

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION
OF CLARE MILLHOUSER FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF WATER
FROM LITTLE LUCKIAMUTE RIVER

ORDER APPROVING
TRANSFER NO. 2997

On March 15, 1974, Clare Millhouser filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Clare Millhouser and recorded at page 24195, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.50 cubic foot per second of water from Little Luckiamute River for the irrigation of 15.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 12.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 4.4 acres in Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and 8.2 acres in Lot 2 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 9, Township 9 South, Range 5 West, W.M., with a date of priority of December 2, 1948. These lands are irrigated from a point of diversion located 4860 feet South and 1380 feet East from the Southwest corner of Boone DIC 49, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 29.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 8.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 9 South, Range 5 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. Gene McGinnis, Watermaster of District No. 2, 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.

The Federal Land Bank, mortgagee, 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 15.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 12.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 4.4 acres in Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and 8.2 acres in Lot 2 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 9, Township 9 South, Range 5 West, W.M., with a date of priority of December 2, 1948, be served therefrom and simultaneously and without loss of priority transferred to 29.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 8.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 9 South, Range 5 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1975.

It is FURTHER ORDERED that certificate of water right heretofore issued to Clare Millhouser and recorded at page 24195, Volume 17, 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 Clare Millhouser confirming the extent to which the water has been applied beneficially and including the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 13th day of May, 1974.


CHRIS L. WHEELER
State Engineer