

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF FIDEL BROTHERS FOR THE APPROVAL) ORDER APPROVING
OF A CHANGE IN PLACE OF USE OF WATER) TRANSFER NO. F-72
FROM TURNER CREEK AND RESERVOIR)

On February 5, 1969, Fidel Brothers filed an application in the office of the State Engineer for the approval of a change in place of use of water from Turner Creek and a reservoir constructed under permit No. R-1197, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to C. N. Teegarden and recorded at page 21581, Volume 15, State Record of Water Right Certificates, confirms a right to the use of 0.16 cubic foot per second of the waters of Turner Creek and a reservoir constructed under permit No. R-1197 for irrigation of 8.5 acres in SE1/4 NE1/4, Section 31, Township 2 South, Range 4 West, W.M., with dates of priority of March 8, 1950 and June 28, 1950.

The applicants herein, contract purchasers of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 3.0 acres in SE1/4 NE1/4, Section 31 and 5.5 acres in SW1/4 NW1/4, Section 32, Township 2 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 only.

Mr. Clayton J. Gardner, Watermaster of District No. 1, 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.

Mr. C. N. Teegarden, contract seller of the lands involved, has submitted written approval of the change in place of use.

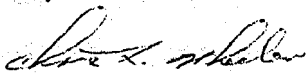
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Turner Creek and reservoir constructed under permit No. R-1197 is approved and the water right hereinbefore described as appurtenant to 8.5 acres in SE¼ NE¼, Section 31, Township 2 South, Range 4 West, W.M., with dates of priority of March 8, 1950 for 0.094 cubic foot per second and June 28, 1950 for 0.066 cubic foot per second be severed therefrom and simultaneously and without loss of priority transferred to 3.0 acres in SE¼ NE¼, Section 31 and 5.5 acres in SW¼ NW¼, Section 32, Township 2 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, 1969.

It is FURTHER ORDERED that certificate of water right heretofore issued to C. N. Teegarden and recorded at page 21581, Volume 15, State Record of Water Right Certificates, is canceled 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 Fidel Brothers confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 21st day of March, 1969.


CHRIS L. WHEELER
State Engineer