

Baker County.

IN THE MATTER OF THE APPLICATION)
 OF THE STATE LAND BOARD OF OREGON)
 AND OTHERS FOR THE APPROVAL OF A) ORDER
 CHANGE IN THE PLACE OF USE OF WATER.)

Now at this time this matter coming on for consideration by the State Engineer upon the applications of George W. Borton, and the State Land Board of Oregon, and it appearing:

That by decree of the Circuit Court of the State of Oregon for Baker County, dated March 18, 1918, water right was awarded in the name of H. A. Zulsdorf for the use of the waters of Powder River for the irrigation of 100 acres of land through the Wisdom-Chambers Ditch under priority of 1906, said land being described as follows: 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T. 8 S. R. 40 E. W. M.; that said lands are now owned by Lavinia Harris and husband, and are under contract to purchase by George W. Borton; that the State Land Board is the owner of 100 acres of land in the SE $\frac{1}{4}$ of Section 25, same township and range; that said petitioners now ask that the water right appurtenant to the first described land be transferred therefrom, and become appurtenant to said land owned by the State of Oregon; that arrangements have been made by the State to acquire sufficient interest in the ditch now serving the first described land, and to extend same so that its land may be properly served; and it further appearing that it has become impracticable to beneficially apply the water to the first described land on account of alkaline conditions which have developed, and that such change in the place of use of the water can be made without injury to other rights, NOW, THEREFORE, it is hereby ORDERED that said change be, and the same is hereby, approved, and that the water right as appurtenant to said lands in Section 35 is hereby trans-

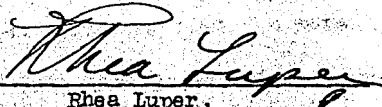
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ferred therefrom, and shall become appurtenant, without loss of the priority heretofore established, to the following lands, to-wit: 32 acres in NE $\frac{1}{4}$ SE $\frac{1}{2}$; 35 acres in NW $\frac{1}{4}$ SE $\frac{1}{2}$; 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{2}$; and 28 acres in SE $\frac{1}{4}$ SE $\frac{1}{2}$, Section 25, T. 8 S. R. 40 E. W. M. This approval is given and transfer allowed upon the following conditions, to-wit:

1. That this order shall not become operative until said George W. Borton has acquired full title to said land, which he has contracted to purchase from said Lavinia Harris and husband.

2. That the lands to which the water rights are transferred shall be fully reclaimed and the water beneficially applied thereon within five years from the date of this order; otherwise such right shall be considered as abandoned, and shall revert to the State of Oregon, and become subject to appropriation, as are other unappropriated waters in the State.

Dated this 3rd day of March, 1926, at Salem, Oregon.


Rhea Luper,
State Engineer.

(Notations made on Records)

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