

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF A. C. VOTH FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM RICKREALL CREEK)

ORDER APPROVING
TRANSFER NO. V-30

On February 16, 1967, A. C. Voth filed an application in the office of the State Engineer for the approval of a change in place of use of water from Rickreall Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Frank Wall and recorded at page 15387, Volume 13, State Record of Water Right Certificates, confirms a right for the use of the waters of Rickreall Creek for the irrigation of, among other lands, 3.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 1.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 7 South, Range 5 West, W.M., with a date of priority of June 11, 1938.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority to 2.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, and 2.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 7 South, Range 5 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.

Mr. Ralph H. Jackson, Watermaster of District No. 2, 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 the water right hereinbefore described as appurtenant to 3.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 1.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 7 South, Range 5 West, W.M., with a date of priority of June 11, 1938, be severed therefrom and simultaneously and without loss of priority transferred to 2.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, and 2.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 7 South, Range 5 West, W.M.

It is FURTHER ORDERED that the quantity of water diverted from Rickreall Creek for the irrigation of these lands shall not exceed 0.06 cubic foot per second, and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1968.

It is FURTHER ORDERED that certificate of water right heretofore issued to Frank Wall and recorded at page 15387, Volume 13, 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 completion of the authorized change in place of use, a certificate of water right shall be issued to A. C. Voth confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 9th day of March, 1967.


CHRIS L. WHEELER
State Engineer