

## Yamhill County

IN THE MATTER OF THE APPLICATION )  
 OF CARL F. RUTSCHMAN FOR THE )  
 APPROVAL OF A CHANGE IN PLACE OF )  
 USE OF WATER FROM A RESERVOIR )

ORDER APPROVING  
TRANSFER NO. R-113

On February 21, 1969, Carl F. Rutschman filed an application in the office of the State Engineer for the approval of a change in place of use of water from a reservoir constructed under permit No. R-2116, pursuant to the provisions of ORS 540.510 to 540.530.

An order of the State Engineer entered March 18, 1968, approved an application of Carl F. Rutschman for a change in place of use of 6.0 acre feet of water stored in a reservoir constructed under permit R-2116 for the irrigation of 30.4 acres from lands described in the certificate recorded at page 31316, Volume 23, State Record of Water Right Certificates, to the supplemental irrigation of 9.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.4 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.6 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.2 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and 14.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28, Township 4 South, Range 3 West, W.M., with a date of priority of February 3, 1958. Proof to the satisfaction of the State Engineer of completion of the change in place of use was submitted.

The applicant herein, owner of the lands above described, proposes to transfer the water right to the use of the water stored in the reservoir therefrom, without loss of priority, to 4.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 3.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 17.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28, Township 4 South, Range 3 West, W.M., for supplemental irrigation.

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.

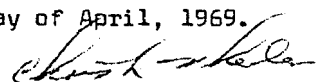
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described for the use of 6.0 acre feet of water stored in a reservoir constructed under permit R-2116 for supplemental irrigation of 9.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.4 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.6 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.2 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 14.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28, Township 4 South, Range 3 West, W.M., with a date of priority of February 3, 1958, be severed therefrom and simultaneously and without loss of priority transferred to 4.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 3.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 17.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28, Township 4 South, Range 3 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 a certificate not be issued confirming the change approved by the order entered March 18, 1968 and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use as authorized herein, a certificate be issued to Carl F. Rutschman confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 16<sup>th</sup> day of April, 1969.

  
CHRIS L. WHEELER  
State Engineer