

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROGER HILDEBRANDT FOR APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER FROM)
LAMBERT SLOUGH)

ORDER APPROVING
TRANSFER NO. 3536

On February 18, 1977, an application was filed in the office of the Water Resources Director by Roger Hildebrandt for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 22339, Volume 16, State Record of Water Right Certificates, in the name of C. M. Boulden describes a right which includes the use of not to exceed 0.16 cubic foot per second from Lambert Slough for irrigation of 24.5 acres in Lot 7 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 15, Township 5 South, Range 3 West, W.M., with a date of priority of March 13, 1951.

Water for the said right is diverted from a point located 2040 feet South and 1350 feet East from the Northwest corner of Section 15, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 15.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion and, without loss of priority, to irrigate in lieu thereof a certain 7.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 16.6 acres in Lot 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 22, Township 5 South, Range 3 West, W.M., by diversion of water from a point located 670 feet South and 480 feet East from the Northeast corner of Angell DLC No. 57, being within Lot 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 22.

Notice of the application, pursuant to ORS 540.510, was published in the Dayton Tribune, a newspaper printed and having general circulation in

Yamhill County, Oregon, for a period of three weeks in the issues of April 14, 21 and 28, 1977.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion described herein, without loss of priority, are 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, and shall not exceed 0.16 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 head-gates and measuring devices:

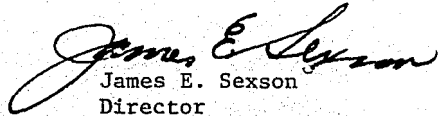
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to C. M. Boulden and recorded at page 22339, Volume 16, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, 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 28th day of July, 1977.


James E. Sexson
Director