

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF PHILIP J. HUSSEY FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM PICKETT CREEK)
AND ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. 2349

On March 18, 1970, Philip J. Hussey filed an application in the office of the State Engineer for the approval of a change in place of use of water from Pickett Creek and Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered January 10, 1940, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of A. I. Hussey for the use of the waters of Pickett Creek for the irrigation of, among other lands, 12.0 acres in SW¼ SW¼, Section 24, Township 35 South, Range 7 West, W.M., with a date of priority of 1893, as evidenced by certificate of water right recorded at page 16594, Volume 13, State Record of Water Right Certificates.

Certificate of water right issued to A. I. Hussey and recorded at page 11783, Volume 11, State Record of Water Right Certificates, confirms a right to the use of 0.85 cubic foot per second of the waters of Rogue River for the supplemental irrigation of, among other lands, 12.0 acres in SW¼ SW¼, Section 24, Township 35 South, Range 7 West, W.M., with a date of priority of May 4, 1932.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to 6.0 acres in SW¼ SE¼ and 6.0 acres in SE¼ SE¼, Section 23, Township 35 South, Range 7 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

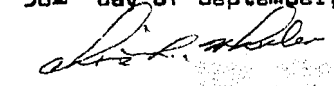
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water rights hereinbefore described as appurtenant to 12.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 35 South, Range 7 West, W.M., with a date of priority of 1893, for irrigation, and 12.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 35 South, Range 7 West, W.M., with a date of priority of May 4, 1932, for supplemental irrigation, be severed therefrom and simultaneously and without loss of priority, transferred to 6.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 35 South, Range 7 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1971.

It is FURTHER ORDERED that certificates of water right heretofore issued to A. I. Hussey and recorded at page 16594, Volume 13, and page 11783, Volume 11, State Record of Water Right Certificates, are canceled and in lieu thereof two new certificates be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, two certificates of water right shall be

issued to Philip J. Huseay confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 30th day of September, 1970.



CHRIS L. WHEELER
State Engineer