

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF PHILLIP A. HAWMAN FOR APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)
FROM YAMHILL RIVER)

ORDER APPROVING
TRANSFER NO. 3539

On February 22, 1977, an application was filed in the office of the Water Resources Director by Phillip A. Hawman 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 certificates recorded at page 21185, Volume 15, State Record of Water Right Certificates, in the name of Keith F. Coburn, describes a right for use of not to exceed 1.34 cubic feet per second from Yamhill River for irrigation of 1.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 12.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8; 12.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 38.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 19.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9; 3.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 4 South, Range 3 West, W.M., with a date of priority of December 11, 1947.

Water for the said right is diverted from a point located 1440 feet South and 1050 feet West from the Northeast corner of Section 16, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 4 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom, and without loss of priority, to irrigate in lieu thereof a certain 3.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 22.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 32.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 27.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; 7.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.2 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 4 South, Range 3 West, W.M., by diversion of water from a point located 4530 feet South and 10 feet West from the Northeast corner of Section 9, being within

the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 4 South, Range 3 West, W.M.

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 7, 14 and 21, 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 as 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 1.34 cubic feet per second.

It is FURTHER ORDERED that the following 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;

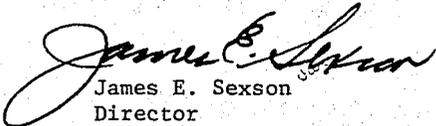
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that 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 Keith F. Coburn and recorded at page 21185, Volume 15, State Record of Water Right Certificates, is canceled, 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 29th day of July, 1977.


James E. Sexson
Director