

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

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

ORDER APPROVING
TRANSFER NO. 3406

On May 7, 1976, Loren E. Markee filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record to appropriate not to exceed 0.17 cubic foot per second of water from Willamina Creek, with a date of priority of February 1, 1955, at a point of diversion located 10 feet North from the Southwest corner of H. H. Simms D.L.C. #40, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 5 South, Range 7 West, W.M., for the irrigation of 13.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 5 South, Range 7 West, W.M., evidenced by the certificate recorded at Page 24456, Volume 17, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to irrigate the above lands from a point of diversion to be located 470 feet South and 220 feet East from the Southwest corner of H. H. Simms D.L.C. #40, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, 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 June 10, 17 and 24, 1976.

Mr. Benjamin 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 of water 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 point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.17 cubic foot per second.

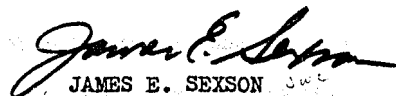
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

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 the certificate of water right heretofore issued to Loren Markee and recorded at Page 24456, Volume 17, 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, a certificate of water right shall be issued to Loren E. Markee confirming the change in point of diversion.

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


JAMES E. SEXSON
Director