

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF MRS. AMANDA CHENOWETH FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER.)

O R D E R

APPROVING APPLICATION

On May 29, 1939, Mrs. Amanda Chenoweth of Enterprise, Oregon, filed an application for the approval of a change of place of use of water from Hurricane Creek and Alder Creek.

By decree of the court for Wallowa County, dated January 20, 1919, in the matter of the determination of the relative rights of the various claimants to the use of the waters of Wallowa River and its tributaries a water right was recognized in the name of the Alder Slope Ditch Company for the irrigation of, among other lands, ten acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 2 S., Range 44 E., W. M., with date of priority of 4:00 p. m., November 30, 1901. In the same proceeding a supplemental water right was recognized in the name of Amanda A. Chenoweth for the irrigation of said ten acres through the Alder Slope Ditch from Alder Creek with a date of priority of 1889.

The applicant herein, owner of the above described lands, proposes to transfer the water rights appurtenant to said lands, without loss of priority, to ten acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 2 South, Range 44 East, W. M.

Notice by publication as provided by Section 47-712, Oregon Code 1930, 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 of place of use of water.

The Alder Slope Ditch Company, by its president V. A. Searles, has submitted written approval of the proposed transfer, and it appearing that said change in place of use of water may 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 is hereby approved and the water rights hereinbefore described as appurtenant to ten acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 2 South, Range 44 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to ten acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 2 South, Range 44 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1940 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 complete application of water to beneficial use upon the lands to which the water is transferred hereby new certificates shall be issued in lieu of certificates of water right heretofore issued and recorded in the record of water right certificates at pages 2939 and 2977, Volume 4, which certificates describe the lands from which the water is being transferred.

Dated at Salem, Oregon, this 19th day of June, 1939.


CHAS. E. STRICKLIN
State Engineer.

*Noted on Decree,
Vol. 5, p. 140¹⁴ 154,
and Cert's. 2939 and
2977.*