

2346

STATUS OF APPLICATION

Change in Character of Use Pt. of Div.
 Date filed March 2, 1970
 Date of hearing August 12, 1970
 Place of hearing Mc Minnville, Ore.
 Date of order 9-30-70 Vol. 20, page 125
 Date for application of water 10-1-72
 Proof mailed _____
 Proof received _____
 Certificate issued MAR 5 1975 Vol. 33, page 41795
41796

DESCRIPTION OF WATER RIGHT

Name of stream Willamina Creek
 Trib. of _____ County of Yamhill
 Use From log pond to municipal fish facility
 Quantity of water 0.7 cfs No. of acres —
 Name of ditch _____
 Date of priority June 13, 1941
 In name of Pacific Plywood Corp.
 _____ Adjudication, Vol. _____, page _____
R-19369 R-768 14359
 App. No. 19368 Per. No. 15022 Cert. No. 14536
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
3-2-70	35.00	17901
3-2-70	30.00	17902
7/15/70	1.53	20004
TOTAL		
7-16-70	\$2 \$1 Cert. Fee	From Pub. J. Not.
2-20-75	1.00	45335

FEES REFUNDED

Date	Amount	Check No.

REMARKS

T-10642 v. 81 p. 29

INDEX CARDS:		Entered	Checked
✓	Name	slu	—
✓	Stream	slu	—
✓	Pt. of Div.	slu	—
✓	Calendar	slu	—
✓	CHECKED TO RECORDS:		
✓	Twp. & Rge.	slu	—
—	Decease-vault	—	—
—	Decease-safe	—	—
✓	Cert. of W/R	slu	—
✓	Per. Folder	slu	—
—	Chaindex	—	—
—	Cross Ref.	—	—
—	Power Claim	—	—
—	Abstracts	—	—

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-10642, Yamhill County)	CHANGES IN POINTS OF DIVERSION
)	AND PLACES OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF WILLAMINA
411 NE "C"
WILLAMINA OR 97396

Findings of Fact

Background

1. On June 5, 2008, CITY OF WILLAMINA filed an application to change the point of diversion, to change the place of use and to change the character of use under Certificate 11706. The Department assigned the application number T-10642.
2. On April 19, 2010, the applicant amended the transfer application by removing Certificate 11706 and the proposed change in character of use. The applicant added Certificates 41796 and 67793 to the application.

3. The first right to be transferred is as follows:

Certificate:	41796 in the name of CITY OF WILLAMINA (perfected under Permit R-768)
Use:	PUBLIC FISH FACILITY
Priority Date:	JUNE 13, 1941
Rate:	20.0 ACRE FEET
Source:	WILLAMINA CREEK, tributary to the YAMHILL RIVER

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	7 W	WM	1	NE SE	43	2050 FEET NORTH AND 520 FEET WEST FROM THE SE CORNER OF SECTION 1

Authorized Place of Use:

PUBLIC FISH FACILITY					
Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	7 W	WM	1	SE SE	43

4. Transfer Application T-10642 proposes to move the authorized point of diversion approximately 1500 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	6 W	WM	6	NW SW	93	225 FEET SOUTH AND 400 FEET EAST FROM THE W¼ CORNER OF SECTION 6

5. Transfer Application T-10642 also proposes to change the place of use of the right to:

PUBLIC FISH FACILITY					
Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	6 W	WM	6	SW NW	93
6 S	6 W	WM	6	SW NW	91
6 S	6 W	WM	6	NW SW	91
6 S	6 W	WM	6	NW SW	93

6. The second right to be transferred is as follows:

Certificate: 67793 in the name of CITY OF WILLAMINA (perfected under Permit S-15022)

Use: MAINTENANCE OF PUBLIC FISH FACILITY

Priority Date: JUNE 13, 1941

Rate: 0.20 CUBIC FOOT PER SECOND

Source: WILLAMINA CREEK, tributary to the YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	7 W	WM	1	NE SE	43	2050 FEET NORTH AND 520 FEET WEST FROM THE SE CORNER OF SECTION 1

Authorized Place of Use:

PUBLIC FISH FACILITY					
Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	7 W	WM	1	SE SE	43

7. Transfer Application T-10642 proposes to move the authorized point of diversion approximately 1500 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	6 W	WM	6	NW SW	93	225 FEET SOUTH AND 400 FEET EAST FROM THE W¼ CORNER OF SECTION 6

8. Transfer Application T-10642 also proposes to change the place of use of the right to:

PUBLIC FISH FACILITY					
Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	6 W	WM	6	SW NW	93
6 S	6 W	WM	6	SW NW	91
6 S	6 W	WM	6	NW SW	91
6 S	6 W	WM	6	NW SW	93

9. Notice of the application for transfer was published on June 17, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.
11. On April 12, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10642 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 14, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
12. On April 26, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10642 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 5, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

13. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A pump, pipeline sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10642.
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other water rights.

Conclusions of Law

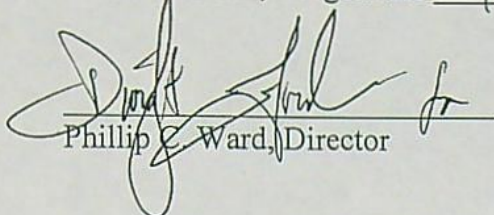
The change in points of diversion and change in places of use proposed in Transfer Application T-10642 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is **ORDERED**:

1. The change in points of diversion and change in places of use proposed in Transfer Application T-10642 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 41796 and 67793 and any related decree.
3. Water right certificates 41976 and 67793 are cancelled.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of diversion.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change(s) and full beneficial use of the water.

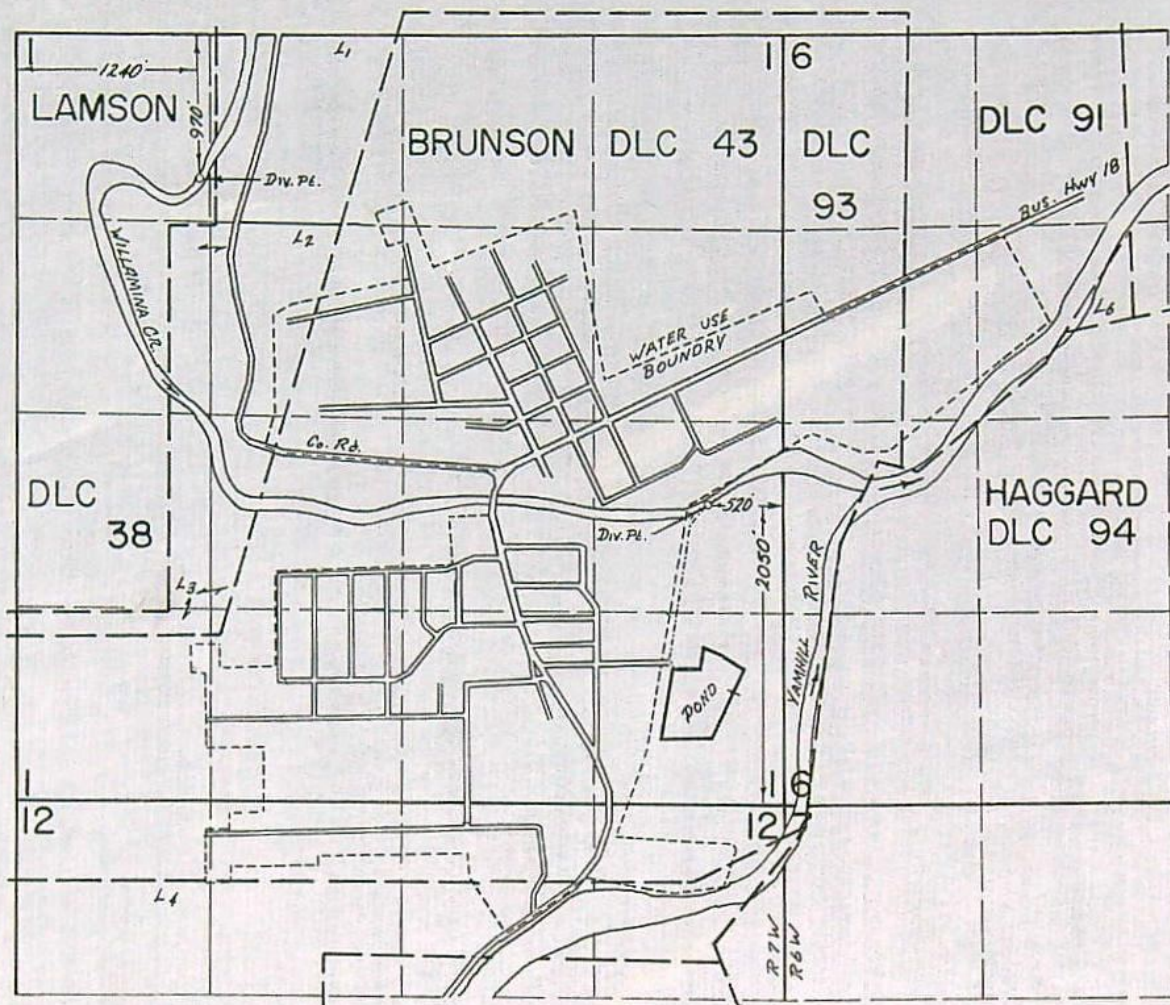
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 7 day of June 2010.


Phillip C. Ward, Director

Mailing date: JUN 08 2010

T.6S. R.6&7W. W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2346
Application No. _____ Permit No. _____
IN NAME OF

CITY OF WILLAMINA

Surveyed Oct. 9, 1974, by T. J. PAUL

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF CITY OF WILLAMINA FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION AND CHARACTER OF USE)
OF WATER FROM WILLAMINA CREEK)

ORDER APPROVING
TRANSFER NO. 2346

On March 2, 1970, City of Willamina filed an application in the office of the State Engineer for the approval of a change in point of diversion and character of use of water from Willamina Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Pacific Plywood Corporation and recorded at page 14359, Volume 12, State Record of Water Right Certificates, confirms a right for the storage of 132.0 acre feet of water from Willamina River in a log pond in the NE¼ SE¼ and SE¼ SE¼, Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of June 13, 1941.

Certificate of water right issued to Pacific Plywood Corporation and recorded at page 14536, Volume 12, State Record of Water Right Certificates, confirms a right for the use of 7.0 cubic feet per second of water from Willamina River for maintenance of a log pond in the NE¼ SE¼ and SE¼ SE¼, Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of June 13, 1941.

The point of diversion is located 550 feet south and 475 feet west from the E¼ corner of Section 1 being within the NE¼ SE¼ of Section 1, Township 6 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the use from storage of 30.0 acre feet of water for a log pond to storage for public fish facilities, to change the use of 0.2 cubic foot per second of water from maintenance of a log pond to

maintenance of a pond for public fish facilities from the present point of diversion and to change the use of 0.7 cubic foot per second from maintenance of a log pond to municipal use within the boundaries of the City of Willamina with the point of diversion to be located S 52° 23' E 1594 feet from the NW corner of Section 1 being within the NW¼ NW¼ of Section 1, Township 6 South, Range 7 West, W.M.

The right for the storage of 102.0 acre feet of the waters of Willamina River for a log pond with a date of priority of June 13, 1941, as evidenced by certificate recorded at page 14359, Volume 12, State Record of Water Right Certificates, and the right for the appropriation of 6.10 cubic feet per second of the waters of Willamina River for use in a log pond as evidenced by certificate recorded at page 14536 was canceled by an order of the State Engineer entered May 29, 1970.

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 and character of use of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on August 12, 1970, 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 June 18, 25, and July 2, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion and character of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion and character of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use of water from the storage of 30.0 acre feet of the waters of Willamina Creek for a log pond with a date of priority of June 13, 1941, to the storage of 30.0 acre feet of water for public fish facilities in SE¼ SE¼, Section 1, Township 6 South, Range 7 West, W.M. and the change in use of 0.9 cubic foot per second of the waters of Willamina Creek from maintenance of a log pond to the use of 0.2 cubic foot per second for maintenance of public fish facilities in SE¼ SE¼, Section 1, Township 6 South, Range 7 West, W.M. and 0.7 cubic foot per second for municipal use in the City of Willamina in S½ NE¼ and NW¼ SE¼, Section 1, Township 6 South, Range 7 West, W.M., without loss of priority, is approved.

It is FURTHER ORDERED that the proposed change in point of diversion of 0.7 cubic foot per second of water from Willamina River, to-wit:

From a point located 550 feet south and 475 feet west from the E¼ corner of Section 1 being within the NE¼ SE¼ of Section 1, Township 6 South, Range 7 West, W.M.

To a point to be located S 52° 23' E 1594 feet from the NW corner of Section 1 being within the NW¼ NW¼ of Section 1, Township 6 South, Range 7 West, W.M.

for municipal use for the City of Willamina in S½ NE¼ and NW¼ SE¼, Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of June 13, 1941, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1972.

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 0.7 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 certificates of water right heretofore issued to Pacific Plywood Corporation and recorded at pages 14359 and 14536, Volume 12, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and character of use, a certificate of water right shall be issued to City of Willamina confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 30th day of September, 1970.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF WILLAMINA
of Willamina, State of Oregon, 97396, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
Willamina Creek, tributary of Yamhill River

public fish facility for the purposes of
under Reservoir Permit No. R-768 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from June 13, 1941

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 20.0 acre feet

The reservoir is located in

SE $\frac{1}{4}$ SE $\frac{1}{4}$
As projected within Branson DLC 43
Section 1
T. 6 S., R. 7 W., W. M.

Reservoir diversion located: NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Branson DLC 43, Section 1,
T. 6 S., R. 7 W., W. M., 2050 feet North and 520 feet
West from SE Corner, Section 1.

This certificate is issued to confirm a change in use of water approved by an order
of the State Engineer entered September 30, 1970, and supersedes certificate of water
right heretofore issued to Pacific Plywood Corp. and recorded at page 14359, Volume
12, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed
this date. March 5, 1975

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41796

STATE OF OREGON
COUNTY OF **YAMHILL**
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **CITY OF WILLAMINA**

of **Willamina**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Willamina Creek**

a tributary of **Yamhill River** for the purpose of **municipal and maintenance of public fish Facility**

under Permit No. **15022** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **June 13, 1941**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.90 cubic foot per second, being 0.70 c.f.s. for municipal and 0.20 c.f.s. form maintenance of public fish facility**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NW $\frac{1}{4}$ NW $\frac{1}{4}$** , as projected within **Lamson DLC 38, NE $\frac{1}{4}$ SE $\frac{1}{4}$** , as projected within **Branson DLC 43, Section 1, T. 6 S., R. 7 W., W. M., 970 feet South and 1240 feet East from NW Corner, Section 1, 1,2050 feet North and 520 feet West***

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to _____ of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

<u>MUNICIPAL</u>	<u>Public Fish Facility</u>
S $\frac{1}{2}$ NW $\frac{1}{4}$	SE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$	As projected within Branson DLC 43
Section 6	Section 1
T. 6 S., R. 6 W., W. M.	T. 6 S., R. 7 W., W. M.
NE $\frac{1}{4}$ NW $\frac{1}{4}$	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	
S $\frac{1}{2}$ SW $\frac{1}{4}$	
SE $\frac{1}{4}$	
Section 1	
N $\frac{1}{2}$ NE $\frac{1}{4}$	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	
Section 12	
T. 6 S., R. 7 W., W. M.	

* from SE Corner, Section 1.

This certificate is issued to confirm a change in use and point of diversion approved by an order of the State Engineer entered September 30, 1970, and supercedes certificate of water right heretofore issued to Pacific Plywood Corp. and recorded at page 14536, Volume 12, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **March 5, 1975**

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33 , page 41795

T 6752

STATE OF OREGON
COUNTY OF YAMHILL
Proof of Appropriation of Water

RECEIVED

FEB 20 1975

STATE ENGINEER
SALEM, OREGON

CITY OF WILLAMINA

97396

of **Willamina**, State of **Oregon**,
has applied beneficially the waters of
Willamina Creek

a tributary of **Yamhill River** for the purpose of
municipal and maintenance of public fish Facility

under Permit No. **15022** of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from **June 13, 1941**

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of

**0.90 cubic foot per second, being 0.70 c.f.s. for municipal and 0.20 c.f.s.
form maintenance of public fish facility**

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **NW $\frac{1}{4}$ NW $\frac{1}{4}$** , as projected within **Lamson DLC 38, NE $\frac{1}{4}$ SE $\frac{1}{4}$** ,
as projected within **Brunson DLC 43, Section 1, T. 6 S., R. 7 W., W. M., 970 feet South
and 1240 feet East from NW Corner, Section 1, 1,2050 feet North and 520 feet West***

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to ----- of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is
as follows:

<u>MUNICIPAL</u>	<u>Public Fish Facility</u>
S $\frac{1}{2}$ NW $\frac{1}{4}$	SE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$	As projected within Brunson DLC 43
Section 6	Section 1
T. 6 S., R. 6 W., W. M.	T. 6 S., R. 7 W., W. M.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	
S $\frac{1}{2}$ NE $\frac{1}{4}$	
E $\frac{1}{2}$ NW $\frac{1}{4}$	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	
S $\frac{1}{2}$ SW $\frac{1}{4}$	
SE $\frac{1}{4}$	
Section 1	
N $\frac{1}{2}$ NE $\frac{1}{4}$	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	
Section 12	
T. 6 S., R. 7 W., W. M.	

* from SE Corner, Section 1.

This certificate is issued to confirm a change in use and point of diversion approved
by an order of the State Engineer entered September 30, 1970, and supersedes certifi-
cate of water right heretofore issued to Pacific Plywood Corp. and recorded at page
14536, Volume 12, State Record of Water Right Certificates.

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of February,

19 75

Richard J. Schenck
Mayor

2346

STATE OF OREGON

COUNTY OF **YAMHILL**

Proof of Appropriation of Water

RECEIVED

FEB 20 1975

STATE ENGINEER
SALEM, OREGON

CITY OF WILLAMINA

of **Willamina**, State of **97396 Oregon**, has
constructed a reservoir to store the waters of
Willamina Creek, tributary of Yamhill River

public fish facility

for the purposes of

under Reservoir Permit No. **R-768** of the State Engineer, and that the storage of said
waters has been completed within the terms of said Permit; that the priority of the right
dates from

June 13, 1941

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed **20.0 acre feet**

The reservoir is located in

SE $\frac{1}{4}$ SE $\frac{1}{4}$
As projected within Brunson DLC 43
Section 1
T. 6 S., R. 7 W., W. M.

Reservoir diversion located: **NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Brunson DLC 43, Section 1,**
T. 6 S., R. 7 W., W. M., 2050 feet North and 520 feet
West from SE Corner, Section 1.

This certificate is issued to confirm a change in use of water approved by an order
of the State Engineer entered September 30, 1970, and supersedes certificate of water
right heretofore issued to Pacific Plywood Corp. and recorded at page 14359, Volume
12, State Record of Water Right Certificates.

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of February,

1975

Richard Schombert
Mayor

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FORTransfer No. 2346County Yamhill

1. Name City of Willamina Address Willamina
Pond
2. Source of Supply Willamina Cr. & Log, Trib. of _____
3. Amount of Water _____ Priority Date June 13, 1941
4. Use Log Pond
5. Proposed Point of Diversion South 52° 23' East, 1594 feet from NW corner of
Section 1, being within the NW¼ NW¼, Section 1, Township 6 South, Range 7 West, W.M.
6. Place of Use _____

T 6S R 6W 6

6S 7W 1

S½ NW¼

NW¼ SW¼

W½ NE¼

SE¼ NE¼

E½ NW¼

NE¼ SW¼

S½ SW¼

SE¼

12

N½ NE¼

N½ NW¼

INFO - VERN SLACK (HEAD OF WATER SYSTEM)

RES - IS IN A FLAT AREA WITH DIKE AROUND ALL SIDES
6' MAX DEPTH ON E SIDE TO 2' DEEP ALONG W SIDE, FLAT
BOTTOM. THERE IS AN 18" CMP DRAIN ON E. SIDE BUT NO
OVER FLOW. THE ONLY WATER THAT CAN ENTER RES IS PUMPED
ELEVATIONS FROM RIVER OR RAIN.

HIGH POINT ON DIKE 108'

HIGH WATER MARK 105'

P.W.C. 104'

TOE FLOW LINE 18" CMP 100'

SLOPES 2% ON OUTSIDE DIKE

4% RUG ON INSIDE

CREST 15'

MUN - PUMPS FROM WILLAMINA CR WITH TWO TURBINES INTO
6" LINE TO WATER TOWER THEN GRAVITY TO TOWN
THROUGH 12" LINE

DIV - MUN - FILTER PIPE UNDER CR

DIV - RES - PUMPS DIRECT FROM BR.

RES { PUMP PACIFIC D.D. CENT 2x3
MOTOR GE 10 HP @ 3500 RPM

MUN { PUMP BYRON - JACKSON D.D. TURBINE 6" OUT } RATED
FROM { MOTOR U.S. 25 HP @ 1760 RPM } 400 gpm @ 210'
CR { PUMP FLOWAY D.D. TURBINE 6" OUT
MOTOR A.O. SMITH 25 HP @ 1755 } RATED
300 gpm @ 168'

PIPE 6" STEEL FROM DIV ON WILLAMINA CR TO CITY WATER RES
4" P.V.C. FROM DIV ON WILLAMINA CR TO FISH POND

LIFT +25' FISH POND

USE MUN & FISH

TIE DFR-3LL-99

MAX USE FROM RIV FOR MUN

Oct 19 1971

483,000 G.P.D.

July 7 1972

526,500 G.P.D.

= .8125 "CFS

July 8 "

517,300 "

= .7254 "CFS

July 15 1974

470,100 "

WILLAMINA CR { APP 14457
CERT 18772

CERT 11706
CERT 14501

LADY CR APP 320

CERT 1018

1.00

1.65

Change in use from log pond to public fish facility of 30 a.f.. Balance of pond diked off for sewage lagoon. Use of 0.7 c.f.s. from pond maintenance to municipal and diversion point changed for this. Need data to determine capacity of fish portion of pond and location of point of diversion for municipal. Maps attached locating per application.

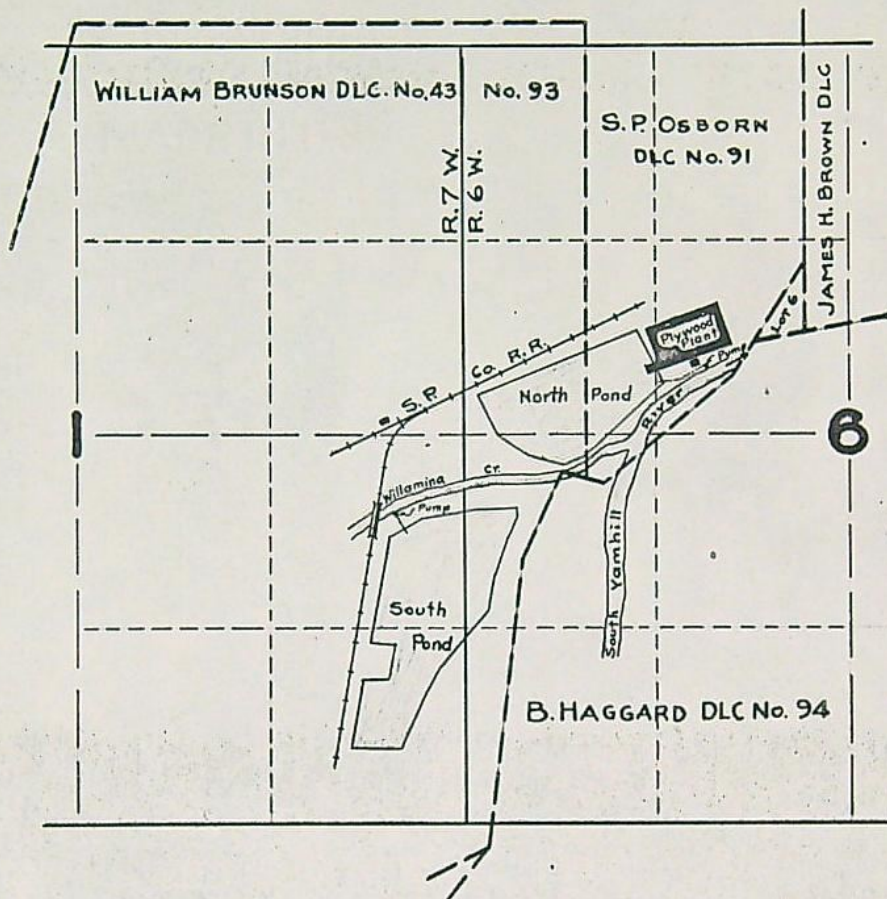
RES 4.9 AC SA.
4' DEEP AUG.
.8 FACTOR

15.68 ← A.F.

3
4.9
x 4 ave depth according to report

19.6 a.f.

T. 6 S., R. 6^{AND} 7 W. W.M.



**FINAL PROOF SURVEY
UNDER**

Application No. 19368 Permit No. 15022
12369 R-768

IN NAME OF

Pacific Plywood Corporation

Surveyed Aug. 18, 1942, by Geo. W. Naderman

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, City of Willamina
(Name of applicant)

of Willamina, County of Yamhill
(Postoffice)

State of Oregon 97394 do hereby make application for change in type of use

from log pond to public fish facility & municipal use & change of
(In point of diversion; place of use; use heretofore made of the water)
div for that part for municipal use

1. The source of present water right is Willamina Creek
(Name of stream)

2. The use to which the water is applied is Log Pond
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is pumped

4. The point of diversion is located 550 ft. S and 475 ft. W from the E 1/4
(N. or S.) (E. or W.)

corner of Sec 1 being within the NE 1/4 SE 1/4
(Section or subdivision)

of Section 1 Tp. 6S R. 7W W. M., in the County of Yamhill
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
6S	7W	1													X			X
6S	6W	6									X	X						

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? June 13, 1941

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)

of permit 15022

10. Do you hold a water right certificate? Yes If so, give number of certificate 14536
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? Pacific Plow and Corporation
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
6S	67W	1	X		X	X				X	X			X	X	X	X	X
6S	6W	6							X			X						

X is Municipal use

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located S 52° 23' E 1544 ft ft. and 1544 ft ft. from the NW
(N. or S.) (E. or W.)
corner of Sec 1 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 Tp. 6S R. 7W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Yamhill The name of the ditch to be used is pump

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are City will use part of pond for public fishing facility. 30.0 a.c of water will be stored in pond of 5 surface acres & water from creek needed to maintain this pond. The balance of water will be used for municipal purposes.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Gambell

SS.

I, Elgin Hamphill Williams, Mayor, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 2 day of March, 1970

Elgin Hamphill Williams
(Name of applicant)

Subscribed and sworn to before me this 2nd day of March, 1970

[Notarial Seal]

Tammy C. Schuch
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1970

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, City of Willamina (Name of applicant)
of Willamina (Postoffice), County of Yamhill
State of Oregon, do hereby make application for change in type of
use from log pond to public fish facilities
(In point of diversion; place of use; use heretofore made of the water)

- The source of present water right is Willamina (Name of stream)
- The use to which the water is applied is Log Pond (Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is pumped
- The point of diversion is located 550 ft. S and 475 ft. W from the E 1/4
(N. or S.) (E. or W.)
corner of Sec 1 being within the NE 1/4 SE 1/4
(Section or subdivision)
of Section 1 Tp. 6S R. 7W W. M., in the County of Yamhill
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
6S	7W	1													X			X
6S	6W	6										X	X					

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

- Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)
- Has water been used beneficially for the purposes indicated herein during the past 5 years? yes
- What is the date of priority of your water right? June 13, 1941
- Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)
of permit ~~15022~~ R-768

10. Do you hold a water right certificate? yes If so, give number of certificate 14359
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?
No If so, give title of proceedings _____
(Yes or No)

12. Is the water right recorded in your name? Pacific Plywood Corp.
(if not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
65	7W	1																<u>pond</u>

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 550 ft. S and 450 ft. W from the NE 1/4 corner of Sec 1 being within the NE 1/4 of Section 1 Tp. 6S R. 7W W. M., in the county of Tamhill. The name of the ditch to be used is pump.
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? _____
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are will store 30 Ac. Ft. in 5 Ac surface area for public fishing facilities. The City Council will authorize cancellation of the balance.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Gambell

SS.

I, Elin Campbell Williams, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 2 day of March, 1970

Elin Campbell Williams
(Name of applicant)

Subscribed and sworn to before me this 2nd day of March, 1970

[Notarial Seal]

Tony W. Johnson
NOTARY PUBLIC FOR OREGON

My commission expires Nov 3, 1970

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

STATE OF OREGON
COUNTY OF YAMHILL

41795
20125

CERTIFICATE OF WATER RIGHT

This Is to Certify, That PACIFIC PLYWOOD CORPORATION

of Willamina, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willamina River a tributary of Yamhill River for the purpose of

Log Pond under Permit No. 15022 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 13, 1941

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 7.0 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 6 South, Range 7 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 1,
T. 6 S., R. 7 W., W. M.

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 6,
T. 6 S., R. 6 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 15th day of July, 1943.

CHAS. E. STRICKLIN

State Engineer

RECEIVED
JUN 14 1972
STATE ENGINEER
SALEM OREGON

Transfer No. 2346

NOTICE OF COMPLETION OF CONSTRUCTION

I, Richard Schramm, hereby certify
that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated September 30, 1970, approving an appli-
cation for a change in point of diversion of water from _____
Willamina Creek.

6/12/72
Date

Richard Schramm
Name

RECEIVED

JUN 14 1972

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

STATE ENGINEER
SALEM, OREGON

Transfer No. 2346

I, Richard Schenk hereby certify that
on February, 1970, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates September 30, 1970, approving an application for a change in place
of use of water from Willamina Creek.

6/12/72
Date

Richard Schenk
Signature

AFFIDAVIT OF PUBLICATION

State of Oregon,
County of Yamhill, ss.

I, Orval (Lutina) Thompson, being first duly sworn, depose and say that I am the co-publisher of the Willamina Times, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, printed and published at Willamina in the aforesaid county

and state; that the *Notice of Filing Application* a printed copy of which is hereto annexed, was published in the entire issue of said

newspaper for 3 successive and consecutive weeks in the following issues:

Date of first publication June 18,
19 70.

Date of last publication July 2
19 70.

Orval Thompson
Subscribed and sworn to before me this
3rd day of July, 1970
Howard B. Wilmarth

Notary Public of Oregon

(My commission expires 3 day of 24
19 71.)



RECEIVED
JUL 8 1970
STATE ENGINEER
SALEM OREGON

NOTICE OF FILING APPLICATION FOR CHANGE IN USE AND POINT OF DIVERSION OF WATER

Notice is given hereby that City of Willamina has filed an application for the approval of a change in use and point of diversion of water from Willamina Creek.

Certificate of water right issued to Pacific Plywood Corp. and recorded at page 14359, Volume 12, State Record of Water Right Certificates, confirms a right for the storage of 30.0 acre feet of water for a log pond in SE 1/4 SE 1/4, Sec. 1, T. 6 S., R. 7 W., W.M., with a date of priority of June 13, 1941.

Certificate of water right issued to Pacific Plywood Corp. and recorded at page 14536, Volume 12, State Record of Water Right Certificates, confirms a right for the use of 0.9 cubic foot per second of water for maintenance of a log pond in SE 1/4 SE 1/4, Sec. 1, T. 6 S., R. 7 W., W.M., with a date of priority of June 13, 1941.

The point of diversion is located 550 ft. S and 475 ft. W from the E 1/4 corner of Sec. 1, T. 6 S., R. 7 W., W.M.

The applicant herein, owner of the lands above described, proposed to change the use from storage of 30.0 acre feet of water for a log pond to storage for public fish facilities, to change the use of 0.2 cubic foot per second of water from maintenance of a log pond to maintenance of a pond for public fish facilities from the present point of diversion and to change the use of 0.7 cubic foot per second from maintenance of a log pond to municipal use within the boundaries of the City of Willamina with the point of diversion to be located S 52° 23' E 1594 ft. from the NW corner of Sec. 1 being within the NW 1/4 NW 1/4 of Sec. 1, T. 6 S., R. 7 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at McMinnville, Oregon, on August 12, 1970, at 9:30 a.m. All objections to the proposed

change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on City of Willamina, Willamina, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon,
this 10th day of June, 1970.
CHRIS L. WHEELER
State Engineer

47-49c

Mayor
~~JOHN CAMPBELL~~
Elgin Campbell

Recorder
Alvin Hulett

City of Willamina

Willamina, Oregon 97396

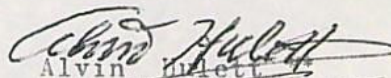
RECEIVED
MAR 21 1970
STATE ENGINEER
SALEM, OREGON

February 27th , 1970

To whom it may Concern:

The following is an excerpt taken from the minits of a Special Meeting of the members of the Willamina City Council , held on February 26th , 1970. to wit;

It wasbrought to the council members attention that the "fish pond" contained in the area of Huddleson Park is in need of water and this water would have to be taken from the water rights owned by the city on Willamina Creek. Since the city is the holder of a plural number of water rights on Willamina creek , it was thought advisable to have Mr. Cam Stekatee an engineer affiliated with WESTECH ENGINEERING INC. who are doing a complete water study for the city at this time to appear and give his testimony as to the water rights and any changes thereto that he might believe advisable. Mr. Stekatee gave a somewhat lengthy and technical explanation pertaining to the cities water rights and after having heard Mr. Stekatee a motion made by Richard Schoenborn would allow an attempt to transfer all of the right that the city has under a 1941 water right on Willamina Creek and for which the city has the right granted to fill a log pond , SAVING and EXCEPTING therefrom the approximate one half ($\frac{1}{2}$) CFS required to maintain the fish pond level in Huddleson park as mentioned. This transfer of all excess will be attempted to be made to the present City pump site whereby the city takes water from Willamina Creek and pumps same into the holding reservoir. and that all costs of this attempted transfer will be taken from the "WATER CONTINGENCY FUND" . This motion seconded by Francis Eddy and the motion Carried.


Alvin Hulett
City Recorder

AH/al

Mayor
~~Oscar Budig~~
Elgin Campbell

Recorder
Alvin Hulett

City of Willamina

Willamina, Oregon 97396

May 22 , 1970

RECEIVED
MAY 25 1970
STATE ENGINEER
SALEM, OREGON

State Engineer
Water Resources Dep't.
516 Public Service Building
Salem , Oregon 97310

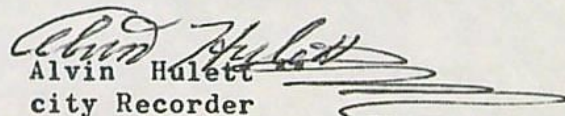
Re: Minits Exerpt
water right cancellation

Gentlemen:

Please find enclosed a copy of a portion of the minits of a special meeting held on the evening of May 21st , 1970 in which the council desired to effect the cancellation of certain water rights held heretofore by the city of Willamina , Oregon.

If I can be of any further aid to you or to the city of Willamina , please contact me at your convienience .

yours truly ,


Alvin Hulett
city Recorder

AH/al

A SPECIAL meeting of the Willamina Council Members called to order on the evening of MAY 21st, 1970 at 7:30 PM, by Mayor Elgin Campbell.

A Roll Call shows the following council members present and absent;

Present:

- 1.-Blanche Yoast
- 2.-Roger Weber
- 3.-Carl Boehler
- 4.-Richard Schoenborn
- 5.-William Schafer
- 6.-Francis Eddy

Absent:

None

The minits of the previous meeting held May 14th, 1970 were read and approved as read on motion made by Roger Weber and seconded by Francis Eddy and the motion carried.

A Letter read as received from the State Engineer, Water Resources Department wherein it was stated that an authorization for cancellation of that portion of certificates 14359 and 14536 in the name of Pacific Plywood Corporation for the storage of 102 acre feet and for the appropriation of 6.10 c.f.s. from Willamina, Creek. thereby leaving 0.2 c.f.s. for maintainance of the fish pond for public fisheries purposes and the transfer of 0.7 c.f.s. to the municipal use at the pump site.

A Motion made by Richard Schoenborn would allow the cancellation as shown, this motion seconded by Francis Eddy and the motion Carried. Water right cancellation approved this date May 21st, 1970.

Corkie Ringler and David Boehler were proposed by Mayor Campbell to serve on the cities planning commission, a motion made by Richard Schoenborn would accept the appointments as proposed, motion seconded by Roger Weber and the Motion Carried. Appointments effective this date May 21st, 1970.

The Mayor Elgin Campbell proposed Mrs. Charles Heckadon for the city position of Recorder & Treasurer to commence at the termination of the present recorders term June 30th, 1970 and for the salary of \$4800.00 per year.

A Motion made by Carl Boehler would accept the proposal as made, this motion seconded by Francis Eddy and the Motion Carried.

Mrs. Heckadon being present was ask if she would indeed accept the position of Recorder and treasurer commencing July 1st, 1970 and for the salary of \$4800.00 per year and she replied in the affirmative.

A Motion made by Blanche Yoast would allow the Street Commissioners along with Vern Slack the Sup't. of Utilities to purchase (4) tires of the size of 7:50 X 20 10 ply rated for certain city equipment. This motion seconded by Roger Weber and the motion carried.

It was stated that the trencher that was to be demonstrated May 16th was indeed demonstrated and that the machine could be purchased for the sum of \$700.00 includeing certain extra equipments includeing a trailer for hauling same. A Motion made by Carl Boehler would Purchase the trencher and equipments along with the trailer as mentioned for the sum of \$700.00, said sum to be taken 1/3 from Street Equipment fund, 1/3 from Water fund and 1/3 from the sewer fund. It would also state a rental value of this equipment of \$12.00 per hour for the first hour and \$10.00 per hour for all other hours, this on the same job site. Rental to include operator. This motion seconded by Francis Eddy and the Motion Carried.

Time being of the essence, a motion made by Francis Eddy would accept the agreement as drawn by the US plywood Corporation attorneys, subject to concurrence by the City attorney James Craig. of the US Plywood Corp. being hooked onto the cities SEWER SYSTEM, This motion seconded by William Schafer and the motion Carried.

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

The City Recorder of the City of Willamina submitted a copy of a portion of the minutes of a special meeting of the Willamina City Council on May 21, 1970, when the council authorized the cancelation of the right for the storage of 102 acre feet of the waters of Willamina River and the right for the appropriation of 6.10 cubic feet per second of the waters of Willamina River for a log pond within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 6 South, Range 6 West, W.M. and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of June 13, 1941, as evidenced by the certificates recorded at pages 14539 and 14536, Volume 12, State Record of Water Right Certificates.

The right to the storage of 30 acre feet of water and the appropriation of 0.9 cubic foot per second of the waters of Willamina River is not in question in this proceeding and an application has been filed for changes in use and place of use for these rights.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

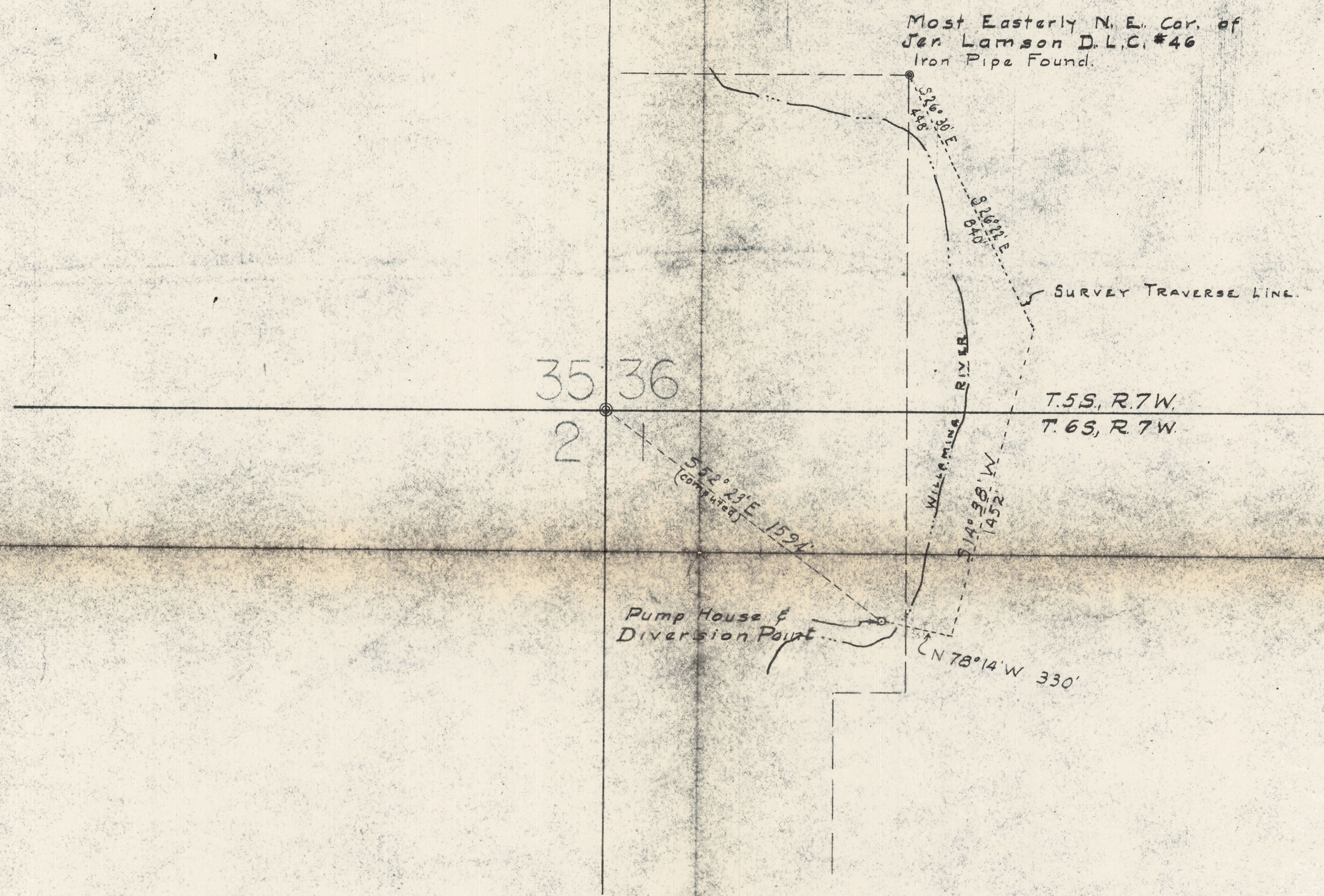
NOW, THEREFORE, it hereby is ORDERED that the water right for the storage of 102 acre feet of the waters of Willamina River for a log pond within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 6 South, Range 6 West, W.M. and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township

Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of June 13, 1941, as evidenced by the certificate recorded at page 14539, Volume 12, State Record of Water Right Certificates, and the right for the appropriation of 6.10 cubic feet per second of the waters of Willamina River for use in a log pond as evidenced by the certificate recorded at page 14536, Volume 12, State Record of Water Right Certificates, are canceled.

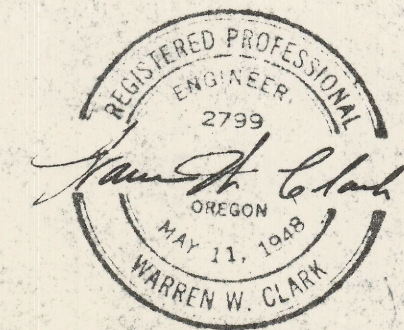
Dated at Salem, Oregon, this 29th day of May, 1970.

/s/ CHRIS L. WHEELER
State Engineer

1436 30116



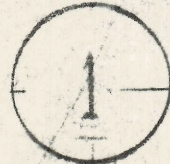
RECEIVED
JUL 6 1955
STATE ENGINEER
SALEM, OREGON



CITY OF WILLAMINA			
MAP SHOWING TIE TO PUMP HOUSE & DIVERSION POINT			
SCALE 1" = 400'	DATE June 25, 1955.	J.O.	
DSGN.	CLARK & GROFF ENGINEERS 3240 TRIANGLE DRIVE SALEM, OREGON	SHEET	1
CHKD. <i>W.C.</i>	Application No. 30116	NO. → OF 2	

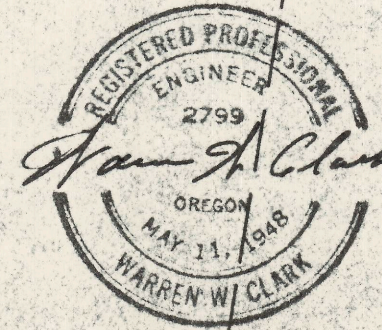
Permit No. 23560 30116

CENTER OF SECTION



SEC. 1 T6S, R7W
SEC. 6 T6S, R6W

RECEIVED
JUL 6 1955
STATE ENGINEER
SALEM, OREGON



CITY LIMITS

CITY OF WILLAMINA		OREGON	
MAP OF AREA WITHIN WHICH WATER IS TO BE USED FOR MUNICIPAL PURPOSES			
SCALE 1"=200'	DATE JUNE 25, 1955	J.O.	—
CLARK & GROFF ENGINEERS		SHEET	2
SALEM, OREGON		NO. →	
DSGN.		OF 2	
CHKD. WC.			

Application No. 30116
Permit No.

30116