

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF JOSEPH SERRES FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM AN UNNAMED STREAM,)
PUDDING RIVER, AND RESERVOIR)

ORDER APPROVING
TRANSFER NO. 2461

On November 13, 1970, Joseph Serres filed an application in the office of the State Engineer for the approval of a change in place of use of water from an unnamed stream, Pudding River, and reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Joseph Serres and recorded at page 24376, Volume 17, State Record of Water Right Certificates, confirms a right to the use of 0.57 cubic foot per second of water from an unnamed stream when available and 1.5 cubic feet per second of water from Pudding River, any deficiency in supply in an unnamed stream to be made up by diversion from Pudding River for the irrigation of, among other lands, 4.6 acres in SE¼ NE¼, Section 17, Township 5 South, Range 1 West, W.M., with dates of priority of June 23, 1949, and October 28, 1949.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 4.6 acres in NE¼ SE¼, Section 17, Township 5 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. Clayton J. Gardner, Watermaster of District No. 1, 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 4.6 acres in SE¼ NE¼, Section 17, Township 5 South, Range 1 West, W.M., with dates of priority of June 23, 1949, and October 28, 1949, be severed therefrom and simultaneously and without loss of priority, transferred to 4.6 acres in NE¼ SE¼, Section 17, Township 5 South, Range 1 West, W.M.

It is FURTHER ORDERED that no time need be fixed for completion as the change in place of use is completed.

The right to the use of 0.08 cubic foot per second of water for the irrigation of 7.6 acres being part of that described in the certificate recorded at page 24376 was canceled by an order of the State Engineer entered February 12, 1971.

It is FURTHER ORDERED that certificate of water right heretofore issued to Joseph Serres and recorded at page 24376, Volume 17, 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 Joseph Serres confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding and excluding that right canceled by the order entered February 12, 1971.

Dated at Salem, Oregon, this 12th day of March, 1971.


CHRIS L. WHEELER
State Engineer