

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF DAVID E. FENDALL FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION OF)
WATER FROM WILLAMINA CREEK)

ORDER APPROVING
TRANSFER NO. 3347

On January 12, 1976, David E. Fendall filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Willamina Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate recorded at Page 28293, Volume 20, State Record of Water Right Certificates, in the name of Eldon Fendall includes the use of not to exceed 0.013 cubic foot per second from Willamina Creek for the irrigation of 1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 5 South, Range 7 West, W.M., with a date of priority of March 4, 1959.

Water for said right is diverted from a point located 1725 feet North and 1575 feet West from the Southeast corner of Section 24, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 5 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to irrigate the above described 1.5 acres from a point of diversion located 1020 feet North and 1670 feet West from the Southeast corner of Section 24, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 5 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Sheridan Sun, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of November 4, 11 and 18, 1976.

Mr. Benjamin E. Monroe, Watermaster of District No. 18, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 hereby is ORDERED that the requested change in point of diversion from Willamina Creek described herein, without loss of priority, is 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, and shall not exceed 0.013 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;

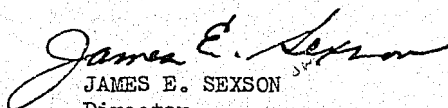
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Eldon Fendall and recorded at Page 28293, Volume 20, 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 David E. Fendall.

Dated at Salem, Oregon, this 26th day of January, 1977.


JAMES E. SEXSON
Director