

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION }
OF WALLY MILES FOR THE APPROVAL }
OF A CHANGE IN PLACE OF USE OF }
WATER FROM CALAPOOYA CREEK }

ORDER APPROVING
TRANSFER NO. 2835

On June 18, 1973, Wally Miles filed an application in the office of the State Engineer for the approval of a change in place of use of water from Calapooya Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Estate of Mary K. Forster and recorded at page 34977, Volume 27, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from Calapooya Creek for the irrigation of, among other lands, 0.2 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M., with a date of priority of September 6, 1961. These lands are irrigated from a point of diversion located 1290 feet South and 2240 feet East from the most westerly Northwest corner of Stephens D.L.C. #50, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M.

The applicant herein, owners of the land above described, proposes to transfer the water right therefrom, without loss of priority to 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 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. M. John Youngquist, Watermaster of District No. 15, 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.

Edward M. Murphy, Contract Seller, has submitted written approval of the proposed change in place of use.

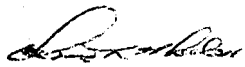
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 0.2 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M., with a date of priority of September 6, 1961, be severed therefrom and simultaneously and without loss of priority transferred to 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 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 Estate of Mary K. Forster and recorded at page 34977, Volume 27, 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 Wally Miles confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 2nd day of January, 1974.


CHRIS L. WHEELER
State Engineer
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