

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF EUGENE D. AND JANET L. WARRICK)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM LITTLE)
BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 2493

On January 25, 1971, Eugene D. and Janet L. Warrick filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered August 15, 1949, In the Matter of the Determination of the Relative Rights to the use of the Waters of Little Butte Creek, a water right was established in the name of Little Butte Irrigation Co. for the use of the waters of Little Butte Creek for the irrigation of, among other lands, 4.9 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 34.4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1883.

By an order dated March 7, 1966 the State Engineer approved a change of place of use of the above described rights to, among other lands, 5.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 35 South, Range 1 West, W.M. Proof to the satisfaction of the State Engineer of beneficial use of water for irrigation of this tract has been received.

Eugene D. and Janet L. Warrick, owners of 5.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 35 South, Range 1 West, W.M., more explicitly described as within Lot 11, Mountain View Tract #1

propose to transfer the water right therefrom without loss of priority to 0.8 acres in NW¼ SW¼, Section 3, and 4.3 acres in NE¼ SE¼, Section 4, Township 36 South, Range 1 West, 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. David C. Hendrix, Watermaster of District No. 13, 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.

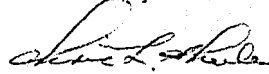
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.1 acres in SW¼ NW¼, Section 35, Township 35 South, Range 1 West, W.M., with a date of priority of 1883, be severed therefrom and simultaneously and without loss of priority transferred to 0.8 acre in NW¼ SW¼, Section 3, and 4.3 acres in NE¼ SE¼, Section 4, Township 36 South, Range 1 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that the lands involved in this proceeding not be included in the certificate confirming the changes approved by a Special Order of the State Engineer entered March 7, 1966 and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in place

of use of water a certificate of water right be issued to Eugene D. and Janet L. Warrick confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 18th day of February, 1972.



CHRIS L. WHEELER
State Engineer

Noted on Decree V.14, p 520

and Cert. # 29368