

BEFORE THE STATE ENGINEER OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION )  
OF EDWIN G. SEARS FOR THE APPROVAL )  
OF A CHANGE IN THE PLACE OF USE OF )  
WATER FROM AN UNNAMED STREAM, TRIB- )  
UTARY TO SAND LAKE )  
----- )

ORDER APPROVING  
APPLICATION NO. S-161

On January 6, 1964, Edwin G. Sears of Cloverdale, Oregon, filed an application in the office of the State Engineer for the approval of a change in the place of use of water from an unnamed stream, tributary to Sand Lake, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to C. J. Sears and recorded at page 11869, Volume 11, State Record of Water Right Certificates, confirms a right to the use of the waters of an unnamed stream, tributary to Sand Lake, for the domestic use of one family in Lot 4 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 1, Township 4 South, Range 11 West, W. M., with a date of priority of August 15, 1936.

The applicant herein, owner of the water right above described and of the lands to which said right is appurtenant, proposes to transfer said water right therefrom to Lot 7 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 6, Township 4 South, Range 10 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 that notice is not required for application for change of place of use of water only.

Mr. Myron V. Bish, Watermaster of District No. 1 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 that the water right for domestic use of one family hereinbefore described as appurtenant to Lot 4 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 1, Township 4 South, Range 11 West, W. M., with a date of priority of August 15, 1936 be severed therefrom and simultaneously and without loss of priority be transferred to Lot 7 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 6, Township 4 South, Range 10 West, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1964 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificate of water right heretofore issued to C. J. Sears and recorded at page 11869, Volume 11, 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 Edwin G. Sears to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 22nd day of January, 1964.

*Filed in 1964*  
App. # 16515  
Sec. # 11869

  
CHRIS L. WHEELER  
State Engineer