

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF REMI AND ROSE COUSSENS FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM MCKAY CREEK )  
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ORDER APPROVING  
TRANSFER NO. C-194

On August 21, 1968, Remi and Rose Coussens filed an application in the office of the State Engineer for the approval of a change in place of use of water from McKay Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Remi Coussens and recorded at page 24748, Volume 17, State Record of Water Right Certificates, confirms a right to the use of 0.33 cubic foot per second of the waters of McKay Creek for the irrigation of, among other lands, 1.5 acres in SW¼ SE¼, 1.4 acres in SE¼ SE¼, Section 12, 8.0 acres in NE¼ NE¼, 15.4 acres in NW¼ NE¼, Section 13, Township 1 North, Range 3 West, and 0.1 acre in NW¼ NW¼, Section 18, Township 1 North, Range 2 West, W.M., with a date of priority of February 11, 1953.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 4.0 acres in SW¼ SE¼, 1.9 acres in SE¼ SE¼, Section 12, 6.7 acres in NE¼ NE¼ and 13.8 acres in NW¼ NE¼, Section 13, Township 1 North, Range 3 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 only.

Mr. Clayton J. Gardner, Watermaster 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.

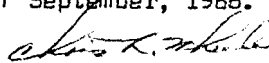
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 1.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, 8.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 15.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 13, Township 1 North, Range 3 West, and 0.1 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 18, Township 1 North, Range 2 West, W.M., with a date of priority of February 11, 1953, be severed therefrom and simultaneously and without loss of priority transferred to 4.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.9 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, 6.7 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 13.8 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 13, Township 1 North, Range 3 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1969.

It is FURTHER ORDERED that certificate of water right heretofore issued to Remi Coussens and recorded at page 24748, Volume 17, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, 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 Remi and Rose Coussens confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 30<sup>th</sup> day of September, 1968.

  
CHRIS L. WHEELER  
State Engineer