

Malheur County

IN THE MATTER OF THE APPLICATION)
 OF THE MALHEUR LAND COMPANY FOR)
 THE APPROVAL OF A CHANGE IN THE)
 PLACE OF USE OF WATER)
 -----)

ORDER

CANCELLED
 Case O. C. Vol. 5 Page 536

Now at this time this matter coming on for consideration by the State Engineer, and it appearing:

That the Malheur Land Company has succeeded to the water rights of certain individuals who were awarded a water right by the Circuit Court of the State of Oregon for Malheur County, dated January 28th, 1926, in the matter of the determination of the rights to the waters of Willow Creek and its tributaries, said water rights being awarded for the irrigation of the following described lands from the direct flow of said stream and storage of waters of Willow, Black, and Pole Creeks:

Subdivision	Sec.	Twp.	Range	O. W. Co. Stock	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	11	11
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	16	43	10	10
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	22	16	43	6.7	10
N $\frac{1}{2}$ SE $\frac{1}{4}$	16	16	43	53.6	80

That the petitioner herein is the owner in fee of all of the above described lands, and is the holder of the certificates of stock in the Orchards Water Company representing the shares of stock hereinabove enumerated;

That it is now proposed to transfer these water rights, without loss of priority, to the following described lands:

Notations made on
 Deeren Vol. 9, page 223, also
 Cor. No 8961, 8962

<u>Subdivision</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Range</u>	<u>O. W. Co. Stock</u>	<u>Acres</u>
NW $\frac{1}{4}$ SE $\frac{1}{4}$	4	16	43	15	15
NE $\frac{1}{4}$ SE $\frac{1}{4}$	4	16	43	15	15
SW $\frac{1}{4}$ NE $\frac{1}{4}$ (ex. 10 A. in NE corner)	30	15	43	5	5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	15	43	20	20
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	15	43	20	20
NE $\frac{1}{4}$ SW $\frac{1}{4}$	30	15	43	20	20
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30	15	43	20	20
All SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying NE of R.R. Except Lot 9, Block 26 Brogan	24	15	42	5	5
All NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying NE of R.R.	25	15	42	11.3	11.3
NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying NE of R.R.	32	15	43	10	10
SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying NE of R.R.	32	15	43	10	10
NE $\frac{1}{4}$ SW $\frac{1}{4}$	32	15	43	25	25
NW $\frac{1}{4}$ SE $\frac{1}{4}$	32	15	43	5	5

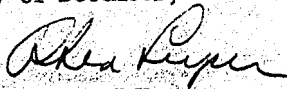
That an inspection of said lands has been made by a representative of the State Engineer, who has recommended that the transfer be made;

And it further appearing that the Orchards Water Company has given its consent to such transfer and that the change in place of use as proposed would enable the Malheur Land Company to make a more economical and beneficial use of the waters;

And it further appearing that the proposed change will cause no injury to the rights of other appropriators;

NOW, THEREFORE, it is hereby ORDERED that the proposed change be approved, provided that said water to be transferred is applied to the last above described lands within one year from the date of this order.

Dated at Salem, Oregon, this 12th day of December, 1929.


RHEA LUPER,
State Engineer.

*This order cancelled.
See Sp. Or. Vol. 5, p. 536*