

BEFORE THE STATE ENGINEER OF OREGON

Lake County

IN THE MATTER OF THE APPLICATION )  
OF HUMBLE OIL AND REFINING COMPANY)  
FOR THE APPROVAL OF A CHANGE IN )  
USE, PLACE OF USE AND POINT OF )  
DIVERSION OF WATER FROM CHEWAUCAN )  
RIVER. )  
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O R D E R  
APPROVING APPLICATION

On August 10, 1960, the Humble Oil and Refining Company of P. O. Box 997, Chico, California, filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from Chewaucan River pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Lake County, entered December 2, 1916, in the matter of the determination of the relative rights to the use of the waters of the Chewaucan River and its tributaries, a water right was established in the name of M. H. Lauritzen for the irrigation of, among other lands, 40 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 33 South, Range 19 East, W. M., from Chewaucan River, with a date of priority of 1878. These lands are irrigated through the Innis Slough, the point of diversion of said slough being located 1325 feet north and 1580 feet east from the W $\frac{1}{2}$  corner of Section 19, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 19, Township 33 South, Range 19 East, W. M. The right to the use of water from Chewaucan River for the irrigation of these lands is limited to a rate of flow of 1/25 of 1.0 cubic foot per second per acre and the quantity of water diverted during the irrigation season from January 1 to July 1 of each year is limited to a diversion not to exceed 4.4 acre feet.

The applicants herein, owners of 1.0 acre of the land above described, propose to transfer the water right therefrom, without loss of priority, to the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 18, Township 36 South, Range 18 East, W. M., for industrial purposes, and to convey the water to the premises to which the water is transferred by means of a pipeline, the point of diversion of said pipeline to be located 300 feet south and 2700 feet east from the northwest corner of Section 7, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, Township 36 South,

Range 18 East, W. M.

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, place of use and point of diversion of water, if any there were, namely: at the county courthouse in Lakeview, Oregon, on October 19, 1960, beginning at 9:30 o'clock a.m. The notice was published in the Lake County Examiner, a newspaper printed and having general circulation in Lake County, Oregon, for a period of three weeks in the issues of August 25, September 1 and 8, 1960. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Glenn Tyler, Watermaster of District No. 18, has filed a statement to the effect that the proposed change in use, place of use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use, place of use and point of diversion 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 use and place of use of water be and the same is hereby approved, and that the water right hereinbefore described as appurtenant to 1.0 acre in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 33 South, Range 19 East, W. M., with a date of priority of 1878, for irrigation, be severed therefrom and simultaneously and without loss of priority transferred to the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 18, Township 36 South, Range 18 East, W. M., for industrial purposes.

It is FURTHER ORDERED that the proposed change in point of diversion of water from the Chewaucan River, to-wit:

From a point 1325 feet north and 1580 feet east from the W $\frac{1}{2}$  corner of Section 19, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 19, Township 33 South, Range 19 East, W. M.

To a point to be located 300 feet south and 2700 feet east from the northwest corner of Section 7, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, Township 36 South, Range 18 East, W. M.

for industrial purposes in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 18, Township 36 South, Range 18 East, W. M., be and the same is hereby approved.

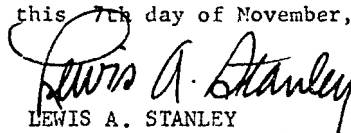
It is FURTHER ORDERED that the quantity of water heretofore used for the irrigation of 1.0 acre described above and by this order transferred to industrial purposes, shall be limited to a maximum diversion of 1/25 cubic foot per second, beginning January 1 and ending on July 1 of each year, and the total quantity diverted during said period shall not exceed 4.4 acre feet measured at the point of diversion.

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use by the Humble Oil and Refining Company 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 M. H. Lauritzen and recorded at Volume 4, Page 3663, State Record of Water Right Certificates, which certificate covers, among other lands, the lands from which the water is being transferred, be and the same hereby is cancelled 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 Humble Oil and Refining Company covering the lands involved in this proceeding, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 7th day of November, 1960.

*Noted on Decree  
Vol. 2, p. 290  
Cert. #3663*

  
LEWIS A. STANLEY  
State Engineer

*Trsf. "H-116"*