

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF JAMES W. PAYNE FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM SUCKER CREEK)

ORDER APPROVING
TRANSFER NO. P-103

On December 23, 1969, James W. Payne filed an application in the office of the State Engineer for the approval of a change in place of use of water from Sucker Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered May 27, 1913, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Sucker Creek and its Tributaries, a water right was established in the name of A. N. McVey for the irrigation of, among other lands, 23.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 12.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 4.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 39 South, Range 8 West, W.M., with a date of priority of 1858, as evidenced by certificate of water right recorded at page 7146, Volume 7, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 6.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 17.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 9.7 acree in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 5.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 39 South, Range 8 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. Robert B. Steimer, Watermaster of District No. 14, 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.

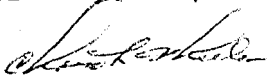
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 23.5 acres in SW~~X~~ SE~~X~~, 12.9 acres in SE~~X~~ SE~~X~~, Section 25, 2.0 acres in NE~~X~~ NE~~X~~, and 4.0 acres in NW~~X~~ NE~~X~~, Section 36, Township 39 South, Range 8 West, W.M., with a date of priority of 1858, be severed therefrom and simultaneously and without loss of priority transferred to 1.5 acres in NE~~X~~ SW~~X~~, 1.5 acres in SE~~X~~ SW~~X~~, 6.5 acres in NE~~X~~ SE~~X~~, 17.5 acres in NW~~X~~ SE~~X~~, 9.7 acres in SW~~X~~ SE~~X~~, and 5.7 acres in SE~~X~~ SE~~X~~, Section 25, Township 39 South, Range 8 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1971.

It is FURTHER ORDERED that certificate of water right heretofore issued to A. N. McVey and recorded at page 7146, Volume 7, 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 of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to James W. Payne confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 30~~th~~ day of September, 1970.


CHRIS L. WHEELER
State Engineer