

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF WHITLATCH-STUART AND SONS, INC.)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM WILLA-)
METTE RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. W-106

On June 11, 1964, Whitlatch-Stuart and Sons, Inc. of Salem, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to H. C. Wilcox and recorded at page 30203, Volume 22, State Record of Water Right Certificates, confirms a right to the use of the waters of Willamette River for the irrigation of, among other lands, 0.5 acre in Lot 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 24.0 acres in Lot 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and 4.0 acres in Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 9 and 12.0 acres in Lot 8 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 32.0 acres in Lot 8 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, Township 6 South, Range 3 West, W.M., with a date of priority of June 29, 1956.

The applicant herein, contract purchaser of 36.5 acres of the land above described, to-wit: 0.5 acre in Lot 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), 24.0 acres in Lot 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and 4.0 acres in Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 9 and 3.0 acres in Lot 8 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 5.0 acres in Lot 8 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, proposes to transfer the water right therefrom without loss of priority to 11.0 acres in Lot 8 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 3.5 acres in Lot 7 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), 6.0 acres in Lot 8 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), 8.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.0 acres in Lot 7 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, Township 6 South, Range 3 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 only.

Howard C. and Kathryn Wilcox, legal owners of the land from which it is proposed to transfer water, have submitted written approval to the change in place of use of water.

Mr. Myron V. Bish, Watermaster of District No. 1, has filed a report 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.

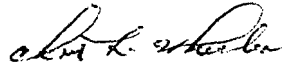
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and that the water right hereinbefore described as appurtenant to 0.5 acre in Lot 6 (NE $\frac{1}{2}$ SW $\frac{1}{2}$), 24.0 acres in Lot 5 (SE $\frac{1}{2}$ SW $\frac{1}{2}$) and 4.0 acres in Lot 5 (SW $\frac{1}{2}$ SE $\frac{1}{2}$), Section 9 and 3.0 acres in Lot 8 (NW $\frac{1}{2}$ NE $\frac{1}{2}$) and 5.0 acres in Lot 8 (NE $\frac{1}{2}$ NW $\frac{1}{2}$), Section 16, Township 6 South, Range 3 West, W.M., with a date of priority of June 29, 1956, be severed therefrom and simultaneously and without loss of priority transferred to 11.0 acres in Lot 8 (NW $\frac{1}{2}$ NE $\frac{1}{2}$), 3.5 acres in Lot 7 (SW $\frac{1}{2}$ NE $\frac{1}{2}$), 6.0 acres in Lot 8 (NE $\frac{1}{2}$ NW $\frac{1}{2}$), 8.0 acres in the NW $\frac{1}{2}$ NW $\frac{1}{2}$ and 8.0 acres in Lot 7 (SE $\frac{1}{2}$ NW $\frac{1}{2}$), Section 16, Township 6 South, Range 3 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965, 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 H. C. Wilcox and recorded at page 30203, Volume 22, 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 State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Whitlatch-Stuart and Sons, Inc. to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 12th day of August, 1964.

Noted on records
App. # 30901
Jord. # 30203


CHRIS L. WHEELER
State Engineer