

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF ETZEL BROTHERS FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM NORTH FORK VALENTINE CREEK)

ORDER APPROVING
TRANSFER NO. 2714

On September 18, 1972, Etzel Brothers filed an application in the office of the State Engineer for the approval of a change in place of use of water from North Fork Valentine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Etzel Brothers and recorded at page 29655, Volume 21, State Record of Water Right Certificates, confirms a right to the use of 0.47 cubic foot per second of water from North Fork Valentine Creek for the irrigation of 0.5 of an acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 24.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 12.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 9 South, Range 1 East, W.M., with a date of priority of February 25, 1957.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 22.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 9 South, Range 1 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. Gene McGinnis, Watermaster of District No. 2, 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 0.5 of an acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 24.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 12.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 9 South, Range 1 East, W.M., with a date of priority of February 25, 1957, be severed therefrom and simultaneously and without loss of priority, transferred to 22.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 9 South, Range 1 East, W.M.

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 Etzel Brothers and recorded at page 29655, Volume 21, 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 Etzel Brothers confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 8th day of January, 1973.


CHRIS L. WHEELER
State Engineer