

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF LOUIS N. AND WILDA C. MAURER)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM SUCKER)
CREEK)

ORDER APPROVING
TRANSFER NO. 3382

On April 1, 1976, Louis N. and Wilda C. Maurer filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Sucker Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Lynn R. Stone and Joyce I. Stone and recorded at Page 30548, Volume 22, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.42 cubic foot per second of water from Sucker Creek for the irrigation of, among other lands, 2.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 39 South, Range 8 West, W.M., with a date of priority of 1857. These lands are irrigated from a point of diversion located 2500 feet North and 300 feet East from the South quarter-corner of Section 31, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 39 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 39 South, Range 8 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.

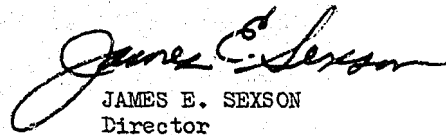
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 39 South, Range 8 West, W.M., be severed therefrom and simultaneously and without loss of priority transferred to 2.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 39 South Range 8 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that certificate of water right heretofore issued to Lynn R. Stone and Joyce I. Stone and recorded at Page 30548, Volume 22, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Louis N. and Wilda C. Maurer confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 19th day of April, 1976.


JAMES E. SEXSON
Director