

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION
OF A. C. LYDA FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF
WATER FROM WEST FORK DAIRY CREEK

ORDER APPROVING
TRANSFER NO. 2991

On March 5, 1974, A. C. Lyda filed an application in the office of the State Engineer for the approval of a change in place of use of water from West Fork Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to L. J. Heesacker and recorded at page 14207, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.55 cubic feet per second of water from West Fork Dairy Creek for the irrigation of 124.0 acres, with a date of priority of December 19, 1938. On March 27, 1973, an order was entered wherein the rights for the irrigation of 14.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and 12.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W.M., became appurtenant to 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 19.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, and 9.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W.M. Satisfactory proof has been submitted to the State Engineer that water has been beneficially applied to these lands.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 14.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and 12.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 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.

Mr. Clayton Gardner, Watermaster of District No. 1, 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.

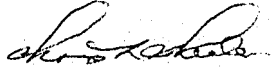
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 $\frac{1}{4}$ NE $\frac{1}{4}$, 19.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, and 9.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W.M., with a date of priority of December 19, 1938, be severed therefrom and simultaneously and without loss of priority transferred to 14.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and 12.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 1 North, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1975.

It is FURTHER ORDERED that no new certificate be issued as provided by the order entered March 27, 1973, 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 confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 15th day of April, 1974.


CHRIS L. WHEELER
State Engineer