

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF WALTER VON FLUE FOR THE AP- )  
PROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM DRIFT CREEK )  
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ORDER APPROVING  
TRANSFER NO. V-28

On June 23, 1966, Walter Von Flue filed an application in the office of the State Engineer for the approval of a change in place of use of water from Drift Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Walter Von Flue and recorded at page 11307, Volume 10, State Record of Water Right Certificates, confirmed a right to the use of the waters of Drift Creek for the irrigation of 9.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8, and 7.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of October 19, 1931. On May 21, 1963, the State Engineer entered an order, recorded in Special Order Volume 12, page 446, approving a change in place of use for the above described lands to 12.4 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 3.6 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 7 South, Range 1 West, W.M. These lands have been inspected by a representative of the State Engineer and it was found that beneficial use of water has been made for the irrigation of 10.6 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 5.4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 7 South, Range 1 West, W.M.

The applicant herein proposes to transfer the water right appurtenant to 10.6 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 5.4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, therefrom, without loss of priority, to 16.0 acres in the S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, Township 7 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

Eva G. Remore, mortgage holder of the lands from which it is proposed to transfer water, has submitted written approval to the proposed change in place of use of water.

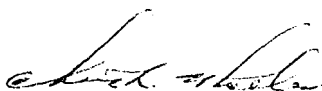
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 10.6 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 5.4 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of October 19, 1931, be severed therefrom and simultaneously and without loss of priority transferred to 16.0 acres in the S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, Township 7 South, Range 1 West, W.M.

It is FURTHER ORDERED that water so transferred shall be applied to beneficial use on or before October 1, 1967.

It is FURTHER ORDERED that certificate of water right heretofore issued to Walter Von Flue and recorded at page 11307, Volume 10, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Walter Von Flue to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon this 30th day of June 1966.

  
CHRIS L. WHEELER  
State Engineer