

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF DONALD AND EILEEN H. ORTON,)
ALTON E. AND EDITH A. SOWELL, AND)
J. GEORGE AND MARGARET D. JENSEN)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM SUCKER)
CREEK)

ORDER APPROVING
TRANSFER NO. 0-59

On November 4, 1969, Donald and Eileen H. Orton, Alton E. and Edith A. Sowell, and J. George and Margaret D. Jensen filed an application in the office of the State Engineer for the approval of a change in place of use of water from Sucker Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to B. R. Caid and recorded at page 5108, Volume 6, State Record of Water Right Certificates, confirms a right to the use of 0.13 cubic foot per second of the waters of Sucker Creek for the irrigation of 10.0 acres in N½ NE¼ NW¼, Section 32, Township 39 South, Range 7 West, W.M., with a date of priority of April 8, 1919.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom, without loss of priority, to 10.0 acres in S½ NE¼ NW¼, Section 32, Township 39 South, Range 7 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. Robert B. Steimer, Watermaster of District No. 14, 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.

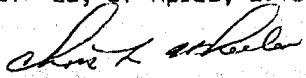
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 10.0 acres in N½ NE¼ NW¼, Section 32, Township 39 South, Range 7 West, W.M., with a date of priority of April 8, 1919, be severed therefrom and simultaneously and without loss of priority transferred to 10.0 acres in S½ NE¼ NW¼, Section 32, Township 39 South, Range 7 West, W.M.

It is FURTHER ORDERED that no time limit need be fixed for completion as the change in place of use has been completed.

It is FURTHER ORDERED that certificate of water right heretofore issued to B. R. Caid and recorded at page 5108, Volume 6, 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 Donald and Eileen H. Orton confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 27th day of April, 1970.


CHRIS L. WHEELER
State Engineer