

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF TOIVO J. SIMONSON FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM MILL CREEK)

ORDER APPROVING
TRANSFER NO. 3111

On August 15, 1974, Toivo J. Simonson filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Toivo J. Simonson and recorded at Page 39245, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.38 cubic foot per second of water from Mill Creek for the irrigation of 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, 14.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 14.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 6 South, Range 6 West, W.M., with a date of priority of January 10, 1957. These lands are irrigated from a point of diversion located 1070 feet North and 1920 feet East from the Southwest corner of Selder DIC 40, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 6 South, Range 6 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 10.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 6 South, Range 6 West, W.M. of November, 1973.

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. Gene McGinnis, Watermaster of District No. 2, 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.

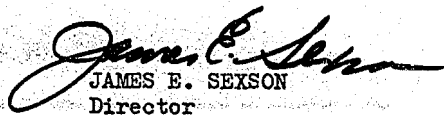
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, 14.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 14.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 6 South, Range 6 West, W.M., with a date of priority of January 10, 1957, be severed therefrom and simultaneously and without loss of priority transferred to 10.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 6 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, 1976.

It is FURTHER ORDERED that certificate of water right heretofore issued to Toivo J. Simonson and recorded at page 39245, Volume 31, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Toivo J. Simonson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 26th day of November, 1975.


JAMES E. SEXSON
Director