

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF LE-RUE W. POLLOCK (WESTLAND)
IRRIGATION DISTRICT) FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM UMATILLA RIVER)

ORDER APPROVING
TRANSFER NO. 2348

On March 6, 1970, Le=Rue W. Pollock filed an application in the office of the State Engineer for the approval of a change in place of use of water from Umatilla River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 1916, In the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of Umatilla River and its Tributaries, a water right was adjudicated in the name of Western Land and Irrigation Company, now Westland Irrigation District, for the irrigation of, among other lands, 12.3 acres in the SW¹/₄ NE¹/₄ and 3.7 acres in the SE¹/₄ NW¹/₄, Section 30, Township 4 North, Range 28 East, W.M., from Umatilla River with a date of priority of July, 1907. These lands also have a supplemental right under permit No. 7400 to the use of water stored in McKay Reservoir with a date of priority of July 1, 1924.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 14.5 acres in NW¹/₄ SW¹/₄ and 1.5 acres in SW¹/₄ SW¹/₄, Section 30, Township 4 North, Range 28 East, 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.

The lands involved herein are within the boundaries of the Westland Irrigation District and the Westland Irrigation District, through its Secretary, has filed a statement approving the proposed change in place of use of water.

Farmers Home Administration, mortgagee of the land involved, has submitted written approval of the change in place of use of water.

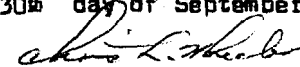
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 12.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 4 North, Range 28 East, W.M., with a date of priority of July, 1907, be severed therefrom and simultaneously and without loss of priority transferred to 14.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 4 North, Range 28 East, 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 upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right shall be issued to the Westland Irrigation District, or their successor in interest, to the extent to which the water has been applied beneficially, said certificate to be issued at the time certificates are issued confirming the inchoate rights allowed in the Umatilla River Adjudication proceedings.

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


CHRIS L. WHEELER
State Engineer