

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION OF)
E. R. BURTIS FOR APPROVAL OF A CHANGE)
IN PLACE OF USE OF WATER FROM MALHEUR)
RIVER.)

O R D E R

APPROVING APPLICATION

On June 10, 1938, E. R. Burtis of Harper, Oregon, filed an application for the approval of a change in place of use of water from Malheur River.

There is a water right appurtenant to 25 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 31.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 19 South, Range 42 East, W. M., with a date of priority of 1889, by virtue of an order of the State Engineer, dated May 18, 1926, in the matter of the correction of the description of lands on which certain water from Malheur River and Warm Springs Creek shall be used by Pacific Livestock Company.

The applicant herein proposes to transfer 25 acres from the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 16 acres from the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 32, to 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 15 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12; 5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 11 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, all in Township 20 South, Range 41 East, W. M.

The Harper District Improvement Company having submitted its approval of the proposed transfer by resolution adopted April 30, 1938, it appears that such change in place of use of water can 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 the water rights hereinbefore described as appurtenant to 25 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 16 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 19 South, Range 42 East, W. M., with a priority of 1889, be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 15 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12; 5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 11 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, all in Township 20 South, Range 41 East, W. M.

It is FURTHER ORDERED that complete application of water to beneficial use upon said lands shall be made on or before October 1, 1939, or 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 upon the lands to which the water right is transferred hereby a certificate of water right shall be issued to the Pacific Livestock Company and that the certificate of water right heretofore issued to said Pacific Livestock Company and recorded in State Record of Water Right Certificates, Volume 7, Page 6989, shall be cancelled.

Dated at Salem, Oregon, this 16th day of June, 1938.


CHAS. E. STRICKLIN

State Engineer

*Notation made on
Cert. 6989 p 31 p 1
Decree Vol. 8, p 299, 304*