

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF HARRY AND DAVID FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM BEAR CREEK)
-----)

O R D E R

APPROVING APPLICATION

On July 10, 1962, Harry and David 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 Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Harry and David and recorded at page 29798, Volume 21, State Record of Water Right Certificates, confirms a right to the use of the waters of Bear Creek for the irrigation of 5.7 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 12.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, and 1.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.9 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 38 South, Range 1 West, W. M., with a date of priority of February 17, 1917.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 14.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, and 0.6 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 38 South, Range 1 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.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report 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 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 Bear Creek be and the same is approved and that the water right hereinbefore described as appurtenant to 5.7 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 12.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14 and 1.2 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.9 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 38 South, Range 1 West, W. M., with a date of priority of February 17, 1917, be severed therefrom and simultaneously and without loss of priority transferred to 14.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, and 0.6 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 38 South, Range 1 West, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use 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 certificate of water right heretofore issued to Harry and David and recorded at page 29798, Volume 21, State Record of Water Right Certificates, be and the same hereby is canceled and that 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 Harry and David, or their successor in interest, to the extent to which the water has been applied beneficially.

Dated At Salem, Oregon, this 20th day of July, 1962.

Notes on records
App. # 5425
Cert. # 29798


CHRIS L. WHEELER
State Engineer