

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF IRMA L. CALKINS FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM AN UNNAMED CREEK AND RESERVOIR)

ORDER APPROVING
TRANSFER NO. C-184

On February 26, 1968, Irma L. Calkins filed an application in the office of the State Engineer for the approval of a change in place of use of water from an unnamed stream and reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John L. and Catherine Ann Marxer and recorded at page 22416, Volume 16, State Record of Water Right Certificates, confirms a right to the use of 0.09 cubic foot per second of the waters of an unnamed stream and reservoir for the irrigation of 7.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 4 South, Range 2 West, W.M., with a date of priority of December 28, 1950.

The diversion point for the irrigation of these lands is erroneously listed in the certificate as being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 4 South, Range 2 West instead of at the dam in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 4 South, Range 2 West, which is the correct location of the point of diversion.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 4.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 4 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 that said section provides notice is not required on an application for change in place of use of water only.

Mr. Clayton J. Gardner, Watermaster of 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.

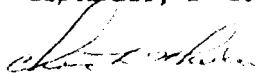
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right heretofore described as appurtenant to 7.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 4 South, Range 2 West, W.M., with a date of priority of December 28, 1950, be severed therefrom and simultaneously and without loss of priority transferred to 4.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 4 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, 1969.

An order of the State Engineer entered July 22, 1968 canceled the right for the irrigation of 30.1 acres from the unnamed stream and reservoir.

It is FURTHER ORDERED that certificate of water right heretofore issued to John L. and Catherine Ann Marxer and recorded at page 22416, Volume 16, State Record of Water Right Certificates, 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 Irma L. Calkins confirming the extent to which the water has been applied beneficially together with the balance of the lands not involved in this proceeding and not included in the order of the State Engineer entered July 22, 1968.

Dated at Salem, Oregon, this 30th day of September, 1969.


CHRIS L. WHEELER
State Engineer