

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF EMIL AND AMELIA BRITT FOR APPROVAL )  
OF A CHANGE IN PLACE OF USE OF WATER. )  
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O R D E R  
APPROVING APPLICATION

On February 10, 1942, Emil and Amelia Britt of Jacksonville, Oregon, filed an application for approval of a change in place of use of water from Little Butte Creek.

In the second modified findings and order of determination of the State Engineer, dated April 17, 1928, in the matter of the determination of the relative rights to the use of the waters of Little Butte Creek and its tributaries, a water right was recognized in the name of Emil and Amelia Britt for the irrigation of, among other lands, 3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, Township 36 South, Range 1 West, W. M., with a date of priority of April, 1899.

The applicants herein, owners of the above-described lands, propose to transfer the water right therefrom to 3 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, Township 36 South, Range 1 West, W. M., without loss of priority of the right theretofore established.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required in applications for only a change in place of use of water.

It appears that the proposed change may be made without injury to existing rights and the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ ,

Section 7, Township 36 South, Range 1 West, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 3 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, Township 36 South, Range 1 West, W. M. It is FURTHER ORDERED that complete application of water to beneficial use upon the lands to which the water hereby is transferred shall be made on or before October 1, 1942, or such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use upon the lands to which the water hereby is transferred a certificate shall be issued to Emil and Amelia Britt, or their successors-in-interest, at the time certificates are issued in confirmation of the rights to the use of the waters of Little Butte Creek and its tributaries.

Dated at Salem, Oregon, this 14th day of February, 1942.

  
CHAS. E. STRICKLIN

State Engineer

*Notation made on  
Findings, Vol. 10, p. 27  
File # B-34*