

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF ROBERT VACHTER FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM BIG PUDDING RIVER )

ORDER APPROVING  
TRANSFER NO. V-26

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On January 13, 1966, Robert Vachter filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Big Pudding River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Samuel and Silas Torvend and recorded at page 15441, Volume 13, State Record of Water Right Certificates, confirms a right to the use of the water of the Big Pudding River for the irrigation of, among other lands, 0.4 acre in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 12.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 29, Township 6 South, Range 1 West, W.M., with a date of priority of September 25, 1940.

These lands are irrigated from a point of diversion located 960 feet south and 650 feet west from the north quarter corner of Section 29, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 29, Township 6 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 5 feet south and 2050 feet east from the northwest corner of Section 29, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 29, Township 6 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 said section provides notice is not required on an application for a change in point of diversion of less than one-fourth mile where there are no intervening diversions.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion 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 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 Big Pudding River, to-wit:

From a point located 960 feet south and 650 feet west from the north quarter corner of Section 29, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 29, Township 6 South, Range 1 West, W.M.

To a point to be located 5 feet south and 2050 feet east from the northwest corner of Section 29, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 29, Township 6 South, Range 1 West, W.M.

for the irrigation of 0.4 acre in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 12.5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 29, Township 6 South, Range 1 West, W.M., with a date of priority of September 25, 1940, 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, 1967.

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.

It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

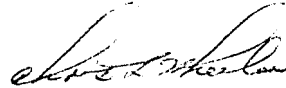
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster 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 Samuel and Silas Torvend and recorded at page 15441, 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 Robert Vachter confirming the change in point of diversion.

Dated at Salem, Oregon, this 11th day of April 1966.



CHRIS L. WHEELER  
State Engineer