

BEFORE THE STATE ENGINEER OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF WARMSPRINGS IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER.)

O R D E R
APPROVING APPLICATION

The Warm Springs Irrigation District, on March 2, 1936, filed an application for the approval of a change in place of use of water from the Malheur River.

Decree of the Circuit Court for Malheur County, dated May 13, 1925, recognized a water right in the name of the Nevada Ditch Company for the irrigation of, among other lands, 35 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12 and 40 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, all in Township 18 South, Range 46 East, W. M., from the Malheur River with a date of priority of 1881.

The applicant herein, successor to the Nevada Ditch Company, proposes to transfer the water rights appurtenant to the above-described lands to 35 acres in the NE $\frac{1}{4}$ 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 $\frac{1}{4}$ of Section 11, Township 18 South, Range 46 East, W. M.

Notice, by publication, of filing application for such change in place of use of water is not required for only a change in place of use of water, and it appearing that the proposed change in place of use may be made without injury to existing rights,

NOW, THEREFORE, IT HEREBY IS ORDERED that the proposed change in place of use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 35 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, and 40 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, all in Township 18 South, Range 46 East, W. M.,

* NE SE.
See p. 407
this book

be severed therefrom and simultaneously, and without loss of priority, transferred to 35 acres in the NE $\frac{1}{4}$ 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 11, Township 18 South, Range 46 East, W.M.;

It is FURTHER ORDERED that the time limit for complete application of water to beneficial use be fixed as October 1, 1939; and

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use upon the lands to which the water right hereby is transferred, a certificate of water right shall be issued to the Warm Springs Irrigation District, and that certificate of water right issued by the State Engineer to the Nevada Ditch Company and recorded in the State Record of Water Right Certificates in Volume 7, page 6984, covering, among other lands, the lands from which the water is being transferred, shall be cancelled.

Dated at Salem, Oregon, this 9th day of March, 1937.

Notations made on records:

Decree, Vol. 8, p. 293, 294

Certificate No. 6984


CHAS. E. STRICKLIN

State Engineer