

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF GEORGE G. WHITE FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM BUTTE CREEK)

ORDER APPROVING
Transfer 3038

On May 13, 1974, George G. White filed an application in the office of the State Engineer for the approval of a change in place of use of water from Butte Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to George G. White and recorded at page 24551, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.75 cubic feet per second of water from Butte Creek for the irrigation of, among other lands, 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 12.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 East, W.M., with a date of priority of June 11, 1954. These lands are irrigated from a point of diversion located 1800 feet North and 530 feet East from the Southwest corner of Section 5, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 6 South, Range 1 East, W.M.

On March 6, 1973, an order was entered approving a change in place of use wherein certificate of water right issued in the name of George G. White and recorded at page 24551, Volume 17, State Record of Water Right Certificates, was canceled and provided for the issuance of a certificate confirming the extent to which the water had been applied beneficially and covering the balance of the lands not involved in that proceeding.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 13.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 East, 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. E. Michael Ricks, Watermaster of District No. 16, 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.

The Federal Land Bank, as mortgage holder, has submitted written approval of this proposed change in place of use.


No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 12.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 East, W.M., with a date of priority of June 11, 1954, be severed therefrom and simultaneously and without loss of priority transferred to 13.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that no certificate be issued as provided by the order entered March 6, 1973, 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 George G. White confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 31st day of May, 1974.


CHRIS L. WHEELER
State Engineer