

## Benton County

IN THE MATTER OF THE APPLICATION  
 OF LEIGHTON DAVIS FOR THE APPROVAL  
 OF A CHANGE IN PLACE OF USE OF  
 WATER FROM GROUND WATER  
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ORDER APPROVING  
TRANSFER NO. 3171

On February 25, 1975, Leighton Davis filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Well No. 3.

A water right was established under the terms of permit No. G 3591 issued to Leighton Davis for the use of not to exceed 0.5 cubic foot per second of water from a well for the irrigation of, among other lands, 5.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31 and 10.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 12 South, Range 5 West, 0.9 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 5, and 6.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, Township 13 South, Range 5 West, W.M., with a date of priority of February 13, 1967. Satisfactory proof has been submitted to the Water Resources Director that water has been beneficially applied to these lands. These lands are irrigated by means of Well No. 3 located 430 feet North and 390 feet East from the Southeast corner of Martin D.L.C. No. 66, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, Township 12 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 18.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, and 2.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 12 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 said section provides notice is not required on an application for a change in point of diversion of water.

of less than one-fourth mile where there is no intervening diversion, nor is notice for publication required for a change in place of use of water.

Mr. Gene McGinnis, Watermaster of District No. 2, 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.

The South Willamette Federal Land Bank Association, mortgagor, has given written approval of the change in place of use of water.

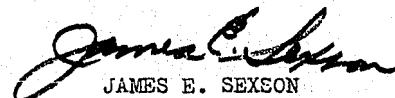
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, 10.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 12 South, Range 5 West, 0.9 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 5, and 6.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, Township 13 South, Range 5 West, W.M., with a date of priority of February 13, 1967, be severed therefrom and simultaneously and without loss of priority transferred to 2.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 18.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, and 2.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 12 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, 1976.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Leighton Davis confirming the right to the extent water has been applied beneficially and including the balance of the right completed under the terms of permit No. G 3591.

Dated at Salem, Oregon, this 3rd day of February, 1976.

  
JAMES E. SEXSON  
Director