

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF CHARLES C. DAVIDSON FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM ROCK CREEK )  
LAKE RESERVOIR. )  
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O R D E R

APPROVING APPLICATION

On January 15, 1960, Charles C. Davidson of Haines, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Rock Creek Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to C. W. Davidson and Nancy A. Maxwell and recorded at page 8404, Volume 8, State Record of Water Right Certificates, confirms a right under Permit No. 4813 to the use of the waters stored in Rock Creek Lake Reservoir for the supplemental irrigation of, among other lands, 40 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 7 South, Range 38 East, W. M., with a date of priority of December 4, 1918.

The applicant herein, owner of the land above described, proposes to transfer the supplemental water right therefrom, without loss of priority, to 40 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 1, Township 8 South, Range 38 East, W. M., which 40 acres have a primary right appurtenant thereto.

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. Thomas W. Maxwell, 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.

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

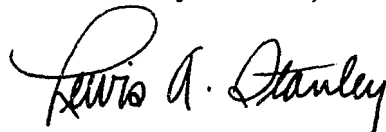
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same is approved and that the supplemental water right hereinbefore described as appurtenant to 40 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 7 South, Range 38 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 40 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 1, Township 8 South, Range 38 East, W. M., for supplemental irrigation of said 40 acres.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1960 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Charles C. Davidson, or his successor in interest, to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to C. W. Davidson and Nancy A. Maxwell and recorded at page 8404, Volume 8, State Record of Water Right Certificates, be canceled and a new certificate issued to C. W. Davidson and Nancy A. Maxwell covering the lands in said certificate not involved in this proceeding.

Dated at Salem, Oregon this 31st day of March, 1960.

*Noted on Cert. #8404  
And App. #8349*



LEWIS A. STANLEY  
State Engineer