

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF STUART V. HINSON FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM LITTLE APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2580

On October 27, 1971, Stuart V. Hinson filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Rogue River, a water right was established in the name of A. S. Kleinhammer for the use of waters of the Little Applegate River for the irrigation of, among other lands, 2.2 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), 0.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 39 South, Range 2 West, W.M., with date of priority of 1857, being tabulated in the name of A. S. Kleinhammer as evidenced by certificate of water right recorded at page 16400, Volume 13, State Record of Water Right Certificates.

The applicant herein, owner of the land above described proposes to transfer the water right therefrom, without loss of priority, to 4.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 39 South, Range 2 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.

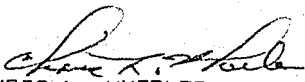
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 2.2 acres in Lot 2 (Sw $\frac{1}{4}$ NW $\frac{1}{4}$), 0.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.9 acres in NE $\frac{1}{4}$ Sw $\frac{1}{4}$, 0.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 39 South, Range 2 West, W.M., with date of priority of 1857, be severed therefrom and simultaneously and without loss of priority transferred to 4.7 acres in Sw $\frac{1}{4}$ Sw $\frac{1}{4}$, Section 20, Township 39 South, Range 2 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that certificate of water right heretofore issued to A. S. Kleinhammer and recorded at page 16400, Volume 13, State Record of Water Right Certificates is canceled and in lieu thereof a new certificate be issued to A. S. Kleinhammer 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 shall be issued to Stuart V. Hinson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 21st of April, 1972.


CHRIS L. WHEELER
State Engineer