

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF C. H. HARRIS FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF )  
WATER FROM LITTLE WALLA WALLA AND )  
TUMALUM RIVERS )  
----- )

O R D E R  
APPROVING APPLICATION

On July 18, 1962, C. H. Harris of Pendleton, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Walla Walla and Tumalum Rivers, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Umatilla County, Oregon, entered May 16, 1932, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Walla Walla River and its Tributaries, a water right was established in the name of Milton-Freewater Hudson Bay Irrigation Company for the irrigation of, among other lands, 40 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32 and 18.3 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, all in Township 6 North, Range 35 East, W. M., with a date of priority of February 16, 1903.

The applicant herein, owner of 43.3 acres of the lands above described, to-wit: 25 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32, and 18.3 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, lying north and west of the OWRR& N Company railroad, proposes to transfer the water right therefrom, without loss of priority, to 20 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 5 North, Range 35 East, W. M., and 10 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 13.3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 6 North, Range 35 East, W. M., lying south and east of the O.W.R.R. & N. Company Railroad.

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.

The Hudson Bay District Improvement Company approved the proposed change in place of use of water on July 30, 1962.

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

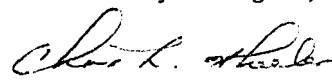
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same is approved and that the water right hereinbefore described as appurtenant to 25 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 32 and 18.3 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 6 North, Range 35 East, W. M., lying north and west of the O.W.R.R. & N. Company railroad, be severed therefrom and simultaneously and without loss of priority transferred to 20 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 5 North, Range 35 East, W.M., and 10 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 13.3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 6 North, Range 35 East, W. M., lying south and east of said O.W.R.R. & N. Company railroad.

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 upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Hudson Bay District Improvement Company, or their successor in interest, to the extent to which the water has been applied beneficially, and the certificate of water right heretofore issued to Milton-Freewater Hudson Bay Irrigation Company and recorded at page 13083, Volume 11, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 17th day of August, 1962.

*Noted on Decree  
Vol. 12 p. 210  
Cert. # 13083*

  
CHRIS L. WHEELER  
State Engineer