

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF SAMUEL B. SWEENEY FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM WEST BRANCH PALMER)
CREEK)

ORDER APPROVING
TRANSFER NO. 3546

On February 24, 1977, Samuel B. Sweeney filed an application in the office of the Water Resources Director for approval of a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 31659, Volume 23, State Record of Water Right Certificates, in the name of Samuel B. Sweeney, describes a right for the use of not to exceed 0.10 cubic foot per second from West Branch of Palmer Creek for irrigation of 5.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 4 South, Range 3 West, W.M., with a date of priority of November 19, 1962.

Water for the said right is diverted from a point located 754 feet South and 746 feet West from the most easterly Northeast corner of DIC #48, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20.

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 7.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.9 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 4 South, Range 3 West, W.M.

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

No objection having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

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:

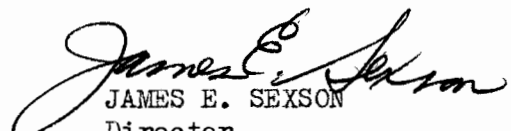
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 Samuel B. Sweeney and recorded at Page 31659, Volume 23, 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 17th day of May, 1977.


JAMES E. SEXSON
Director