

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF RALPH JOSEPH HOCHENDONER FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM APPLGATE)
RIVER)

ORDER APPROVING
TRANSFER NO. 2538

On June 17, 1971, Ralph Joseph Hochendoner filed an application in the office of the State Engineer for the approval of a change in place of use of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Horace R. Moses and recorded at page 2067, Volume 3, State Record of Water Right Certificates, confirmed a right to the use of 0.44 cubic foot per second of the waters of Applegate River for the irrigation of, among other lands, 6.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 36 South, Range 6 West, W.M., with a date of priority of October 25, 1910.

The applicant herein, mortgagor of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 6.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 36 South, Range 6 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.

Jackson County Federal Savings and Loan Association, mortgagee 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 is approved and the water right hereinbefore described as appurtenant to 6.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 36 South, Range 6 West, W.M., with a date of priority of October 25, 1910, be severed therefrom and simultaneously and without loss of priority, transferred to 6.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 36 South, Range 6 West, W.M.

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

By an order entered October 30, 1970, the State Engineer approved a change in point of diversion for the irrigation of part of the lands described in the certificate recorded at page 2067, Volume 3, State Record of Water Right Certificates, which included the lands involved in this proceeding. This order canceled the certificate, provided for issuance of a new certificate for the lands not involved, and on completion of the authorized change provided for issuance of a certificate confirming the change.

It is FURTHER ORDERED that no certificate of water right be issued confirming the change in point of diversion authorized by the order entered October 30, 1970, but when proof satisfactory to the State Engineer of application of water to beneficial use under this proceeding is submitted, a certificate be issued to Ralph Joseph Hochendoner confirming the extent to which water has been applied beneficially and also confirming the change authorized by the order

entered October 30, 1970.

Dated at Salem, Oregon, this 22nd day of July, 1971.



CHRIS L. WHEELER
State Engineer