

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF ADRAIN W. LULAY FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM NORTH SANTIAM RIVER)

O R D E R

APPROVING APPLICATION

On March 14, 1963, Adrian W. Lulay of Sublimity, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from North Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Porter Improvement District and recorded at page 20193, Volume 14, State Record of Water Right Certificates, confirms a right under Permit No. E-82 for the use of the waters of North Santiam River for the irrigation of, among other lands, 20.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 9 South, Range 1 West, W. M., with a date of priority of May 14, 1909.

The applicant herein, owner of 14.7 acres of the lands above described, proposes to transfer the water right therefrom without loss of priority to 3.3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 9 South, Range 1 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.

Drushella and Bell, mortgagors of the lands from which it is proposed to transfer water, have submitted written approval to the change in place of use of water.

The Porter Improvement District has submitted its approval in writing to the proposed change in place of use of water.

Mr. Floyd L. Siegmund, 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 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 water right hereinbefore described as appurtenant to 14.7 acres in the $W\frac{1}{2}$ $NE\frac{1}{2}$ $SW\frac{1}{2}$, Section 5, Township 9 South, Range 1 West, W. M., with a date of priority of May 14, 1909, be severed therefrom and simultaneously and without loss of priority transferred to 3.3 acres in the $SE\frac{1}{2}$ $NE\frac{1}{2}$ $SW\frac{1}{2}$, 2.3 acres in the $NW\frac{1}{2}$ $SE\frac{1}{2}$ and 9.1 acres in the $SW\frac{1}{2}$ $SE\frac{1}{2}$, said Section 5.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1964, 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 Porter Improvement District to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to Porter Improvement District and recorded at page 20193, Volume 14, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 27th day of March, 1963.

*Notations made on records
App. # 81
Cert. # 20193*


CHRIS L. WHEELER
State Engineer

Fish "L-65"