

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION  
OF AMELIA HANAUSKA FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE OF  
WATER FROM MILL CREEK

ORDER APPROVING  
TRANSFER NO. 2847

On July 10, 1973, Amelia Hanauska filed an application in the office of the State Engineer for the approval of a change in place of use of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Alfred Hanauska and recorded at page 15775, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.13 cubic foot per second of water from Mill Creek for the irrigation of, 10.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 5 South, Range 1 West, W.M., with a date of priority of August 1, 1944. These lands are irrigated from a point of diversion located 825 feet North, 550 feet West from the interior "L" corner on the south line of DLC No. 49, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 5 South, Range 1 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 9.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.8 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 0.2 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, Township 5 South, Range 1 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.

Mr. E. Michael Ricks, Watermaster of District No. 16, 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 may be made without injury to existing rights, the

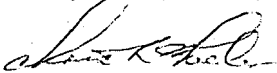
application should be approved.

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 10.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, Township 5 South, Range 1 West, W.M., with a date of priority of August 1, 1944, be severed therefrom and simultaneously and without loss of priority transferred to 9.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.8 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 0.2 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5, Township 5 South, Range 1 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Alfred Hanauska and recorded at page 15775, Volume 13, 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 Amelia Hanauska confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 24th day of September, 1973.

  
CHRIS L. WHEELER  
State Engineer