

BEFORE THE STATE ENGINEER OF OREGON

IN THE MATTER OF THE APPLICATION)
OF FRANK M. LOOSLEY FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE OF)
WATER FROM SUCKER CREEK.)

O R D E R
APPROVING APPLICATION

On April 14, 1958, Frank M. Loosley of Route 1, Box 284, Cave Junction, Oregon, 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.

The supplemental findings of fact and order of determination of the State Water Board, entered November 19, 1919, in the matter of the determination of the relative rights of the various claimants to the use of the waters of Sucker Creek, a tributary of the Illinois River, as confirmed by decree of the Circuit Court for Josephine County, entered May 25, 1923, established a water right in the name of Christiana Trefethen for the irrigation of 8.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 39 South, Range 7 West, W. M., from Sucker Creek with a date of priority of 1908.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, 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 said section provides notice is not required on an application for a change in place of use of water only.

Mr. George W. Thrasher, Watermaster of District No. 16, 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 from Sucker Creek may be made without injury to existing rights, the application should be approved.

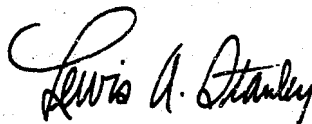
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Sucker Creek be and the same is approved and that the water right hereinbefore described as appurtenant to 8.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 39 South, Range 7 West, W. M., with a date of priority of 1908 be severed therefrom and simultaneously and without loss of priority transferred to 5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 39 South, Range 7 West, W. M.

It is FURTHER ORDERED that the said water so transferred shall be applied to beneficial use on or before October 1, 1959 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificate of water right heretofore issued to Christiana Trefethen and recorded at page 7156, Volume 7, State Record of Water Right Certificates, which certificate covers, among other lands, the lands from which the water is being transferred, be and the same hereby is canceled and that in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and that 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 Frank M. Loosley or his successor in interest, covering the lands involved in this proceeding, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon this 30th day of April 1958.

Noted on Decree
Vol. 5 p. 399
Cert. #7156



LEWIS A. STANLEY
State Engineer