

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF JOHN N. WINTON FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM ROGUE RIVER AND)
CANCELANON OF A CERTIFICATE OF)
WATER RIGHT RECORDED AT PAGE)
20209, VOLUME 14.)
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O R D E R

APPROVING APPLICATION AND
CANCELING CERTIFICATE

On February 23, 1961, John N. Winton of Eagle Point, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John N. Winton and recorded at page 20209, Volume 14, State Record of Water Right Certificates, confirms a right under Permit No. 19542 to the use of the waters of Rogue River for the irrigation of, among other lands, 5.1 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 34.65 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 17.15 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 36 South, Range 1 West, W. M., and the supplemental irrigation of 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6 and 20.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 14.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 36 South, Range 1 West, W. M., with a date of priority of June 5, 1950.

The applicant has transferred the primary right from the land to which the supplemental right above described was appurtenant and has filed an affidavit that the right to the use of water for supplemental irrigation of said land has been abandoned and requests that the right to the use of water for said supplemental irrigation be canceled.

The applicant herein, owner of 45 acres of the land above described, to-wit: 5.1 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 34.65 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.25 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 36 South, Range 1 West, W. M., proposes to transfer the water right therefrom, without loss of priority, to

10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6 and 20.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 14.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 36 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 said section provides notice is not required on application for a change in place of use of water only.

Mr. David C. Hendrix, Watermaster of District No. 15, 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, and it appearing that the right to the use of water for supplemental irrigation of the aforementioned lands has been abandoned, the certificate should be canceled.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same is approved and that the water right hereinbefore described as appurtenant to 5.1 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 34.65 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.25 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 36 South, Range 1 West, W. M., with a date of priority of June 5, 1950, be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, and 20.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 14.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 36 South, Range 1 West, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1962, 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 John N. Winton and recorded at page 20209, Volume 14, State Record of Water Right Certificates, be and the same hereby is canceled and that in lieu thereof a new certificate be issued covering the balance of the lands

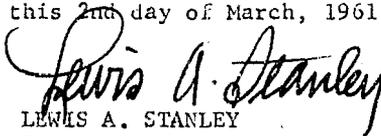
not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to John N. Winton to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 2nd day of March, 1961.

Notation made on records

App. # 24816

Cert. # 20209



LEWIS A. STANLEY
State Engineer

Trsf. "W-83"