

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF CHARLES C. EBELL FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM SUTTON CREEK)

ORDER APPROVING
TRANSFER NO. 2445

On September 10, 1970, Charles C. Ebell filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Sutton Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Emma Weber and recorded at Page 3370, Volume 4, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.14 cubic foot per second of water from Sutton Creek for the irrigation of, among other lands, 5.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.9 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 9 South, Range 40 East, W.M., with a date of priority of September 20, 1916. These lands are irrigated from a point of diversion located South 47 degrees, 45 minutes East, 125 feet from the center corner of Section 34, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 9 South, Range 40 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 6.2 acres in SW $\frac{1}{4}$ NB $\frac{1}{4}$, Section 34, Township 9 South, Range 40 East, 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. Kent Searles, Watermaster of District No. 8, 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 objection 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 5.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.9 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 9 South, Range 40 East, W.M., being 0.08 cubic foot per second, with a date of priority of September 20, 1916, be severed therefrom and simultaneously and without loss of priority transferred to 6.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 9 South, Range 40 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that certificate of water right heretofore issued to Emma Weber and recorded at Page 3370, Volume 4, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to E. K. Trindle confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 23rd day of August, 1976.

JAMES E. SEXSON
Director

James E. Sexson JWC