

BEFORE THE STATE ENGINEER OF OREGON

Lake County

IN THE MATTER OF THE APPROVAL )  
OF THE APPLICATION OF WARNER )  
VALLEY STOCK CO. FOR A CHANGE )  
IN PLACE OF USE OF WATER FROM )  
TWENTY MILE CREEK. )  
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O R D E R  
APPROVING APPLICATION

On February 1, 1954 the Warner Valley Stock Company of Adel, Oregon, filed an application for the approval of a change in place of use of water from Twenty Mile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Lake County, entered September 30, 1929, in the matter of the determination of the relative rights to the use of the waters of Warner Lakes and their tributaries, a water right was adjudicated in the name of Warner Valley Stock Company for the irrigation of, among other lands, 40 acres in the  $SE\frac{1}{4} SW\frac{1}{4}$ , 40 acres in the  $SW\frac{1}{4} SE\frac{1}{4}$  and 40 acres in the  $SE\frac{1}{4} SE\frac{1}{4}$ , Section 20, and 40 acres in the  $SW\frac{1}{4} SW\frac{1}{4}$  and 40 acres in the  $SE\frac{1}{4} SW\frac{1}{4}$ , Section 21, Township 40 South, Range 24 East, W. M., with a date of priority of 1900 from Twenty Mile Creek.

The applicant herein, owner of the lands above described, proposes to transfer the water rights appurtenant to 85.9 acres thereof, to-wit: 8.6 acres in the  $SE\frac{1}{4} SW\frac{1}{4}$ , 10.6 acres in the  $SW\frac{1}{4} SE\frac{1}{4}$  and 12.6 acres in the  $SE\frac{1}{4} SE\frac{1}{4}$ , Section 20, and 26.1 acres in the  $SW\frac{1}{4} SW\frac{1}{4}$  and 28 acres in the  $SE\frac{1}{4} SW\frac{1}{4}$ , Section 21, Township 40 South, Range 24 East, W. M., without loss of priority, to 21.9 acres in the  $SE\frac{1}{4} NE\frac{1}{4}$ , 20.6 acres in the  $NE\frac{1}{4} SE\frac{1}{4}$  and 0.3 acre in the  $SE\frac{1}{4} SE\frac{1}{4}$ , Section 24, Township 40 South, Range 23 East, W. M., and 4.5 acres in Lot 5 ( $SW\frac{1}{4} SW\frac{1}{4}$ ) and 1 acre in Lot 6 ( $SE\frac{1}{4} SW\frac{1}{4}$ ), Section 18, and 28.2 acres in Lot 5 ( $NW\frac{1}{4} NW\frac{1}{4}$ ), 8.7 acres in Lot 6 ( $SW\frac{1}{4} NW\frac{1}{4}$ ) and 0.7 acre in Lot 7 ( $NW\frac{1}{4} SW\frac{1}{4}$ ), Section 19, Township 40 South, Range 24 East, W. M.

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 applications for a change in place of use of water only.

From a report submitted by Phil M. Smith, Watermaster, District No. 18, it appears that the proposed change in place of use of water from Twenty Mile Creek may be made without injury to existing rights.

No objections having been filed and it appears 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 from Twenty Mile Creek be and the same hereby is approved and that the water rights hereinbefore described as appurtenant to 8.6 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 10.6 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 12.6 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 26.1 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 28 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 40 South, Range 24 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 21.9 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 20.6 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 0.3 acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, Township 40 South, Range 23 East, W. M., and 4.5 acres in Lot 5 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) and 1 acre in Lot 6 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 18, and 28.2 acres in Lot 5 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), 8.7 acres in Lot 6 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) and 0.7 acre in Lot 7 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 19, Township 40 South, Range 24 East, W. M.

It is FURTHER ORDERED that complete application of water to beneficial use on the land to which the water is transferred hereby shall be made on or before October 1, 1955 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 Warner Valley Stock Company or its successors in interest, to the extent to which the water has been applied beneficially and Certificate of Water Right heretofore issued to Warner Valley Stock Company and recorded at Page 9411, Volume 9, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 5th day of February 1954.

*Noted on Findings  
Vol. 9, p 333  
Cert. 9411  
W-65*

*Chas. E. Stricklin*  
CHAS. E. STRICKLIN  
State Engineer