

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION)
OF RAY L. LYNCH FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM WILLAMETTE RIVER)

ORDER APPROVING
TRANSFER NO. 3681

On May 13, 1977, an application was filed in the office of the Water Resources Director by Ray L. Lynch for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 34096, Volume 26, State Record of Water Right Certificates, in the names of Donald Lee and Phyllis Tompkins, describes a right for the use of not to exceed 0.675 cubic foot per second from Willamette River for irrigation of 8.2 acres in Lot 10 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and 14.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10; 1.2 acres in Lot 12 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), 10.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 13.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in Lot 13 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 3.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 5 South, Range 3 West, W.M., with a date of priority of November 12, 1963.

Water for the said right is diverted from a point located 410 feet South and 1400 feet East from the Northeast corner of the Athey D.L.C. No. 55, being within Lot 8 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, Township 5 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 50 feet East from the Southwest corner of Section 11, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 5 South, Range 3 West, W.M.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections 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, as 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 under the subject right, and shall not exceed 0.675 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:

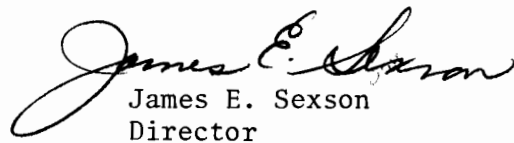
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Donald Lee and Phyllis Tompkins and recorded at page 34096, Volume 26, 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 16th day of November, 1977.


James E. Sexson
Director