

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 7482 submitted by

ROBERT VACHTER
6781 TORVEND ROAD NE
SILVERTON, OREGON 97381.

The first right to be modified, as evidence by Certificate 48295, was perfected under Permit 14630 with a date of priority of SEPTEMBER 25, 1940. The right allows the use of the PUDDING RIVER, a tributary of the MOLALLA RIVER, for IRRIGATION OF 12.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.161 cubic foot per second, if available at the original point of diversion: LOT 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 29, T 6 S, R 1 W, WM; 960 FEET SOUTH AND 650 FEET WEST FROM THE N $\frac{1}{4}$ CORNER, SECTION 29, or its equivalent in case of rotation measured at the point of diversion from the source. The authorized point of diversion for this right is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within DLC 42, SECTION 29, T 6 S, R 1 W, WM; 10 FEET SOUTH AND 2530 FEET EAST FROM THE NE CORNER, LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 30.

The second right to be modified, as evidenced by a portion of Certificate 40133, was perfected under Permit 31184 with a date of priority of JANUARY 13, 1966. The right allows the use of the PUDDING RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION 25.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.31 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 30, T 6 S, R 1 W, WM; 10 FEET SOUTH AND 2530 FEET EAST FROM THE NE CORNER, LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 30, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 acre-feet for each acre irrigated during the irrigation season of each year.

T-7482.LHN

Special Order Volume 50, Page 224.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

<u>CERTIFICATE</u>	<u>48295</u>	<u>40133</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 ACRE	1.0 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$	12.5 ACRES	24.0 ACRES

both as projected within D. SMITH DLC 42
SECTION 29
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use point of diversion to:

<u>CERTIFICATE</u>	<u>48295</u>	<u>40133</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.8 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.1 ACRES	24.0 ACRES

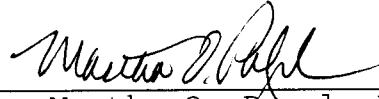
both as projected within D. SMITH DLC 42
SECTION 20
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

THIS TEMPORARY CHANGE TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective at the beginning of the 1996 irrigation season. The use shall revert to the authorized place of use at the end of the 1996 irrigation season.
2. The former place of use shall no longer be irrigated as a part of these water rights during the term of this order.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

Certificates 48295 and 40133 are suspended until the end of the 1996 irrigation season, October 31, 1996, or revocation of this order, which ever occurs first. The use of the remaining water right described by Certificates 48295 and 40133 shall continue to be in accordance with the terms and conditions of Certificates 48295 and 40133.

WITNESS the signature of the Water Resources Director, affixed MAY 06 1996.



Martha O. Pagel, Director