

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION)
OF L. P. CHASTAIN FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM MALHEUR RIVER.)

O R D E R

APPROVING APPLICATION

On February 13, 1952, L. P. Chastain of Harper, Oregon, filed an application for the approval of a change in place of use of water from Malheur River, pursuant to the provisions of Section 116-606, O. C. L. A.

By Decree of the Circuit Court for Malheur County, entered May 13, 1925, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Water of Malheur River and Its Tributaries, a water right was adjudicated in the name of Pacific Livestock Company for the irrigation of, among other lands, 22.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 19 South, Range 42 East, W. M., through the Harper Southside ditch, from Malheur River, with a date of priority of May 10, 1884.

L. P. Chastain proposes to transfer the water right appurtenant to 12 acres of the land above described to 10 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 20 South, Range 41 East, W. M., and 2 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 18, Township 20 South, Range 42 East, W. M., the latter described 12 acres being owned by the said L. P. Chastain.

L. W. and Callie Chastain, owners of the land from which it is proposed to transfer the water, have given their written approval of the proposed change.

The Federal Land Bank of Spokane, owner and holder of a mortgage against the land from which it is proposed to transfer the water has given its written approval to the proposed change in place of use of water.

All the lands involved are irrigated through the Harper Southside Ditch Company ditch and the Board of Directors of said ditch company, on April 20, 1952, approved the proposed change in place of use of water.

It appears that the proposed change in place of use of water from Malheur River may be made without injury to existing rights and the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Malheur River be and the same hereby is approved and that the water right heretofore described as appurtenant to 12 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 19 South, Range 42 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 20 South, Range 41 East, W. M., and 2 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 18, Township 20 South, Range 42 East, W. M.

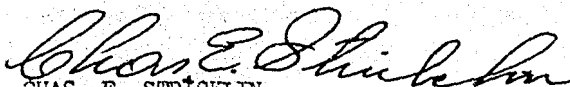
It is FURTHER ORDERED that complete application of water to beneficial use on the lands to which the water is transferred hereby shall be made on or before October 1, 1953, or such extension of time as may be granted by the State Engineer for good cause shown.

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 land to which the water is transferred hereby, a certificate of

water right shall be issued to the Harper Southside District Improvement Company, or their successor in interest, to the extent to which the water has been applied beneficially, and Certificate of Water Right recorded at Page 6989, Volume 7, State Record of Water Right Certificates, shall be cancelled.

Dated at Salem, Oregon, this 22nd day of May, 1952.

Noted on Decree
Vol. 8, p. 303
Cert. 6989


CHAS. E. STRICKLIN
State Engineer