

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF WILLARD E. HORNSCHUCK FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM LITTLE)
PUDDING RIVER)

ORDER APPROVING
TRANSFER NO. H-183

On February 1, 1968, Willard E. Hornschuck filed an application in the office of the State Engineer for a change in point of diversion of water from Little Pudding River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Willard E. Hornschuck and recorded at page 31897, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.08 cubic foot per second of water from Little Pudding River for the irrigation of 3.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 6 South, Range 2 West, W.M., with a date of priority of July 30, 1962. These lands are irrigated from points of diversion located 200 feet South and 850 feet East and 400 feet South and 1280 feet East from the NW corner of D.L.C. 96, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 6 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point to be located 250 feet South and 1500 feet West from the NW corner of D.L.C. 96 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 6 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. 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 Little Pudding River, to-wit:

From a point located 200 feet South and 850 feet East from the NW corner of D.L.C. 96 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 6 South, Range 2 West, W.M.

From a point located 400 feet South and 1280 feet East from the NW corner of D.L.C. 96 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 6 South, Range 2 West, W.M.

To a point to be located 250 feet South and 1500 feet West from the NW corner of D.L.C. 96 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 6 South, Range 2 West, W.M.

for the irrigation of 3.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 6 South, Range 2 West, W.M., with a date of priority of July 30, 1962, 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, 1968.

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 0.08 cubic foot per second.

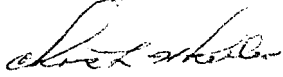
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Willard E. Hornschuck and recorded at page 31897, Volume 23, 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 Willard E. Hornschuck confirming the change in point of diversion.

Dated at Salem, Oregon, this 18th day of March, 1968.


CHRIS L. WHEELER
State Engineer