

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF J. W. LIDSTROM FOR THE APPROVAL)
OF A CHANGE IN USE AND PLACE OF USE)
OF WATER FROM UMATILLA RIVER)

O R D E R
APPROVING APPLICATION

On August 11, 1954 J. W. Lidstrom of Prineville, Oregon, filed an application for the approval of a change in use and place of use of water from Umatilla River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 1916, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Waters of Umatilla River and Its Tributaries, a water right was adjudicated in the name of J. K. Bott for the irrigation of, among other lands, 7.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 8 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7 and 2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 2 North, Range 32 East, W. M., from Umatilla River with a date of priority of 1905.

The applicant herein, owner of the lands above described, proposes to discontinue the use of water for the irrigation of said lands and to transfer the water rights therefrom without loss of priority to the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 2 North, Range 32 East, W. M., for the operation of a log pond.

Notice by publication as provided by ORS 540.520 was given in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks, being the issues of September 3, 10 and 17, 1954. The time for hearing as fixed in the notice, namely: October 27, 1954, was not less than thirty days after the last publication of said notice.

Mr. M. J. Belton, Watermaster of District No. 5, has submitted a statement to the effect that this proposed change in use and place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use and place of use of water may be made without injury to existing rights, the application should be approved.

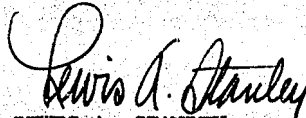
NOW, THEREFORE, it hereby is ORDERED that the proposed change in use and place of use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 7.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, and 2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 2 North, Range 32 East, W. M., with a date of priority of 1905 be severed therefrom and simultaneously and without loss of priority transferred to the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 2 North, Range 32 East, W. M., for the operation of a log pond.

It is FURTHER ORDERED that the quantity of water used for the operation of the log pond heretofore used for the irrigation of 47.5 acres shall be limited to the duty of water fixed for irrigation purposes by the Decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 1916, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Waters of Umatilla River and Its Tributaries, or such pro rata part thereof as is available, March 1st to November 1st of each year.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1955 or within 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 for the operation of a log pond in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 2 North, Range 32 East, W. M., Certificate of Water Right shall be issued to J. W. Lidstrom or his successor's in interest to the extent to which the water has been applied beneficially and Certificate of Water Right heretofore issued to J. K. Bott and recorded at page 2489, Volume 3, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 23rd day of November 1954.


LEWIS A. STANLEY
State Engineer

*Noted on Decree
Vol. 3 p. 197
Cert. 2489*