

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF DOROTHY O'BRIEN FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF WATER )  
FROM WEST FORK ILLINOIS RIVER )  
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ORDER APPROVING  
TRANSFER NO. 0-57

On November 4, 1968, Dorothy O'Brien filed an application in the office of the State Engineer for the approval of a change in place of use of water from West Fork Illinois River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered September 26, 1939, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Illinois River and Its Tributaries, a water right was established in the name of Estate of John O'Brien and evidenced by certificate recorded at page 13898, Volume 12, State Record of Water Right Certificates for the irrigation of, among other lands, 1.9 acres in NE¼ SW¼, Section 19, Township 40 South, Range 8 West, W.M., with a date of priority of 1876.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 1.9 acres in NW¼ SW¼ SE¼, Section 19, Township 40 South, Range 8 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 only.

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.

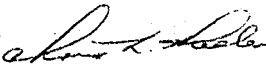
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights the application should be approved.

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 1.9 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19, Township 40 South, Range 8 West, W.M., with a date of priority of 1876, be severed therefrom and simultaneously and without loss of priority, transferred to 1.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 19, Township 40 South, Range 8 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1969.

It is FURTHER ORDERED that certificate of water right heretofore issued to Estate of John O'Brien and recorded at page 13898, Volume 12, 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 Dorothy O'Brien confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 17<sup>th</sup> day of January, 1969.

  
CHRIS L. WHEELER  
State Engineer