

BEFORE THE STATE ENGINEER OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION)
OF RUTH E. HUBBARD FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM MUDDY CREEK)

ORDER APPROVING
TRANSFER NO. H-170

On April 28, 1966, Ruth E. Hubbard filed an application in the office of the State Engineer for the approval of a change in place of use of water from Muddy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The water right involved is for the appropriation of not to exceed 0.75 cubic foot per second of water from Muddy Creek for the irrigation of, among other lands, 9.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 4.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and 8.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, 5.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 21.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 6.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 14 South, Range 5 West, W.M., with a date of priority of March 15, 1965. This right was acquired under the terms of permit No. 30302 in the name of Ruth E. Hubbard who completed and filed satisfactory proof of completion of the appropriation described above with the State Engineer on April 28, 1966. The balance of the right granted under the terms of permit No. 30302 is not involved herein.

Certificate of water right issued to E. F. Hubbard and recorded at page 23871, Volume 17, State Record of Water Right Certificates, confirms a right to the use of the waters of Muddy Creek for the irrigation of, among other lands, 0.5 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.1 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.7 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 16.1 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 7.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 14 South, Range 5 West, W.M., with a date of priority of February 17, 1950.

The applicant herein proposes to transfer the water right appurtenant to the lands above tabulated under permit No. 30302, without loss of priority, to 0.5 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.1 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.7 acres in the

NE $\frac{1}{4}$ SE $\frac{1}{4}$, 16.1 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 7.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 14 South, Range 5 West, W.M., and to transfer the water right appurtenant to the lands tabulated under certificate of water right recorded at page 23871, Volume 17, State Record of Water Right Certificates, without loss of priority, to 8.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 9.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, 5.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 21.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 6.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 14 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.

Federal Land Bank Association of Corvallis, mortgage holder of the lands above described, have submitted written approval to the proposed change in place of use of water.

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.

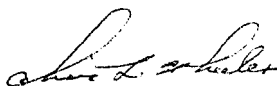
NOW, THEREFORE, it hereby is ORDERED that the proposed changes in places of use of water are approved and the water right hereinbefore described as appurtenant to 8.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 9.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, 5.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 21.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 6.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 14 South, Range 5 West, W.M., with a date of priority of March 15, 1965, be severed therefrom and simultaneously and without loss of priority transferred to 0.5 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.1 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.7 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 16.1 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 7.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 14 South, Range 5 West, W.M., and the water right hereinbefore described as appurtenant to 0.5 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$,

0.1 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.7 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 16.1 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 7.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 14 South, Range 5 West, W.M., with a date of priority of February 17, 1950, be severed therefrom and simultaneously and without loss of priority transferred to 8.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 9.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 4.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, 5.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 21.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 6.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 14 South, Range 5 West, W.M.

This being exchange of water rights, no time need be fixed for applying water to beneficial use.

It is FURTHER ORDERED that certificate of water right heretofore issued to E. F. Hubbard and recorded at page 23871, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof certificates be issued covering the balance of the lands not involved in this proceeding and confirming the authorized change in place of use of water, and that certificate of water right shall be issued to Ruth E. Hubbard confirming said changes in place of use of water under the terms of permit No. 30302 for irrigation of the above described lands and for the balance of the lands involved under proof of appropriation of water previously submitted.

Dated at Salem, Oregon this 3rd day of May, 1966



CHRIS L. WHEELER
State Engineer