

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION }
OF WILLAMINA LUMBER COMPANY FOR }
THE APPROVAL OF A CHANGE IN POINT }
OF DIVERSION, PLACE OF USE AND USE }
OF WATER FROM WILLAMINA CREEK }

ORDER APPROVING
TRANSFER NO. 3147

On November 18, 1974, Willamina Lumber Company filed an application in the office of the Water Resources Director for the approval of a change in point of diversion, place of use and use of water from Willamina Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. C. Tremblay and recorded at Page 14634, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.18 cubic feet per second of water from Willamina Creek, being 0.01 cubic foot per second for fire protection and 0.01 cubic foot per second for use on saws in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and 1.16 cubic foot per second for use in log pond in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in Jeremiah Lamson D.L.C. 38, all in Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of February 9, 1939. Water for these uses is provided from a point of diversion located 2920 feet North and 50 feet East from the Southeast corner of Jeremiah Lamson D.L.C. 38, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M.

The applicant herein, owner of the mill and log pond sites, proposes to change the use of the 1.18 cubic feet per second of water to 0.77 cubic foot per second for sprinkling log decks in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 7 West, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M., 0.39 cubic foot per second for manufacturing at mill in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M., and

0.02 cubic foot per second for maintenance of fire protection equipment in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 7 West, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 and NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M. The applicant proposes to divert water for these uses from two points of diversion located (1) 446.42 feet North and 192.61 feet West and (2) 982.48 feet South and 380.14 feet West from the point of beginning of the Clay Company subdivision, being within the (1) NE $\frac{1}{4}$ NW $\frac{1}{4}$ and (2) SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the News-Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of April 30, May 7 and 14, 1976.

Mr. Ben Monroe, Watermaster of District No. 18, has filed a report to the effect that the proposed change in point of diversion, place of use, and use of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use and use of water is approved and the water right hereinbefore described as being 0.01 cubic foot per second for fire protection and 0.01 cubic foot per second for use on saws in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and 1.16 cubic feet per second for use in log pond in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M., be severed therefrom and simultaneously and without loss of priority transferred to 0.77 cubic foot per second for sprinkling log decks in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 7 West, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M., 0.39 cubic foot per second for manufacturing at mill in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of

Section 1, Township 6 South, Range 7 West, W.M., and 0.02 cubic foot per second for maintenance of fire protection equipment in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 7 West, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, and NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Willamina Creek, to wit:

From a point located 2920 feet North and 50 feet East from the Southeast corner of Jeremiah Lamson D.L.C. 38, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M.

To a point to be located 446.42 feet North and 192.61 feet West from the point of beginning of the Clay Company subdivision, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M.

And to a point to be located 982.48 feet South and 380.14 feet West from the point of beginning of the Clay Company subdivision, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 6 South, Range 7 West, W.M.

for sprinkling log decks, manufacturing at mill, and maintenance of fire protection equipment in the aforementioned locations, with a date of priority of February 9, 1939, 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, 1977.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1.18 cubic feet 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 certificate of water right heretofore issued to W. C. Tremblay and recorded at Page 14634, Volume 12, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, place of use and use of water, a certificate of water right shall be issued to Willamina Lumber Company confirming the change in point of diversion and the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 13th day of August, 1976.

James E. Sexson Deputy
JAMES E. SEXSON
Director *JWC*