

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF PETER N. OHRT FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM WILLAMINA RIVER)

ORDER APPROVING
TRANSFER NO. 2690

On August 17, 1972, Peter N. Ohrt 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, 2.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 1750 feet North and 1580 feet West from the SE corner of Section 24, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 5 South, Range 7 West, W.M.

The applicant herein, owner of the above described lands, proposes to change the point of diversion for the irrigation of said lands to a point to be located 3150 feet North and 1675 feet West from the Southeast corner of Section 24, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 5 South, Range 7 West, W.M.

Notice of the filing of the application was given by publication setting for 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 November 28, 1972, beginning at 9:30 a.m. The notice was published in the Willamina Times, a newspaper printed and

having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of October 5, 12, and 19, 1972. 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 1750 feet North and 1580 feet West from the SE corner of Section 24, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 5 South, Range 7 West, W.M.

To a point to be located 3150 feet North and 1675 feet West from the SE corner of Section 24, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 5 South, Range 7 West, W.M.

for the irrigation of 2.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 5 South, Range 7 West, W.M., with a date of priority of May 28, 1931, 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, 1974, 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 and shall be limited to 0.05 cubic foot per second.

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.

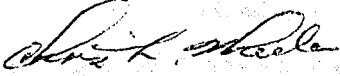
That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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 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, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Peter N. Ohrt confirming said change in point of diversion.

Dated at Salem, Oregon, this 10th day of April, 1973.


CHRIS L. WHEELER
State Engineer