

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF BERT R. ELLIOTT FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM GRIFFIN CREEK.)

O R D E R
APPROVING APPLICATION

On February 5, 1958, Bert R. Elliott of 2186 Haney Road, Medford, Oregon, filed an application for the approval of a change in place of use of water from Griffin Creek pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the circuit court for Jackson County, Oregon, entered April 26, 1919, in the matter of the determination of the relative rights of the various claimants to the waters of Rogue River and its tributaries, a water right was established in the name of H. C. Maury for the irrigation of 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 37 South, Range 2 West, W. M., from Griffin Creek with a date of priority of 1876.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority to 0.1 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.5 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.3 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 15.9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 12.9 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.3 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 37 South, Range 2 West, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on applications for a change in place of use of water only.

Mr. David Hendrix, Watermaster of District No. 15, 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.

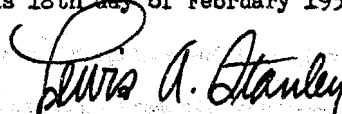
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Griffin Creek be and the same is approved and that the water right hereinbefore described as appurtenant to 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 37 South, Range 2 West, W. M., with a date of priority of 1876 be severed therefrom and simultaneously and without loss of priority transferred to 0.1 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.5 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.3 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 15.9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 12.9 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.3 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 37 South, Range 2 West, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1959 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificate of water right heretofore issued to H. C. Maury and recorded at page 16096, Volume 13, State Record of Water Right Certificates, which certificate covers the lands from which the water is being transferred, be and the same hereby 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 Bert R. Elliott or his successor in interest, covering the lands involved in this proceeding, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon this 18th day of February 1958.



LEWIS A. STANLEY
State Engineer

*Noted on Decree
Vol. 4, p. 16, col. 1.
& Cert. # 16096*