

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF MILTON HILL FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 4901

On September 21, 1981, an application was filed in the office of the Water Resources Director by Milton Hill for approval of a change in place of use of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine 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 name of Murphy Electric Irrigation, Incorporated, successor in interest to A. C. Harmon, tabulated in Volume 13, page 406, Order Record of the Water Resources Director, for use of 0.02 cubic foot per second of water from Applegate River for irrigation of, among other lands, a certain 1.0 acre in NW 1/4 NW 1/4, Section 21, Township 37 South, Range 5 West, WM, with a date of priority of 1899, as evidenced by the certificate recorded at page 32887, Volume 24, State Record of Water Right Certificates.

Water for the said right is diverted, through the Murphy Electric Northside Ditch, from a point located 1,280 feet North and 80 feet East from the Southwest Corner of Section 6, being within the SW 1/4 SW 1/4 of Section 6, Township 38 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain other 1.0 acre in said NW 1/4 NW 1/4.

Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in place of use 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 requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 32887, Volume 24, 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 26th day of October, 1981.


JAMES E. SEXSONSM
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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