On June 22, 1970, Wendell 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 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, 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 9.0 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 270 feet south and 1600 feet east from the NW $\frac{1}{4}$ corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, 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 9:30 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 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.

To a point to be located 270 feet south and 1600 feet east from the NW $\frac{1}{4}$ corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 3 South, Range 4 West, W.M.

for the irrigation of 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 9.0 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, 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 0.13 cubic foot per second.

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.

An application by Vera Trivelpiece for 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 was approved by an order of the State Engineer dated January 8, 1971. This order also canceled the certificate recorded at page 16651.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Wendell Trivelpiece confirming the change in point of diversion.

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

/s/ CHRIS L. WHEELER
State Engineer



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

Notice is given hereby that Wendell 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 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, 1.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 9.0 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 270 ft. S and 1600 ft. E from the N $\frac{1}{4}$ corner of Sec. 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, 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 9:30 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 Wendell Trivelpiece, Yamhill, 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

RECEIVED
AUG 6 1970

STATE OF OREGON, }
COUNTY OF YAMHILL } ss.

**STATE ENGINEER
SALEM OREGON**

I, Gladys E. Bennett, being

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 change in 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. [Signature]
Notary Public for Oregon

(My Commission expires Sept 29, 1973)