

BEFORE THE STATE ENGINEER OF OREGON

Lake County

IN THE MATTER OF THE APPLICATION)
OF HUMBLE OIL AND REFINING COMPANY)
FOR THE APPROVAL OF A CHANGE IN)
USE, PLACE OF USE AND POINT OF)
DIVERSION OF WATER FROM CHEWAUCAN)
RIVER)

O R D E R

APPROVING APPLICATION

On October 16, 1961, the Humble Oil and Refining Company of Chico, California, filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from Chewaucan River pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Lake County, entered December 2, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Chewaucan River and its Tributaries, a water right was established in the name of M. H. Lauritzen for the irrigation of, among other lands, 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 33 South, Range 19 East, W. M., from Chewaucan River, with a date of priority of 1878. Subsequently, on November 7, 1960, the State Engineer entered an order approving an application of the Humble Oil and Refining Company wherein 1.0 acre of the water right above described was transferred to the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 36 South, Range 18 East, W. M., for industrial purposes and the point of diversion was changed to a point located 300 feet South and 2700 feet East from the northwest corner of Section 7, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 36 South, Range 18 East, W. M. Said order also provided for the cancelation of the Certificate of Water Right covering the land from which the water was transferred and the issuance of two new certificates, one to cover the lands not involved in the transfer and the other to be issued to Humble Oil and Refining Company confirming the industrial right to the use of water. At the time of filing the application to change the use from industrial to irrigation use such certificates had not been issued.

The applicant herein, owner of the water right above described for industrial purposes in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 36 South, Range 18 East, W. M., proposes to transfer the water right therefrom, without loss of priority, to that of irrigation of 1 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 33 South, Range 19 East, W. M., and to irrigate said one acre through the Innis Slough, the point of diversion of said slough being located 1325 feet North and 1580 feet East from the W $\frac{1}{4}$ corner of Section 19, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 19, Township 33 South, Range 19 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, place of use and point of diversion of water, if any there were, namely: at the county courthouse at Lakeview, Oregon, on December 20, 1961, at 9:30 o'clock a.m. The notice was published in the Lake County Examiner, a newspaper printed and having general circulation in Lake County, Oregon, for a period of three weeks in the issues of October 26, November 2 and 9, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Glenn Tyler, Watermaster of District No. 12, has filed a statement to the effect that the proposed change in use, place of use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use, place of use and point of diversion of water may be made without injury to existing rights, the application should be approved. Since no certificates were issued pursuant to the provisions of the order entered November 7, 1960, it will not be necessary to issue any new certificates of water right.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use and place of use of water be and the same is hereby approved, and that the water right hereinbefore described as appurtenant to the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 36 South, Range 18 East, W. M., with a date of priority

of 1878, for industrial purposes, be severed therefrom and simultaneously and without loss of priority transferred to 1.0 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 33 South, Range 19 East, W. M., for irrigation.

It is FURTHER ORDERED that the proposed change in point of diversion of water from the Chewaucan River, to-wit:

From a point 300 feet south and 2700 feet East from the northwest corner of Section 7, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 36 South, Range 18 East, W. M.

To a point to be located 1325 feet North and 1580 feet east from the W $\frac{1}{4}$ corner of Section 19, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 19, Township 33 South, Range 19 East, W. M.

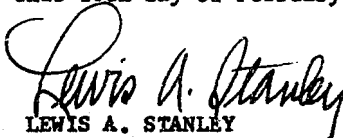
for the irrigation of 1.0 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 33 South, Range 19 East, W. M., be and the same is hereby approved.

It is FURTHER ORDERED that the quantity of water heretofore used for industrial purposes and by this order transferred to irrigation of 1.0 acre shall be limited to a maximum diversion of 1/25 cubic foot per second, beginning January 1 and ending on July 1 of each year, and the total quantity diverted during said period shall not exceed 4.4 acre feet measured at the point of diversion.

It is FURTHER ORDERED that no time need be fixed for complete application of water to beneficial use as the water is now being applied beneficially on the lands to which it is transferred hereby.

Dated at Salem, Oregon, this 16th day of February, 1962.

*Noted on Decree
Vol. 2, p. 290
Cert. # 3663*


LEWIS A. STANLEY
State Engineer