

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF C. F. HENRICHS FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF USE)
OF WATER FROM TUMALUM OR LITTLE)
WALLA WALLA RIVER.)
-----)

ORDER
APPROVING APPLICATION

On September 14, 1959, C. F. Henrichs of Route 2, Box 166A, Milton-Freewater, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalum or Little Walla Walla River 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 and Hudson Bay Irrigation Company for the irrigation of, among other lands, 39.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W. M., from Tumalum or Little Walla Walla River through the Hudson Bay ditch, with a date of priority of February 16, 1903.

The applicant herein, owner of the SE $\frac{1}{4}$ of the above described land, containing 10 acres, proposes to transfer the water right therefrom without loss of priority to 10 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 6 North, Range 35 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 only.

The Hudson Bay District Improvement Company, successor in interest to the Milton-Freewater and Hudson Bay Irrigation Company, has submitted written approval to 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 from Tumalum or Little Walla Walla River may be made without injury to existing rights, the application should be approved.

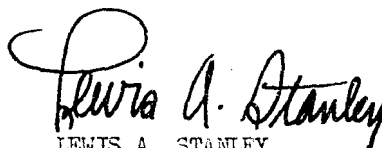
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same is approved and that the water right hereinbefore described as appurtenant to 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1960 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon the expiration of the time for the application of the water to beneficial use on the land to which the water is transferred hereby, or within such extension of time as may be granted by the State Engineer, certificate of water right issued to Milton-Freewater and Hudson Bay Irrigation Company and recorded at page 13083, Volume 11, State Record of Water Right Certificates, covering lands in addition to those involved in this proceeding shall be canceled and a new certificate shall be issued to Hudson Bay District Improvement Company, successor in interest to Milton-Freewater and Hudson Bay Irrigation Company, describing the lands not involved in this proceeding together with the lands to which the water was applied beneficially under this transfer.

Dated at Salem, Oregon, this 14th day of October, 1959.

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


LEWIS A. STANLEY
State Engineer