

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF WILLAMETTE VALLEY LUMBER COMPANY)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
SOUTH SANTIAM RIVER)
-----)

ORDER APPROVING
TRANSFER NO. W-109

On September 16, 1964, Willamette Valley Lumber Company, successor in interest to Willamette National Lumber Company, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Willamette National Lumber Company and recorded at page 19564, Volume 14, State Record of Water Right Certificates, confirms a right to the use of 10.0 cubic foot per second of the waters of South Santiam River and a log pond constructed under the provisions of permit numbered R-841 for pond loss, industrial use and fire protection in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27 and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, all as projected within the Milton Humphrey D.L.C. No. 38, in Township 13 South, Range 1 East, W.M., with a date of priority of April 19, 1946, being 0.8 cubic foot per second for pond loss and 9.2 cubic feet per second for industrial use and fire protection. The water from the South Santiam River is conveyed to these lands by means of a pumping plant, the point of diversion of said pumping plant being located 3255 feet north and 1687 feet east from the southwest corner of Section 26, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 26, Township 13 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the above described point of diversion to a point to be located 2990 feet north and 2520 feet east from the southwest corner of Section 26, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 26, Township 13 South, Range 1 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Floyd L. Siegmund, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in point of diversion of water from the South Santiam River, to-wit:

From a point located 3255 feet north and 1687 feet east from the southwest corner of Section 26, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 26, Township 13 South, Range 1 East, W.M.

To a point to be located 2990 feet north and 2520 feet east from the southwest corner of Section 26, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 26, Township 13 South, Range 1 East, W.M.

for pond loss, industrial use and fire protection in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27 and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, all as projected within the Milton Humphrey D.L.C. No. 38, in Township 13 South, Range 1 East, W.M., with a date of priority of April 19, 1946, 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, 1965.

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.

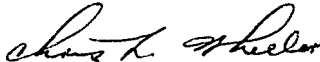
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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

It is FURTHER ORDERED that certificate of water right heretofore issued to Willamette National Lumber Company and recorded at page 19564, Volume 14, State Record of Water Right Certificates, is canceled, and 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 Willamette Valley Lumber Company confirming said change in point of diversion.

Dated at Salem, Oregon, this 13th day of January, 1965.



CHRIS L. WHEELER
State Engineer