

2847

Change in Place of Use
Date filed July 10, 1973
Date of hearing _____
Place of hearing _____
Date of order 9-24-73 Vol. 23, page 348
Date for application of water Oct. 1, 1974
Proof mailed _____
Proof received _____
Certificate issued FEB 4 1975 Vol. 33, page 416

Name of stream MILL Creek
Trib. of Pudding River County of MARION
Use Irrigation
Quantity of water No. of acres 100
Name of ditch
Date of priority Aug. 1, 1944
In name of Alfred Hanauka
..... Adjudication, Vol., page
App. No. 20363 Per. No. 15885 Cert. No. 15775
Certificate cancelled
Notation made on record by

Date	Amount	Receipt No.
7-10-73	25.00	35426
TOTAL . . .	1.50 Cert. Fee	44772

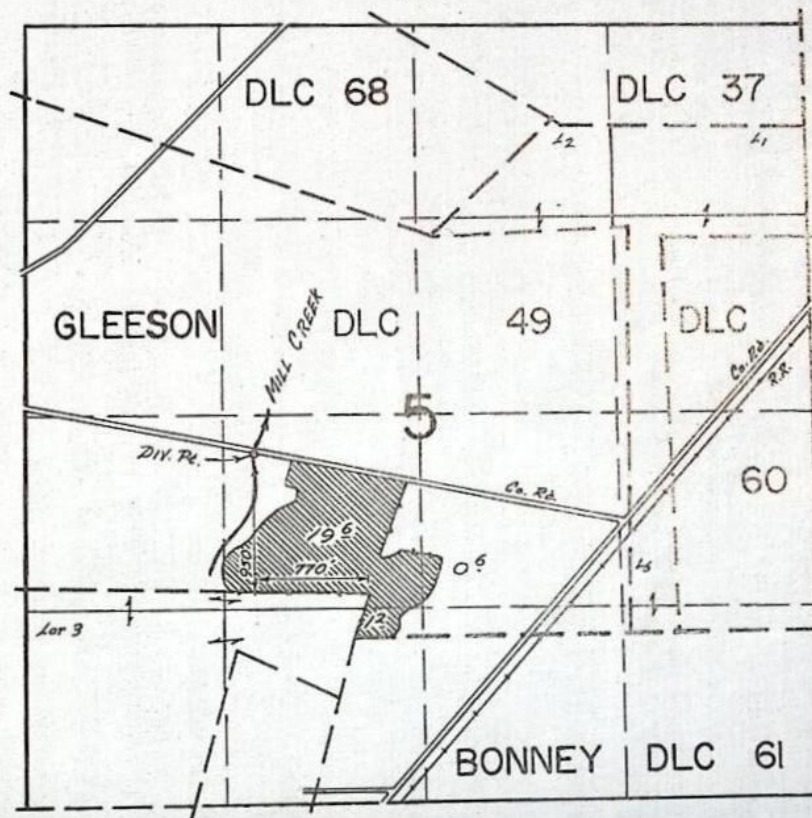
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SP*70822-119

738

T.5S. R.1 W. W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2847
Application No. _____ Permit No. _____
IN NAME OF

AMELIA HANAUSKA

Surveyed April 10, 1974, by T. J. PAUL

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION
OF AMELIA HANAUSKA FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF
WATER FROM MILL CREEK

ORDER APPROVING
TRANSFER NO. 2847

On July 10, 1973, Amelia Hanauska 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 Alfred Hanauska and recorded at page 15775, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.13 cubic foot per second of water from Mill Creek for the irrigation of, 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 5 South, Range 1 West, W.M., with a date of priority of August 1, 1944. These lands are irrigated from a point of diversion located 825 feet North, 550 feet West from the interior "L" corner on the south line of DLC No. 49, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 5 South, Range 1 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 9.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.8 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 5 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.

Mr. E. Michael Ricks, Watermaster of District No. 16, 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 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 5 South, Range 1 West, W.M., with a date of priority of August 1, 1944, be severed therefrom and simultaneously and without loss of priority transferred to 9.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.8 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 5 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, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Alfred Hanauska and recorded at page 15775, Volume 13, State Record of Water Right Certificates, is canceled, 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 Amelia Hanauska confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 24th day of September, 1973.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Amelia Hanauska
~~ALFRED HANAUSKA~~

Box 29
 of Route 1, Woodburn, State of Oregon 97071, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Mill Creek

a tributary of Pudding River for the purpose of
 irrigation of 10.0 ac.

under Permit No. 15885 of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from August 1, 1944

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes; and shall not exceed
 0.13 cubic foot per second

or its equivalent in case of rotation, measured at the point of ^{w/in} diversion from the stream.
 The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on ~~Patrick M.~~ Gleeson
 D.L.C. No. 49, Section 5, Township 5 South, Range 1 West, W. M.

950 ft. N. & 770 ft. W. from NE Cor Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec 5

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
 per acre, or its equivalent for each acre irrigated and shall be further limited
 to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated
 during the irrigation season of each year,

and shall
 conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
 appurtenant, is as follows:

9.6 ~~10.0~~ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on ^{both} w/in Gleeson D.L.C. No. 49,
0.4 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5,
 Township 5 South, Range 1 West, W. M.

This certificate is issued to confirm a change in Place of use approved by an
 order of the State Engineer entered Sept 24, 1973, and supersedes certificate of
 water right heretofore issued to Alfred Hanauska and recorded at page 15715,
 Volume 13, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
 use herein described.

WITNESS the signature of the State Engineer, affixed

this 30th day of June, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15775