

# STATUS OF APPLICATION

Change in point of diversion, place of use, use  
 Date filed 11-18-74  
 Date of hearing 5-6-76 6-24-76  
 Place of hearing McMinnville  
 Date of order 8-13-76 Vol. 27, page 369  
 Date for application of water 10-1-77  
 Proof mailed Jan. 11, 1979  
 Proof received \_\_\_\_\_  
 Certificate issued FEB 28 1979 Vol. 40, page 47568  
Survey 9/76

OK Cont

# DESCRIPTION OF WATER RIGHT

Name of stream Willamina Creek  
 Trib. of \_\_\_\_\_ County of Yamhill  
 Use Manufacturing  
 Quantity of water 1.18 cfs No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority February 9, 1939  
 In name of H. C. Tremblay  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 17805 Per. No. 13481 Cert. No. 14634  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

# FEES PAID

| Date            | Amount                    | Receipt No.       |
|-----------------|---------------------------|-------------------|
| <u>11/18/74</u> | <u>45.00</u>              | <u>43854</u>      |
| <u>3-3-76</u>   | <u>46.00 P.O.N.</u>       | <u>51713</u>      |
| TOTAL . . .     |                           |                   |
| <u>5-24-76</u>  | <u>92.00</u><br>Cert. Fee | <u>FROM 51713</u> |

# FEES REFUNDED

| Date           | Amount       | Check No.  |
|----------------|--------------|------------|
| <u>5-24-76</u> | <u>91.00</u> | <u>590</u> |

# REMARKS

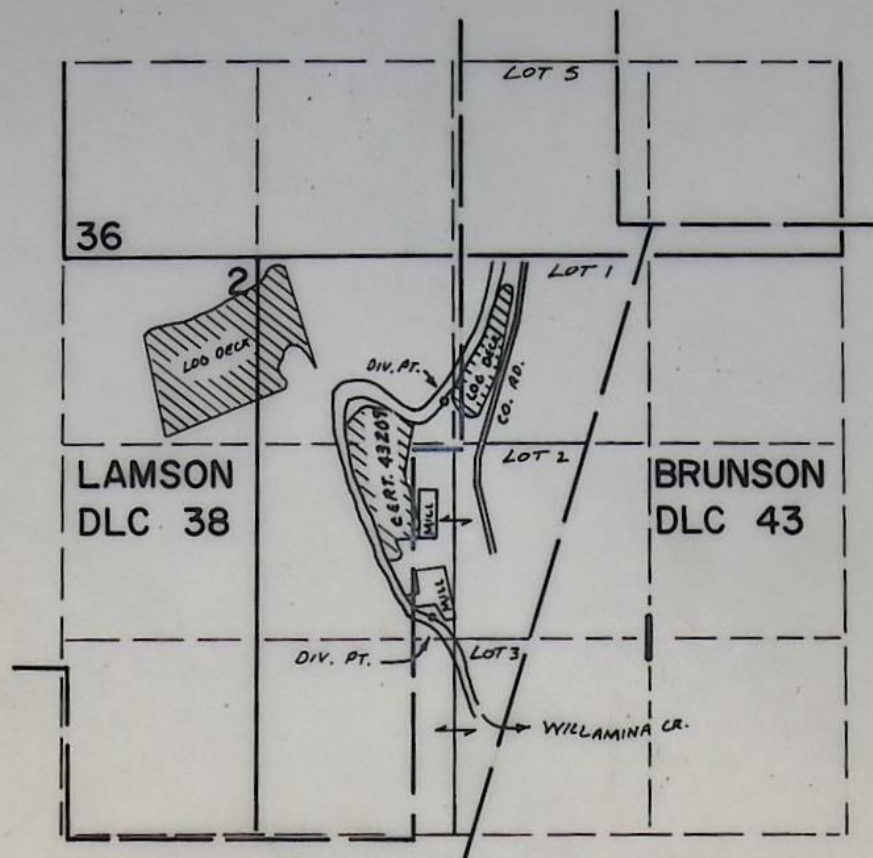
See 17805

R-17804 (being cancelled)

| INDEX CARDS:        |              | Entered  | Checked |
|---------------------|--------------|----------|---------|
| <u>W</u>            | Name         | <u>✓</u> |         |
| <u>W</u>            | Stream       | <u>✓</u> |         |
| <u>W</u>            | Pt. of Div.  |          |         |
| <u>W</u>            | Calendar     | <u>✓</u> |         |
| CHECKED TO RECORDS: |              |          |         |
| <u>✓</u>            | Twp. & Rge.  | <u>W</u> |         |
|                     | Decree-vault |          |         |
|                     | Decree-safe  |          |         |
| <u>✓</u>            | Cert. of W/R | <u>W</u> |         |
| <u>✓</u>            | Per. Folder  | <u>W</u> |         |
|                     | Chainindex   |          |         |
|                     | Cross Ref.   |          |         |
|                     | Power Claim  |          |         |
|                     | Abstracts    |          |         |



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



N. DIV. PT. LOC. 990'S & 1250' E FROM THE NW COR SEC 1  
S. DIV. PT. LOC. 2450'S & 1190' E FROM THE NW COR SEC 1

# FINAL PROOF SURVEY

## UNDER

TRANSFER No. 3147

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_

IN NAME OF

WILLAMINA LUMBER CO.

Surveyed OCT. 13 1976, by L. H. NUNN.....

DFQ-3LL-49

GLS



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION }  
OF WILLAMINA LUMBER COMPANY FOR }  
THE APPROVAL OF A CHANGE IN POINT }  
OF DIVERSION, PLACE OF USE AND USE }  
OF WATER FROM WILLAMINA CREEK }  
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ORDER APPROVING  
TRANSFER NO. 3147

On November 18, 1974, Willamina Lumber Company filed an application in the office of the Water Resources Director for the approval of a change in point of diversion, place of use and use of water from Willamina Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. C. Tremblay and recorded at Page 14634, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.18 cubic feet per second of water from Willamina Creek, being 0.01 cubic foot per second for fire protection and 0.01 cubic foot per second for use on saws in Lot 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) and 1.16 cubic foot per second for use in log pond in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected in Jeremiah Lamson D.L.C. 38, all in Section 1, Township 6 South, Range 7 West, W.M., with a date of priority of February 9, 1939. Water for these uses is provided from a point of diversion located 2920 feet North and 50 feet East from the Southeast corner of Jeremiah Lamson D.L.C. 38, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M.

The applicant herein, owner of the mill and log pond sites, proposes to change the use of the 1.18 cubic feet per second of water to 0.77 cubic foot per second for sprinkling log decks in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 36, Township 5 South, Range 7 West, NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, NE $\frac{1}{4}$  NW $\frac{1}{4}$  and W $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M., 0.39 cubic foot per second for manufacturing at mill in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and S $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M., and



0.02 cubic foot per second for maintenance of fire protection equipment in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 36, Township 5 South, Range 7 West, NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2 and NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M. The applicant proposes to divert water for these uses from two points of diversion located (1) 446.42 feet North and 192.61 feet West and (2) 982.48 feet South and 380.14 feet West from the point of beginning of the Clay Company subdivision, being within the (1) NE $\frac{1}{4}$  NW $\frac{1}{4}$  and (2) SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the News-Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of April 30, May 7 and 14, 1976.

Mr. Ben Monroe, Watermaster of District No. 18, has filed a report to the effect that the proposed change in point of diversion, place of use, and use of water may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion, place of use and use 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 place of use and use of water is approved and the water right hereinbefore described as being 0.01 cubic foot per second for fire protection and 0.01 cubic foot per second for use on saws in Lot 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) and 1.16 cubic feet per second for use in log pond in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M., be severed therefrom and simultaneously and without loss of priority transferred to 0.77 cubic foot per second for sprinkling log decks in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 36, Township 5 South, Range 7 West, NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, NE $\frac{1}{4}$  NW $\frac{1}{4}$  and W $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M., 0.39 cubic foot per second for manufacturing at mill in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and S $\frac{1}{2}$  NW $\frac{1}{4}$  of



Section 1, Township 6 South, Range 7 West, W.M., and 0.02 cubic foot per second for maintenance of fire protection equipment in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 36, Township 5 South, Range 7 West, NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, and NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Willamina Creek, to wit:

From a point located 2920 feet North and 50 feet East from the Southeast corner of Jeremiah Lamson D.L.C. 38, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M.

To a point to be located 446.42 feet North and 192.61 feet West from the point of beginning of the Clay Company subdivision, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M.

And to a point to be located 982.48 feet South and 380.14 feet West from the point of beginning of the Clay Company subdivision, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 6 South, Range 7 West, W.M.

for sprinkling log decks, manufacturing at mill, and maintenance of fire protection equipment in the aforementioned locations, with a date of priority of February 9, 1939, 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 points of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1.18 cubic feet 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 certificate of water right heretofore issued to W. C. Tremblay and recorded at Page 14634, Volume 12, 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, place of use and use of water, a certificate of water right shall be issued to Willamina Lumber Company confirming the change in point of diversion and the extent to which water has been applied beneficially.

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

/s/ JAMES E. SEXSON  
Director



~~JUNE - MAY HAVE~~ ~~CORRECTIONS~~ ~~COUPLE~~ ~~BOOK~~

STATE OF OREGON  
COUNTY OF YAMHILL

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WILLAMINA LUMBER CO.

~~W. G. TREMBLAY~~

P.O. Box 8

of Willamina, State of Oregon 97396, 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 South Yamhill River for the purpose of ~~log pond, fire protection and use on saws, being 1.16 c.f.s. for log pond, 0.01 c.f.s. for fire protection and 0.01 c.f.s. for saw use.~~  
under Permit No. 13481 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 February 9, 1939

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 1.18 cubic feet per second,

0.98  
FOOT

LOG DECK SPRINKLING, MANUFACTURING AT MILL & MAINTENANCE OF FIRE PROTECTION EQUIPMENT, BEING 0.77 C.F.S. FOR SPRINKLING, 0.20 C.F.S. FOR MANUFACTURING & 0.01 C.F.S. FOR MAINTENANCE OF FIRE PROTECTION EQUIPMENT

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 on Jeremiah Lamson D.L.C. No. 38, Section 1, Township 6 South, Range 7 West, W. M. 990'S. & 1250'E; AND 2450'S & 1190'E, BOTH FROM N.W. COR. SEC. 1

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:

Fire protection and use on saws in Lot 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
Use in log pond in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected on Jeremiah Lamson D.L.C. 38,  
Section 1,  
T. 6 S., R. 7 W., W. M.

Lot 1 (WENW) LOG DECK SPRINKLING  
NE NW $\frac{1}{4}$  W/IN LAMSON " " "  
DLC 38 " " "

Lot 2 (SWNW) - LOG DECK SPRINKLING, MILL USE & MAINTENANCE OF FIRE PROTECTION EQUIPMENT  
SEC 1  
NENE W/IN LAMSON DLC 38 - LOG DECK SPRINKLING  
SEC. 2  
T. 6 S. R. 7 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 31st day of March, 1945

CHAS. E. STRICKLIN

State Engineer



# 'EXHIBIT A'

## NOTICE OF FILING APPLICATION FOR CHANGE IN POINT OF DIVERSION, PLACE OF USE, AND USE HERETOFORE MADE OF WATER

Notice is given hereby that Willamina Lumber Company has filed an application for the approval of a change in point of diversion, place of use, and use heretofore made of water from Willamina Creek.

Certificate of water right issued to W.C. Tremblay and recorded at page 14634, Volume 12, State Record of Water Right Cer-

tificates, confirms a right to the use of 1.18 cubic foot of water per second from Willamina Creek, being 1.16 cubic foot per second for log pond, 0.01 cubic foot per second for fire protection, and 0.01 cubic foot per second for saw use in the W $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 1, T. 6 S., R. 7 W., W.M., with a date of priority of February 9, 1939. Water for these uses is diverted from a point located 2920 feet N. and 50 ft. E. from the SE corner of Jeremiah Lamson D.L.C. No. 38, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 1, T. 6 S., R. 7 W., W.M.

The applicant herein, owner of the mill and log pond sites, proposes to change the use of the 1.18 c.f.s. to 0.77 c.f.s. for sprinkling log decks, 0.39 c.f.s. for manufacturing at mill, and 0.02 c.f.s. for maintenance of fire protection equipment in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 36, T. 5 S., R. 7 W., W.M., NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 2 and NW $\frac{1}{4}$  of Sec. 1, T. 6 S., R. 7 W., W.M., and to divert water for these uses from two points of diversion located (1) 446.42 ft. N. and 192.61 ft. W. from the point of beginning corner of Clay Company subdivision and (2) 982.48 ft. S. and 380.14 ft. W. from the point of beginning of the Clay Company subdivision, being within the (1) NE $\frac{1}{4}$  NW $\frac{1}{4}$  and (2) SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 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 June 24, 1976, 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 Willamina Lumber Company, P.O. Box 8, Willamina, Oregon 97396, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 5th day of March, 1976.

JAMES E. SEXSON  
Director

N-R: Dates of publication April 30, May 7 and 14, 1976.

## AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Yamhill

ss.

I, Homer Rohse, being first duly sworn, depose and say that I am the Business Manager of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020, published twice each week at McMinnville, County of Yamhill, State of Oregon, and that the Notice of Filing Application For Change in Point of Diversion, Place of Use, And Use Heretofore Made of Water, a printed copy of which is hereto annexed and marked Exhibit "A," was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues: April 30, May 7, May 14, 1976

Subscribed and sworn before me this 17th day of May, 1976.

[Signature]  
Notary Public for Oregon.  
My Commission Expires 7-22-79



RECEIVED

MAY 18 1976

WATER RESOURCES DEPT  
SALEM, OREGON

No. ....

IN THE

COURT

OF THE

STATE OF OREGON

For the County of Yamhill



AFFIDAVIT OF PUBLICATION

of .....

Attorney... for .....

place. Any and all objections  
be prepared in writing, one copy to  
Company, P.O. Box 8, Willamina,  
and one copy filed



# 'EXHIBIT A'

## NOTICE OF FILING APPLICATION FOR CHANGE IN POINT OF DIVERSION, PLACE OF USE, AND USE HERETOFORE MADE OF WATER

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proval of a change in point of diversion, place of use, and use heretofore made of water from Willamina Creek.

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second for fire protection, and 0.01 cubic foot per second for saw use in the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Sec. 1, T. 6 S., R. 7 W., W.M., with a date of priority of February 9, 1939. Water for these uses is diverted from a point located 2920 feet N. and 50 ft. E. from the SE corner of Jeremiah Lamson D.L.C. No. 38, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1, T. 6 S., R. 7 W., W.M.

The applicant herein, owner of the mill and log pond sites, proposes to change the use of the 1.18 c.f.s. to 0.77 c.f.s. for sprinkling log decks, 0.39 c.f.s. for manufacturing at mill, and 0.02 c.f.s. for maintenance of fire protection equipment in SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 36, T. 5 S., R. 7 W., W.M., NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 2 and NW $\frac{1}{4}$  of Sec. 1, T. 6 S., R. 7 W., W.M., and to divert water for these uses from two points of diversion located (1) 446.42 ft. N. and 192.61 ft. W. from the point of beginning corner of Clay Company subdivision and (2) 982.48 ft. S. and 380.14 ft. W. from the point of beginning of the Clay Company subdivision, being within the (1) NE $\frac{1}{4}$ NW $\frac{1}{4}$  and (2) SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 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 May 6, 1976, 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 Willamina Lumber Company, P.O. Box 8, Willamina, Oregon 97396, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 5th day of March, 1976.

JAMES E. SEXSON  
Director

Published dates: March 12, 19

## AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Yamhill

ss.

I, Homer Rohse, being first duly sworn, depose and say that I am the Business Manager of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020, published twice each week at McMinnville, County of Yamhill, State of Oregon, and that the Notice of filing application for change in point of diversion, place of use, and use heretofore made of water. a printed copy of which is hereto annexed

and marked Exhibit "A," was published in the entire issue of said newspaper

for 2 successive and consecutive weeks in the following issues:

March 12, March 19, 1976

Subscribed and sworn before me this 22nd day of March,

1976

Thomas Rohse  
Notary Public for Oregon.

My Commission Expires 7-22-79



No. ....

IN THE

**COURT**

OF THE

STATE OF OREGON

For the County of Yamhill



AFFIDAVIT OF PUBLICATION

of.....

Attorney.... for .....

RECEIVED  
MAR 23 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON