

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MARK A. SHIPLEY FOR THE)
APPROVAL OF A CHANGE IN USE OF)
WATER FROM EVERGREEN SPRING)

ORDER APPROVING
TRANSFER NO. 2673

On July 17, 1972, Mark A. Shipley filed an application in the office of the State Engineer for the approval of a change in use of water from Evergreen Spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ruth B. Dey and Ella Ann Gillespie and recorded at page 51869, Volume 23, State Record of Water Right Certificates, confirms the right to the use of 0.01 cubic foot per second of the waters of Evergreen Spring for domestic use for two families in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and stock use in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 33 South, Range 2 East, W.M., with a date of priority of July 16, 1956.

The applicant herein, owner of the lands on which use of water for stock is made, proposes to change the use heretofore made for stock to domestic use for one family in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 33 South, Range 2 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use of water, if any there were, namely: at the county courthouse in Medford, Oregon, on January 3, 1973, at 9:30 a.m. The notice was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 8, 15, and 22, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in use of water may be made

without injury to existing rights.

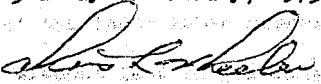
No objections having been filed and it appearing that the proposed change in use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use of 0.01 cubic foot per second of waters of Evergreen Spring from domestic use of two families in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and stock use in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 33 South, Range 2 East, W.M., to domestic use for three families in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 33 South, Range 2 East, W.M., with a date of priority of July 16, 1956, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to Ruth B. Dey and Ella Ann Gillespie and recorded at page 31869, Volume 23, 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 shall be issued to Ruth B. Dey and Ella Ann Gillespie and Mark A. Shipley confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 3rd day of January, 1973.


CHRIS L. WHEELER
State Engineer