

BEFORE THE STATE ENGINEER OF OREGON

Marion County

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

ORDER APPROVING
TRANSFER NO. V-31

On May 13, 1968, George Vachter filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Pudding River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Estate of Anton A. Pheifer and recorded at page 22301, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.19 cubic foot per second of water from Pudding River for the irrigation of 7.4 acres in NE¼ NE¼, 1.4 acres in SE¼ NE¼, Section 31, 6.2 acres in NW¼ NW¼ and 0.2 acre in SW¼ NW¼, Section 32, Township 6 South, Range 1 West, W.M., with a date of priority of September 4, 1945. These lands are irrigated from a point of diversion located 1240 feet south and 610 feet east from the NW corner of Section 32 being within the NW¼ NW¼ of Section 32, Township 6 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point to be located N 3° E 750 feet from the SE corner of DLC 42 being within the SW¼ NW¼ of Section 32, Township 6 South, Range 1 West, W.M.

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 of water, if any there were, namely: at the county courthouse in Salem, Oregon, on

August 28, 1968, at 9:30 a.m. The notice was published in the Oregon Statesman, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of July 3, 10 and 17, 1968. 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 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 Pudding River, to-wit:

From a point located 1240 feet south and 610 feet east from the NW corner of Section 32 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 6 South, Range 1 West, W.M.

To a point to be located N 3° E 750 feet from the SE corner of DLC 42 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 6 South, Range 1 West, W.M.

for the irrigation of 7.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, 6.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.2 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 6 South, Range 1 West, W.M., with a date of priority of September 4, 1945, 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, 1969.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.19 cubic foot per second.

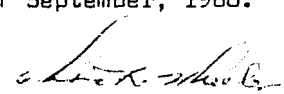
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to Estate of Anton A. Pfeifer and recorded at page 22301, Volume 16, State Record of Water Right Certificates is canceled 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 George Vachter confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of September, 1968.


CHRIS L. WHEELER
State Engineer