

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF OGDEN L. AND RODNA M. SHUTES FOR
THE APPROVAL OF A CHANGE IN PLACE OF
USE OF WATER FROM NEIL CREEK

ORDER APPROVING
TRANSFER NO. 3471

On August 27, 1976, Ogden L. and Rodna M. Shutes filed an application for transfer of water right in the office of the Water Resources Director proposing a change in place of use under an existing right of record to appropriate not to exceed 0.02 cubic foot per second of water from Neil Creek, with a date of priority of 1861, at a point of diversion located 700 feet North and 1370 feet East from the Southwest corner of Section 30, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 39 South, Range 2 East, W.M., for the irrigation of 1.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30, being a portion of the right evidenced by the certificate recorded at Page 15963, Volume 13, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to sever the water right therefrom and simultaneously and without loss of priority transfer the right to irrigation of another 1.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 39 South, Range 2 East, W.M.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

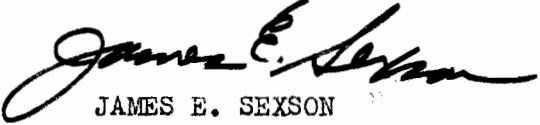
No objection having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use of water is approved.

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 the certificate of water right heretofore issued to R. C. Avent and recorded at Page 15963, Volume 13, 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 Ogden L. and Rodna M. Shutes confirming the change in place of use.

Dated at Salem, Oregon, this 13th day of September, 1976.


JAMES E. SEXSON
Director