

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF HARRY PHILLIPS FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM PINE CREEK)
- - - - -)

O R D E R
APPROVING APPLICATION

On August 5, 1963, Harry Phillips of Baker, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Pine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Powder River and its Tributaries, a water right was established in the name of L. O. Ison for the use of the waters of Pine Creek for the irrigation of, among other lands, 40 acres in the SW $\frac{1}{2}$ NW $\frac{1}{2}$, Section 25, Township 8 South, Range 38 East, W. M., with a date of priority of May 15, 1890.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom without loss of priority to 20 acres in the W $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$ and 20 acres in the E $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$, said Section 25.

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 only.

Mr. David B. Hall, Watermaster of District No. 8, has filed a report to the effect that the proposed change in place of use 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 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 8 South, Range 38 East, W. M., with a date of priority of May 15, 1890, be severed therefrom and simultaneously and without loss of priority transferred to 20 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 20 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 8 South, Range 38 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificate of water right heretofore issued to L. O. Ison and recorded at page 4252, Volume 5, 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 application of water to beneficial use, a certificate of water right shall be issued to Harry Phillips to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 12th day of November, 1963.

Handwritten notes:
7-1-64 p. 402
3, 4, 11, 4252


CHRIS L. WHEELER
State Engineer