

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION)
OF CARL F. RUTSCHMAN FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. R-103

On February 27, 1968, Carl F. Rutschman filed an application in the office of the State Engineer for the approval of a change in place of use of water from a reservoir constructed under permit No. R-2116, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Carl F. Rutschman and recorded at page 31316, Volume 23, State Record of Water Right Certificates, confirms a right to the use of 0.38 cubic foot per second of the waters of Palmer Creek and water stored in a reservoir constructed under permit No. R-2116 for irrigation of 1.4 acres in NW¼ NE¼, 20.0 acres in SW¼ NE¼, 0.2 acre in SE¼ NE¼, 0.8 acre in NE¼ NW¼, and 8.0 acres in SE¼ NW¼, Section 28, Township 4 South, Range 3 West, W.M., with a date of priority of February 3, 1958.

The applicant herein, owner of the lands above described, proposes to transfer the water right to the use of the water stored in the reservoir therefrom, without loss of priority, to 9.4 acres in SW¼ NE¼, 0.4 acre in SE¼ NE¼, 3.4 acres in SE¼ NW¼, 2.6 acres in NE¼ SW¼, 0.2 acre in NE¼ SE¼, and 14.4 acres in NW¼ SE¼, Section 28, Township 4 South, Range 3 West, W.M. for supplemental irrigation. These lands are covered by a right to the use of the waters of Palmer Creek as confirmed by certificate of water right and recorded at page 31824, Volume 23, State Record of Water Right Certificates.

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. 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.

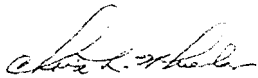
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described for the use of 6.0 acre feet of water stored in a reservoir constructed under permit R-2116 appurtenant to 1.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.8 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 8.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 4 South, Range 3 West, W.M., with a date of priority of February 3, 1958, be severed therefrom and simultaneously and without loss of priority transferred to 9.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 14.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 4 South, Range 3 West, W.M. for supplemental irrigation.

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 Carl F. Rutschman and recorded at page 31316, Volume 23, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the use of the waters of Palmer Creek which is 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 Carl F. Rutschman confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 18th day of March, 1968.


CHRIS L. WHEELER
State Engineer