

BEFORE THE STATE ENGINEER OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM L. FRANKLIN FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM A WELL)

ORDER APPROVING
TRANSFER NO. F-75

On December 12, 1969, William L. Franklin filed an application in the office of the State Engineer for the approval of a change in place of use of water from a well, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William L. Franklin and recorded at page 29585, Volume 21, State Record of Water Right Certificates, confirms a right to the use of 1.0 cubic foot per second of the waters from a well for the irrigation of, among other lands, 8.0 acres in NW¼ NE¼, 11.0 acres in SW¼ NE¼, 5.0 acres in NE¼ NW¼ and 10.0 acres in SE¼ NW¼, Section 3, Township 14 South, Range 5 West, W.M., with a date of priority of October 18, 1956.

The applicant herein, an owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 1.0 acre in NW¼ NE¼, 12.5 acres in NE¼ NW¼, Section 3, Township 14 South, Range 5 West, W.M., 8.7 acres in SE¼ SW¼ and 11.8 acres in SW¼ SE¼, Section 34, Township 13 South, Range 5 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. Vestal R. Garner, Watermaster of District No. 2, 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.

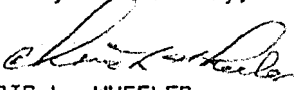
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinafore described as appurtenant to 8.0 acres in NW¼ NE¼, 11.0 acres in SW¼ NE¼, 5.0 acres in NE¼ NW¼ and 10.0 acres in SE¼ NW¼, Section 3, Township 14 South, Range 5 West, W.M., with a date of priority of October 18, 1956, be severed therefrom and simultaneously and without loss of priority, transferred to 1.0 acre in NW¼ NE¼, 12.5 acres in NE¼ NW¼, Section 3, Township 14 South, Range 5 West, W.M., 8.7 acres in SE¼ SW¼ and 11.8 acres in SW¼ SE¼, Section 34, Township 13 South, Range 5 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1970.

It is FURTHER ORDERED that certificate of water right heretofore issued to William L. Franklin and recorded at page 29585, Volume 21, 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 William L. Franklin 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 20th day of February, 1970.


CHRIS L. WHEELER
State Engineer