

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF JEANNE S. SAVAGE FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF
WATER FROM BEAR CREEK

ORDER APPROVING
TRANSFER NO. 2785

On April 4, 1973, Jeanne S. Savage filed an application in the office of the State Engineer for the approval of a change in place of use of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to R. A. Pierce and recorded at page 1056, Volume 2, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.36 cubic foot per second of water from Bear Creek for the irrigation of, among other lands, 13.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 4.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 2 West, W.M., with a date of priority of September 6, 1911. These lands are irrigated from a point of diversion located 99 feet North and 1428 feet East from the Southwest corner of Section 21, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 2 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 9.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, 4.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, and 1.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 36 South, Range 2 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.

Mr. David C. Hendrix, Watermaster of District No. 13, 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 13.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 4.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 36 South, Range 2 West, W.M., with a date of priority of September 6, 1911, be severed therefrom and simultaneously and without loss of priority transferred to 9.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, 4.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, and 1.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 36 South, Range 2 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to R. A. Pierce and recorded at page 1056, Volume 2, 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 or proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Jeanne S. Savage confirming the extent to which the water has been applied beneficially and covering the balance of the right which was not involved in this proceeding.

Dated at Salem, Oregon, this 8th day of January, 1974.


CHRIS L. WHEELER
State Engineer