

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF CITY OF WILLAMINA FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION AND CHARACTER OF USE)
OF WATER FROM WILLAMINA CREEK)
-----)

ORDER APPROVING
TRANSFER NO. 2346

On March 2, 1970, City of Willamina filed an application in the office of the State Engineer for the approval of a change in point of diversion and character of use of water from Willamina Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Pacific Plywood Corporation and recorded at page 14359, Volume 12, State Record of Water Right Certificates, confirms a right for the storage of 132.0 acre feet of water from Willamina River in a log pond in the NE¼ SE¼ and SE¼ SE¼, Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of June 13, 1941.

Certificate of water right issued to Pacific Plywood Corporation and recorded at page 14536, Volume 12, State Record of Water Right Certificates, confirms a right for the use of 7.0 cubic feet per second of water from Willamina River for maintenance of a log pond in the NE¼ SE¼ and SE¼ SE¼, Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of June 13, 1941.

The point of diversion is located 550 feet south and 475 feet west from the E¼ corner of Section 1 being within the NE¼ SE¼ of Section 1, Township 6 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the use from storage of 30.0 acre feet of water for a log pond to storage for public fish facilities, to change the use of 0.2 cubic foot per second of water from maintenance of a log pond to

maintenance of a pond for public fish facilities from the present point of diversion and to change the use of 0.7 cubic foot per second from maintenance of a log pond to municipal use within the boundaries of the City of Willamina with the point of diversion to be located S 52° 23' E 1594 feet from the NW corner of Section 1 being within the NW¼ NW¼ of Section 1, Township 6 South, Range 7 West, W.M.

The right for the storage of 102.0 acre feet of the waters of Willamina River for a log pond with a date of priority of June 13, 1941, as evidenced by certificate recorded at page 14359, Volume 12, State Record of Water Right Certificates, and the right for the appropriation of 6.10 cubic feet per second of the waters of Willamina River for use in a log pond as evidenced by certificate recorded at page 14536 was canceled by an order of the State Engineer entered May 29, 1970.

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 and character of use of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on August 12, 1970, at 9:30 a.m. The notice was published in The Willamina Times, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of June 18, 25, and July 2, 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 and character of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion and character of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use of water from the storage of 30.0 acre feet of the waters of Willamina Creek for a log pond with a date of priority of June 13, 1941, to the storage of 30.0 acre feet of water for public fish facilities in SEX SEX, Section 1, Township 6 South, Range 7 West, W.M. and the change in use of 0.9 cubic foot per second of the waters of Willamina Creek from maintenance of a log pond to the use of 0.2 cubic foot per second for maintenance of public fish facilities in SEX SEX, Section 1, Township 6 South, Range 7 West, W.M. and 0.7 cubic foot per second for municipal use in the City of Willamina in S½ NE¼ and N½ SEX, Section 1, Township 6 South, Range 7 West, W.M., without loss of priority, is approved.

It is FURTHER ORDERED that the proposed change in point of diversion of 0.7 cubic foot per second of water from Willamina River, to-wit:

From a point located 550 feet south and 475 feet west from the E¼ corner of Section 1 being within the NE¼ SEX of Section 1, Township 6 South, Range 7 West, W.M.

To a point to be located S 52° 23' E 1594 feet from the NW corner of Section 1 being within the NW¼ NW¼ of Section 1, Township 6 South, Range 7 West, W.M.

for municipal use for the City of Willamina in S½ NE¼ and N½ SEX, Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of June 13, 1941, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1972.

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 and shall be limited to 0.7 cubic foot per second.

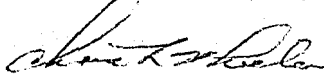
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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.

It is FURTHER ORDERED that certificates of water right heretofore issued to Pacific Plywood Corporation and recorded at pages 14359 and 14536, Volume 12, 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 and character of use, a certificate of water right shall be issued to City of Willamina confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 30th day of September, 1970.


CHRIS L. WHEELER
State Engineer