

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION )  
OF ELDON FENDALL FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM WILLAMINA RIVER. )  
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O R D E R  
APPROVING APPLICATION

On March 4, 1959, Eldon Fendall of Route 2, Willamina, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Willamina River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Glenn E. and Harold Mendenhall and Guy Fendall and recorded at page 15372, Volume 13, State Record of Water Right Certificates, confirms a right under Permit No. 10231 to the use of the waters of Willamina River for the irrigation of, among other lands, 20.2 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 1.1 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, Township 5 South, Range 7 West, W. M., with a date of priority of May 28, 1931. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 90 feet north and 1275 feet west from the northeast corner of Section 24, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 13, Township 5 South, Range 7 West, W. M.

The applicant herein, owner of 7.9 acres of the above described lands, to-wit: 5.5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 1.1 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, Township 5 South, Range 7 West, W. M., proposes to change the point of diversion for the irrigation of said lands to a point to be located 1680 feet north and 1400 feet west from the southeast corner of Section 24, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 24, Township 5 South, Range 7 West, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely:

at the county courthouse in McMinnville, Oregon, on May 7, 1959, beginning at 9:30 o'clock a.m. The notice was published in the McMinnville Daily News-Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of March 12, 19 and 26, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in point of diversion 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 point of diversion of water from Willamina River, to-wit:

From a point located 90 feet north and 1275 feet west from the northeast corner of Section 24, and being within the  $SE\frac{1}{4}$   $SE\frac{1}{4}$  of Section 13, Township 5 South, Range 7 West, W. M.,

To a point to be located 1680 feet north and 1400 feet west from the southeast corner of Section 24, and being within the  $NW\frac{1}{4}$   $SE\frac{1}{4}$ , said Section 24, Township 5 South, Range 7 West, W. M.,

for the irrigation of 5.5 acres in the  $SW\frac{1}{4}$   $NE\frac{1}{4}$ , 1.3 acres in the  $SE\frac{1}{4}$   $NE\frac{1}{4}$ , and 1.1 acres in the  $NW\frac{1}{4}$   $SE\frac{1}{4}$ , Section 24, Township 5 South, Range 7 West, W. M., with a date of priority of May 28, 1931, be and the same 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, 1960, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

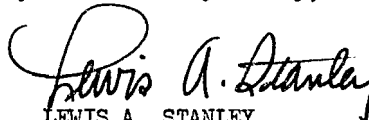
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the pumping plant and related 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 of Yamhill County, Oregon 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 upon receipt of proof satisfactory to the State Engineer of completion of the change in point of diversion of water, a new certificate of water right shall be issued confirming the change in point of diversion of water, and certificate of water right heretofore issued to Glenn E. and Harold Mendenhall and Guy Fendall and recorded at page 15372, Volume 13, State Record of Water Right Certificates shall be cancelled.

Dated at Salem, Oregon, this 27th day of May, 1960.

  
LEWIS A. STANLEY  
State Engineer

*Notations made on records:*

*App. # 14119.*

*Cert. # 15372*

*Trsf. # F-41*