

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )  
OF OLSON-LAWYER LUMBER, INC. FOR )  
THE APPROVAL OF A CHANGE IN PLACE)  
OF USE OF WATER FROM MILL CREEK )  
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O R D E R

APPROVING APPLICATION

On May 23, 1962, Olson-Lawyer Lumber, Inc. of Medford, Oregon filed an application in the office of the State Engineer for the approval of a change in place of use of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ross Lumber Company and recorded at page 27741, Volume 19, State Record of Water Right Certificates, confirms a right under Permit No. 14809 to the use of 1.0 cubic foot per second of the waters of Mill Creek, being 0.6 cubic foot per second for steam boiler, 0.29 cubic foot per second for mill pond and 0.11 cubic foot per second for domestic purposes for 10 families within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 10, Township 33 South, Range 2 East, W. M., with a date of priority of March 19, 1941.

The applicant herein, owner of the water right above described, proposes to change the place of use for domestic supply for 7 families located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 10, Township 33 South, Range 2 East, W. M., without loss of priority to domestic use of 5 families located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 10, and 2 families located partially within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and partially within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 10.

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 an application for a change in place of use of water only.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in place of use 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 proposed change in place of use of water be and the same is approved and that the water right hereinbefore described as being for the domestic use of 7 families in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 10, Township 33 South, Range 2 East, W. M., with a date of priority of March 19, 1941, be severed therefrom and simultaneously and without loss of priority transferred to the domestic use of 5 families located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 10, and 2 families located partially within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and partially within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 10.

It is FURTHER ORDERED that the change in place of use shall be completed on or before October 1, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Olson-Lawyer Lumber, Inc. to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to Ross Lumber Company and recorded at page 27741, Volume 19, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 2nd day of July, 1962.

*Noted on records  
App. # 19216  
Cert. # 27741*

  
CHRIS L. WHEELER  
State Engineer