

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MERTON BRADSHAW COMPANY FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM LITTLE BUTTE)
CREEK)

ORDER APPROVING
TRANSFER NO. M-178

On June 6, 1967, Merton Bradshaw Company filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered August 15, 1949, 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 established in the name of George B. Brown for the irrigation of, among other lands, 0.7 acres in the SW¹/₄ NE¹/₄, 1.0 acre in the NE¹/₄ NW¹/₄, and 2.1 acres in the SE¹/₄ NW¹/₄, Section 10, Township 36 South, Range 1 East, W.M., with a date of priority of 1863. This right was confirmed by certificate recorded at page 17168, Volume 14, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority to 3.8 acres in the NE¹/₄ NE¹/₄ of Section 10, Township 36 South, Range 1 East, 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 only.

Mr. David C. Hendrix, Watermaster of District No. 13, 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.

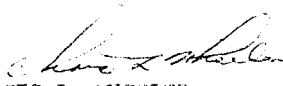
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.7 acre in the SW¹/₄ NW¹/₄, 1.0 acre in the NE¹/₄ NW¹/₄, and 2.1 acres in the SE¹/₄ NW¹/₄, Section 10, Township 36 South, Range 1 East, W.M., with a date of priority of 1863, be severed therefrom and simultaneously and without loss of priority transferred to 3.8 acres in the NW¹/₄ NE¹/₄, Section 10, Township 36 South, Range 1 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1968.

It is FURTHER ORDERED that certificate of water right heretofore issued to George B. Brown and recorded at page 17168, Volume 14, 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 Merton Bradshaw Company confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 11th day of August, 1968.


CHRIS L. WHEELER
State Engineer