

BEFORE THE STATE ENGINEER OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF )  
R. H. FLEMING FOR THE APPROVAL OF A CHANGE ) O R D E R  
IN PLACE OF USE OF WATER FROM ALTHOUSE ) APPROVING APPLICATION  
CREEK. )

On November 1, 1936, R. H. Fleming of Holland, Oregon, filed an application for the approval of a change in place of use of water from Althouse Creek.

Certificate of Water Right No. 2437, issued to Henry Peterson, confirmed an appropriation under Permit No. 1128 for the use of 25 cubic feet per second of the waters of Althouse Creek, for hydraulic mining, in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 22, Township 40 South, Range 7 West, W. M., with a date of priority of April 1, 1912.

The applicant herein, successor in interest to Henry Peterson, proposes to transfer the water rights appurtenant to the above-described tract to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 15, Township 40 South, Range 7 West, W. M.

Notice of filing application for such change in place of use of water was published in the Grants Pass Bulletin, a newspaper of general circulation in Josephine County, in the issues of December 4, 11, 18 and 25, 1936, as provided by Section 47-712, Oregon Code 1930. No objections having been filed, it appears that the proposed change in place of use may be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved, and the water right hereinbefore described as appurtenant to the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 22, Township 40 South, Range 7 West, W. M., be severed therefrom and simultaneously, and without loss of priority, transferred to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 15, same township and range;

It is FURTHER ORDERED that the time limit for application of water to beneficial use be fixed as October 1, 1938;

And it is FURTHER ORDERED that certificate of water right issued by the State Engineer to Henry Peterson and recorded in State Record of Water Right Certificates in Volume 3, Page 2437, covering the lands from which the water is being transferred, be and the same hereby is cancelled, and upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use upon the lands to which the water right is hereby transferred, a certificate of water right shall be issued to R. H. Fleming or his successor in interest to said lands.

Dated at Salem, Oregon, this 25th day of February, 1937.

*Notation made on  
Cert. No. 2437*

*New cert. issued,  
No. 12,303  
File # F.9*

  
CHAS. E. STRICKLIN  
State Engineer