

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF)
ESTATE OF PEARL F. VAN DOMELEN FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 2636

On May 8, 1972, an application was filed in the office of the Water Resources Director by Ernest Loehden as Executor for the Estate of Pearl F. Van Domelen for approval of changes in place of use and point of diversion of water from East Fork Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 11826, Volume 11, State Record of Water Right Certificates, in the name of J. L. Van Domlen, describes a right for the use of not to exceed 0.22 cubic foot per second from East Fork Dairy Creek for irrigation of a certain 9.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 2 North, Range 3 West, W.M., being within D.L.C. No. 43, with a date of priority of May 19, 1931.

Water for the said right is diverted from a point located 400 feet North and 50 feet East from the Northeast Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 2 North, Range 3 West, W.M.

The applicant proposes to sever the right from a certain 3.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 8.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 2 North, Range 3 West, W.M., and, without loss of priority, to irrigate in lieu thereof a certain 3.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, together with the balance of the aforesaid lands in Section 27, from a point of diversion located 750 feet North and 50 feet East from the Northeast Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 2 North, Range 3 West, W.M.

Mr. Clayton Gardner, 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.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

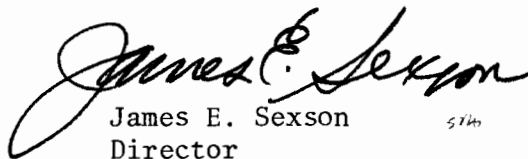
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 11826, Volume 11, 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 September, 1979.


James E. Sexson
Director