

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF R. F. REPINE FOR THE APPROVAL )  
OF A CHANGE IN USE OF WATER FROM )  
BATTLE CREEK. )  
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O R D E R  
APPROVING APPLICATION

On April 6, 1960, R. F. Repine of Route 4, Box 88, Salem, Oregon, filed an application in the office of the State Engineer for the approval of a change in use of water from Battle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Clyde J. Boyce and recorded at page 10877, Volume 10, State Record of Water Right Certificates, confirms a right under Permit No. 10385 to the use of 0.5 cubic foot per second of water from Battle Creek for domestic use, garden irrigation and supply for frog ponds in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 8 South, Range 3 West, W. M., with a date of priority of October 13, 1931.

The applicant herein, owner of the lands above described, proposes to change the character of use of water to that of irrigation of 7 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 8 South, Range 3 West, W. M., the quantity of water not to exceed 0.0125 cubic foot per second per acre.

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 of water, if any there were, namely: at the county courthouse in Salem, Oregon, on June 8, 1960, beginning at 9:30 o'clock a.m. The notice was published in the Oregon Statesman, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of April 13, 20, and 27, 1960. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Floyd Siegmund, Watermaster of District No. 25, has filed a statement to the effect that the proposed change in use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 character of use of water from Battle Creek from domestic use, garden irrigation and supply for frog ponds in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 8 South, Range 3 West, W. M., to that of irrigation of 7 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 8 South, Range 3 West, W. M., the quantity of water not to exceed one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated, and further limited to a diversion not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season, be and the same is approved.

It is FURTHER ORDERED that the change in use of water from Battle Creek shall be made on or before October 1, 1961, 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 Clyde J. Boyce and recorded at page 10877, Volume 10, State Record of Water Right Certificates, be and the same hereby is canceled and that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use to the purpose for which the water is transferred hereby, certificate of water right shall be issued to R. F. Repine, or his successors in interest, to the extent to which water has been applied beneficially, not exceeding the limitation allowed herein.

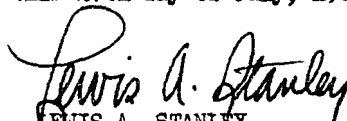
Dated at Salem, Oregon, this 27th day of July, 1960.

*Notation made on records.*

*App. # 14360*

*Cont. # 10877*

*Trsf. = R-61*

  
LEWIS A. STANLEY  
State Engineer