

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF DICK L. CHAMBERLAIN FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM LITTLE BUTTE )  
CREEK )

ORDER APPROVING  
TRANSFER NO. C-177

-----  
On May 19, 1967 Dick L. Chamberlain filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon entered August 15, 1949, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Little Butte Creek and its Tributaries, a water right was established in the name of the Little Butte Irrigation Company for the irrigation of, among other lands, 9.2 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 34, Township 35 South, Range 1 West, W.M., and 2.0 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1883. This right was confirmed by certificate recorded at page 33239, Volume 25, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority to 3.2 acres in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 6, Township 36 South, Range 1 East, W.M., and 8.0 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 1, Township 36 South, Range 1 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 only.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in place of use of water may be made without injury to existing rights.

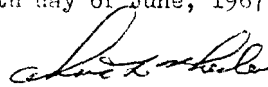
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 9.2 acres in the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 34, Township 35 South, Range 1 West, W.M., and 2.0 acres in the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 3, Township 36 South, Range 1 West, W.M. be severed therefrom and simultaneously and without loss of priority transferred to 3.2 acres in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 6, Township 36 South, Range 1 East, W.M., and 8.0 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 1, Township 36 South, Range 1 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1968.

It is FURTHER ORDERED that certificate of water right heretofore issued to Little Butte Irrigation Company and recorded at page 33239, Volume 25, 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 confirming prior changes, 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 Dick L. Chamberlain confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 9th day of June, 1967.

  
CHRIS L. WHEELER  
State Engineer