

## Jackson County

IN THE MATTER OF THE APPLICATION )  
 OF JAMES F. AND LURLINE R. COONAN )  
 FOR THE APPROVAL OF A CHANGE IN )  
 PLACE OF USE OF WATER FROM NORTH )  
 FORK, LITTLE BUTTE CREEK )  
 ----- )

ORDER APPROVING  
TRANSFER NO. C-172

On June 24, 1966, James F. and Lurline R. Coonan filed an application in the office of the State Engineer for the approval of a change in place of use of water from North Fork, Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered August 15, 1949, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Little Butte Creek and its Tributaries, a water right was established in the name of T. L. Farlow for the irrigation of, among other lands, 25.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, Township 36 South, Range 2 East, W.M., with a date of priority of 1908. This right was confirmed by certificate recorded at page 17176, Volume 14, State Record of Water Rights Certificates. A water right was also established in the name of M. F. Hanley for the irrigation of, among other lands, 25.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, Township 36 South, Range 2 East, W.M., with a date of priority of 1881. This right was confirmed by certificate recorded at page 17185, Volume 14, State Record of Water Right Certificates.

The applicants herein, owners of the land above described, propose to transfer the water right under certificate 17176, without loss of priority, from 25.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, to 3.74 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 21.26 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, Township 36 South, Range 2 East, W.M.

The applicants herein propose to transfer the water right under certificate 17185, without loss of priority, from 25.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, to

20.64 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 4.36 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 20, Township 36 South, Range 2 East, 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. David Hendrix, Watermaster of District No. 13, has submitted 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 is approved and the water right hereinbefore described as appurtenant to 25.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, Township 36 South, Range 2 East, W.M., be severed therefrom and simultaneously and without loss of priority transferred to 20.64 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 4.36 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 20, Township 36 South, Range 2 East, W.M.; and the right hereinbefore described as appurtenant to 25.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, Township 36 South, Range 2 East, W.M., be severed therefrom and simultaneously and without loss of priority transferred to 21.26 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 3.74 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, Township 36 South, Range 2 East, W.M.

It is FURTHER ORDERED that the quantity of water diverted from North Fork, Little Butte Creek, for irrigation of the above mentioned lands shall not exceed 0.84 cubic foot per second from April 1 to October 1 of each year.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1967.

It is FURTHER ORDERED that certificates of water right heretofore issued to T. L. Farlow and recorded at page 17176, and issued to M. F. Hanley and recorded

at page 17185, Volume 14, State Record of Water Right Certificates, are canceled and in lieu thereof, new certificates be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificates of water right shall be issued to James F. and Lurline R. Coonan confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 25th day of November, 1966.



CHRIS L. WHEELER  
State Engineer