

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION
OF HERBERT A. SPADY FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM PUDDING RIVER

ORDER APPROVING
TRANSFER NO. 2910

On October 30, 1973, Herbert A. Spady 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 Cornelius Bateson and recorded at page 20095, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic foot per second of water from Pudding River for the irrigation of 0.1 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 16.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, and 1.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 7 South, Range 2 West, W.M., with a date of priority of March 9, 1949.

Certificate of water right issued to Cornelius Bateson and recorded at page 22471, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic foot per second of water from Pudding River for the irrigation of, among other lands, 10.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.7 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 7 South, Range 2 West, W.M., with a date of priority of September 7, 1949.

These lands are irrigated from a point of diversion located 80 feet North and 1400 feet West from the Southeast corner of Section 13, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 7 South, Range 2 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 75 feet South and 1350 feet West from the Southeast corner of Section 13, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 7 South, Range 2 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 water of less than one-fourth mile where there are no intervening diversions.

Mr. E. Michael Ricks, Watermaster of District No. 16, 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 change in point of diversion of water from Pudding River, to wit:

From a point located 80 feet North and 1400 feet West from the Southeast corner of Section 13, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 7 South, Range 2 West, W.M.

To a point to be located 75 feet South and 1350 feet West from the Southeast corner of Section 13, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 7 South, Range 2 West, W.M.

for the irrigation of 16.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.1 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13 and 1.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 7 South, Range 2 West, W.M., with a date of priority of March 9, 1949, and 10.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.7 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 7 South, Range 2 West, W.M., with a date of priority of September 7, 1949, 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, 1974.

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 0.23 cubic foot per second with a priority date of March 9, 1949, and 0.18 cubic foot per second with a priority date of September 7, 1949.

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.

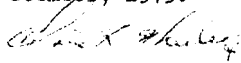
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Cornelius Bateson and recorded at page 22471, Volume 16, 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 Herbert A. Spady confirming the change in point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to Cornelius Bateson and recorded at page 20095, Volume 14, 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 Herbert A. Spady confirming the change in point of diversion.

Dated at Salem, Oregon, this 26th day of December, 1973.

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CHRIS L. WHEELER
State Engineer