

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF GINGER ROGERS FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM ROGUE RIVER)

ORDER APPROVING
TRANSFER NO. R-108

On July 2, 1968, Ginger Rogers filed an application in the office of the State Engineer for the approval of a change in place of use of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered May 19, 1964, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the names of Ben E. and Elizabeth Harder and evidenced by the certificate recorded at page 32719, Volume 14, State Record of Water Right Certificates for the irrigation of, among other lands, 1.6 acres in Lot 1 (E½ NE¼), Section 32, 4.9 acres in the NW¼ NW¼ and 16.3 acres in Lot 3 (SW¼ NW¼), Section 33, Township 34 South, Range 1 West, W.M., and in the name of Ben E. and Elizabeth Harder and evidenced by the certificate recorded at page 32752, Volume 14, State Record of Water Right Certificates for the irrigation of, among other lands, 3.0 acres in Lot 2 (NW¼ SW¼), 2.5 acres in Lot 3 (SW¼ SW¼), Section 33, Township 34 South, Range 1 West, W.M., and 0.9 acre in the NE¼ NW¼ and 1.8 acres in Lot 1 (NW¼ NW¼), Section 4, Township 35 South, Range 1 West, W.M., all with a date of priority of 1901.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 3.4 acres in the NE¼ NW¼, 15.2 acres in the NW¼ NW¼, 3.6

acres in Lot 1 (SW¼ NW¼), and 8.8 acres in the SE¼ NW¼, Section 33, Township 34 South, Range 1 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 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. 14, 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.

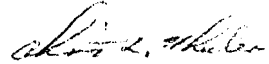
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 1.6 acres in Lot 1 (E½ NE¼), Section 32, 4.9 acres in the NW¼ NW¼ and 16.3 acres in Lot 3 (SW¼ NW¼), Section 33, Township 34 South, Range 1 West, under certificate 32719 and 3.0 acres in Lot 2 (NW¼ SW¼), 2.5 acres in Lot 3 (SW¼ SW¼), Section 33, Township 34 South, Range 1 West, and 0.9 acre in the NE¼ NW¼ and 1.8 acres in Lot 1 (NW¼ NW¼), Section 4, Township 35 South, Range 1 West, W.M., under certificate 32752, with a date of priority of 1901, be severed therefrom and simultaneously and without loss of priority transferred to 3.4 acres in the NE¼ NW¼, 15.2 acres in the NW¼ NW¼, 3.6 acres in Lot 1 (SW¼ NW¼), and 8.8 acres in the SE¼ NW¼, Section 33, Township 34 South, Range 1 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 certificates of water right heretofore issued to Ben E. and Elizabeth Harder and recorded at pages

32719 and 32752, Volume 14, State Record of Water Right Certificates, are 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 Ginger Rogers 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 10th day of July, 1968.



CHRIS L. WHEELER
State Engineer