

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION OF)
VERNON E. BRUMBACH FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM LITTLE STREAM, A BRANCH OF TUMA-)
LUM RIVER PURSUANT TO THE PROVISIONS)
OF SECTION 116-606, O. C. L. A.)
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O R D E R

APPROVING APPLICATION

On March 25, 1946, Vernon E. Brumbach of Route 1, Milton, Oregon, filed an application for the approval of a change in place of use of water from Little Stream, a branch of Tualum River.

In the matter of the determination of the relative rights to the use of the water of Walla Walla River and its tributaries, a water right was recognized in the name of H. G. Hyde for the irrigation of 10.9 acres in the $S\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$, Section 36, Township 6 North, Range 35 East, W. M., with a date of priority of 1892. The water is now being used in that part of the $S\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ of said Section 36 lying West of a line running North and South 596 feet East of the line running North and South through the center of the $NE\frac{1}{4}$ of said section.

The applicant herein, owner of the $S\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ of said Section 36, proposes to transfer 7 acres of the water right appurtenant thereto, without loss of priority, to 7 acres in that part of the $S\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$, Section 36, Township 6 North, Range 35 East, W. M., lying East of a line running North and South 596 feet East of the line running North and South through the center of the $NE\frac{1}{4}$ of said Section 36.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required in applications for only a change in place of use of water.

Sam Atkins, owner of a mortgage on the land from which it is proposed to transfer the water, has submitted in writing his consent to the proposed transfer.

No objections having been filed and it appearing from a report submitted by Mr. Marvin B. Bennett, Watermaster of Umatilla County, 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 is hereby ORDERED that the proposed change in place of use of water be and the same hereby is approved and that the water rights hereinbefore described as appurtenant to 7 acres in that part of the $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 36 lying West of a line running North and South 596 feet East of the line running North and South through the center of the $NE\frac{1}{4}$ of said section in Township 6 North, Range 35 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 7 acres in that part of the $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, Section 36, Township 6 North, Range 35 East, W. M., lying East of a line running North and South 596 feet East of the line running North and South through the center of the $NE\frac{1}{4}$ of said Section 36.

It is FURTHER ORDERED that complete application of water to beneficial use on the lands to which the water is transferred hereby shall be made on or before October 1, 1947, or such extension of time as may be granted by the State Engineer for good cause shown.

Order of Decree

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 hereby is transferred, a certificate of water right shall be issued to Vernon E. Brumbach, or his successor in interest, to the extent to which the water has been applied beneficially, and certificate of water right recorded at page 12809, Volume 11, State Record of Water Right Certificates, shall be cancelled.

Dated at Salem, Oregon, this 23rd day of April, 1946.


CHAS. E. STRICKLIN
State Engineer

✓ Noted on Decree,
Vol. 12, p. 155 and
Cert. 12709.
(Trsf. No. B-43)