

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF LEE W. AND LUCILE C. FOSTER)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM MCKENZIE)
RIVER)

ORDER APPROVING
TRANSFER NO. 2732

On November 9, 1972, Lee W. and Lucile C. Foster filed an application in the office of the State Engineer for the approval of a change in place of use of water from the McKenzie River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Muddy Creek Irrigation Project and recorded at page 36644, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.5 cubic feet per second of waters of McKenzie River for the irrigation of 5.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, 22.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 14 South, Range 4 West, W.M., with a date of priority of February 9, 1939.

The applicant herein, owner of the lands above described, proposes to transfer the water right for the use of water from McKenzie River, without loss of priority, to 3.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 17.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 13 South, Range 4 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. Gene McGinnis, Watermaster of District No. 2, 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.

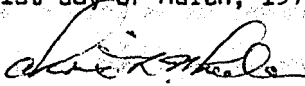
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, and 22.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 14 South, Range 4 West, W.M., with a date of priority of February 9, 1939, be severed therefrom and simultaneously and without loss of priority, transferred to 3.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 17.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 13 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right will be issued to the Muddy Creek Irrigation Project confirming this and other changes within the District.

Dated at Salem, Oregon, this 21st day of March, 1973.


CHRIS L. WHEELER
State Engineer