

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION }
OF CALVIN AND LUCILLE KENNEDY AND }
M. B. AND MARTHA E. FINDLEY FOR }
THE APPROVAL OF A CHANGE IN PLACE }
OF USE OF WATER FROM RICKREALL }
CREEK }

ORDER APPROVING
TRANSFER NO. 2529

On May 25, 1971, Calvin and Lucille Kennedy and M. B. and Martha E. Findley filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Rickreall Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to M. C. Findley and recorded at Page 11907, Volume 11, State Record of Water Right Certificates, confirmed a right which includes the use of not to exceed 0.05 cubic foot per second of water from Rickreall Creek for the irrigation of 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, W.M., with a date of priority of May 11, 1935. Certificate of water right issued to M. C. Findley and recorded at Page 15385, Volume 13, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed 0.04 cubic foot per second of water from Rickreall Creek for the irrigation of 3.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, W.M., with a date of priority of November 18, 1937. These lands are irrigated from a point of diversion located 850 feet North and 460 feet East from the Southwest corner of Section 29, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 1.5 acres

in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, with a priority date of May 11, 1935, and 3.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, W.M., with a priority date of November 18, 1937.

Mr. Ben Monroe, Watermaster of District No. 18, 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.

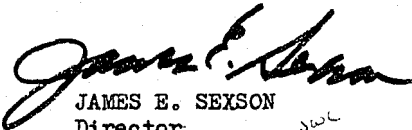
No objection having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use described herein, without loss of priority, are approved.

It is FURTHER ORDERED that no time limit need be fixed for application of water as the report that water has been applied beneficially at the proposed place of use has been received.

It is FURTHER ORDERED that the portion of the water right evidenced by the prior certificate recorded at Page 11907, Volume 11, State Record of Water Right Certificates, involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered on June 30, 1975, by the State Engineer in the matter of the partial cancelation of a water right; and that the certificate of water right heretofore issued to M. C. Findley and recorded at Page 15385, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, two confirming certificates of water right shall be issued to Calvin and Lucille Kennedy.

Dated at Salem, Oregon, this 11th day of October, 1976.


JAMES E. SEXSON
Director

swc