

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION OF UPPER
BULGER DITCH ASSOCIATION FOR THE APPROVAL
OF CHANGES IN POINTS OF DIVERSION AND PLACE
OF USE OF WATER FROM NORTH POWDER RIVER

O R D E R

APPROVING APPLICATION

On October 23, 1939, Ralph McCullough, J. D. Hunstock, J. A. Hearing, W. H. Gilkenson, and Mabel Withycombe, directors of Upper Bulger Ditch Association, acting for and as the agents and representatives of the owners of certain water rights hereinafter more particularly set forth, filed an application with Chas. E. Stricklin, State Engineer, for the approval of changes in points of diversion and place of use of water from North Powder River. The names of the owners of lands in whose behalf and in behalf of said association the applicants appear, the names of the ditches through which the water is now conveyed, the dates of relative priority, the use to which the water is applied, and a description of the lands irrigated are as follows, to-wit:

<u>Name of Owner</u>	<u>Priority</u>	<u>Use</u>	<u>No. of Acres</u>	<u>Description</u>
HEARING-ANGELL DITCH (Sometimes Known As Herring-Fishworth Ditch)				
Holland Land Company	1880	Irr.	18	38 ac. NW $\frac{1}{4}$ NE $\frac{1}{4}$
	1898	Irr.	102	37 ac. NE $\frac{1}{4}$ NW $\frac{1}{4}$
				18 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$
				27 ac. SE $\frac{1}{4}$ NW $\frac{1}{4}$
			Sec. 21, T. 7 S., R. 38 E., W. M.	
W. H. Gilkenson	1895	Irr.	20	40 ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$
	1897	Irr.	72	20 ac. N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
				32 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$
			Sec. 14, T. 7 S., R. 38 E., W. M.	
James Hearing	1898	Irr.	35	35 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$
				Sec. 16, T. 7 S., R. 38 E., W. M.
Mabel Withycombe	1906	Irr.	30	30 ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$
	7-2-19	Irr.	28	28 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$
	7-2-19	Irr.	30	30 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$
				Sec. 13; Sec. 14, T. 7 S., R. 38 E., W. M.

Name of Owner Priority Use No. of Acres Description

WILLIAMS DITCH
(Sometimes Known As Herring-Pratt Ditch)

James Hearing	1889	Irr.	1	1 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Ralph McCullough & Elizabeth McCullough	1890	Irr. Dom. & Stock	24 $\frac{1}{2}$	80 ac. E $\frac{1}{2}$ NW $\frac{1}{4}$ 38 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38 ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T. 7 S., R. 39 E., W. M.
James Hearing, Hattie Yankey, Anna Harpham & E. W. Hearing	1877 1898	Irr. & Stock Irr. & Stock	93 47	40 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ 13 ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15; 35 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Lowell Chandler	1875 1889	Irr. Irr.	75 22	22 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 ac. SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T. 7 S., R. 38 E., W. M.
C. A. Leonnig	1893	Irr. Dom. & Stock	100	80 ac. W $\frac{1}{2}$ SW $\frac{1}{4}$ 20 ac. S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T. 7 S., R. 38 E., W. M.

DUTCH FLAT CREEK DITCH

John, Hattie & Lizzie Yankey	1904	Irr. Dom. & Stock	6	6 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T. 7 S., R. 38 E., W. M.
Seth and Myrtle Hart	1904	Irr.	25 $\frac{1}{2}$	5 $\frac{1}{2}$ ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, T. 7 S., R. 38 E., W. M.
	5-28-28	Irr.	10	10 ac. W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T. 7 S., R. 38 E., W. M.
	7-1-10	Irr. & Dom.	98	15 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9; 30 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, T. 7 S., R. 38 E., W. M.
J. A. Hearing	7-1-10	Irr. & Dom.	15	15 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T. 7 S., R. 38 E., W. M.

Name of Owner Priority Use No. of Acres Description

DUTCH FLAT CREEK DITCH (Continued)

J. R. Long	7-1-10	Irr. & Dom.	79	35 ac. SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1 ac. SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 ac. NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 ac. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Worthy & Lilly Ward	7-1-10	Irr. & Dom.	35	35 ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, T. 7 S., R. 38 E., W. M.
Sid Bowen	7-1-10	Irr. & Dom.	5	5 ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Alice Angell	7-1-10	Irr. & Dom.	2	2 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Lizzie Yankey	7-1-10	Irr. & Dom.	27	17 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17; 10 ac. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T. 7 S., R. 38 E., W. M.

BLUME & ZILKEY DITCH
(Sometimes Known As Hutchinson Ditch)

C. A. Leonnig	1881	Irr. Dom. & Stock	100	80 ac. W $\frac{1}{2}$ NW $\frac{1}{4}$ 20 ac. N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T. 7 S., R. 38 E., W. M.
Clara M. Welch	1879	Irr. Dom. & Stock	90	24 $\frac{1}{2}$ ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11;
	1890	Irr. Dom. & Stock	363 $\frac{1}{2}$	80 ac. E $\frac{1}{2}$ SW $\frac{1}{4}$ 36 $\frac{1}{2}$ ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32 $\frac{1}{2}$ ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12; 160 ac. NW $\frac{1}{4}$ Sec. 13; 80 ac. E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 14, T. 7 S., R. 38 E., W. M.
Mabel Withycombe	1879	Irr.	95	19 ac. NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 ac. SW $\frac{1}{4}$ NE $\frac{1}{4}$ 36 ac. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T. 7 S., R. 38 E., W. M.
L. W. Perkins	1903	Irr.	198	160 ac. NE $\frac{1}{4}$ 20 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T. 7 S., R. 38 E., W. M.

<u>Name of Owner</u>	<u>Priority</u>	<u>Use</u>	<u>No. of Acres</u>	<u>Description</u>
BLUME & ZILKEY DITCH (Continued)				
Mary F. Hutchinson	1879	Irr.	367 $\frac{1}{2}$	31 ac. SW $\frac{1}{4}$ NE $\frac{1}{4}$ 37 ac. NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$ 80 ac. S $\frac{1}{2}$ NW $\frac{1}{4}$ 80 ac. N $\frac{1}{2}$ SW $\frac{1}{4}$ 40 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ 24 $\frac{1}{2}$ ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, T. 7 S., R. 38 E., W. M.
J. R. La. .	1885	Irr.	10	10 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, T. 7 S., R. 38 E., W. M.

The points of diversion of the ditches involved are located as follows:

Hearing-Angell Ditch - SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18; Williams Ditch - S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18; Dutch Flat Creek Ditch - S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18; Blume & Zilkey Ditch - N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19; Bulger Ditch - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, all in Township 7 South, Range 38 East, W. M.

The applicants propose to change the points of diversion of said Hearing-Angell Ditch, Williams Ditch, Dutch Flat Creek Ditch, and Blume & Zilkey Ditch to the head of the Bulger Ditch for irrigation of the above-described lands.

The applicants on behalf of Mabel Withycombe also propose to transfer 2 acres from NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, with a date of priority of July 2, 1919, to 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, and to change the point of diversion for said 2 acres from the head of the Mansfield Ditch to the head of the Bulger Ditch, the point of diversion of the Mansfield Ditch being located in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, all in Township 7 South, Range 38 East, W. M.

Notice by publication as provided by Section 47-712, Oregon Code 1935 Supplement, was given in the Baker Democrat-Herald, a newspaper printed and having general circulation in Baker County, for a period of at least three weeks and not less than one publication each week; namely, November 7, 14, 21, and 28, 1939.

No objections having been filed, it appears that such changes in points of diversion and place of use of water may be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in points of diversion of water be and the same hereby are approved and that the water heretofore conveyed through the Hearing-Angell, Williams, Dutch Flat Creek, and Blume & Zilkey Ditches, the points of diversion of said ditches being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, and N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, respectively, shall be conveyed through the Bulger Ditch, the point of diversion of said ditch being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, all in Township 7 South, Range 38 East, W. M., for the irrigation of the following-described lands, to-wit:

<u>Name of Owner</u>	<u>Priority</u>	<u>Use</u>	<u>No. of Acres</u>	<u>Description</u>
HEARING-ANGELL DITCH (Sometimes Known as Herring-Fishworth Ditch)				
Holland Land Company	1880	Irr.	18	38 ac. NW $\frac{1}{4}$ NE $\frac{1}{4}$
	1898	Irr.	102	37 ac. NE $\frac{1}{4}$ NW $\frac{1}{4}$
				18 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$
				27 ac. SE $\frac{1}{4}$ NW $\frac{1}{4}$
				Sec. 21, T. 7 S., R. 38 E., W. M.
W. H. Gilkenson	1895	Irr.	20	40 ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$
	1897	Irr.	72	20 ac. N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
				32 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$
				Sec. 14, T. 7 S., R. 36 E., W. M.
James Hearing	1898	Irr.	35	35 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$
				Sec. 16, T. 7 S., R. 38 E., W. M.
Mabel Withycombe	1906	Irr.	30	30 ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$
	7-2-19	Irr.	28	28 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$
				30 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$
				Sec. 13; Sec. 14, T. 7 S., R. 38 E., W. M.
WILLIAMS DITCH (Sometimes Known As Herring-Pratt Ditch)				
James Hearing	1889	Irr.	1	1 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$
				Sec. 16, T. 7 S., R. 38 E., W. M.
Ralph McCullough & Elizabeth McCullough	1890	Irr. Dom. & Stock	244	80 ac. E $\frac{1}{2}$ NW $\frac{1}{4}$
				38 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$
				38 ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$
				40 ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$
				38 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$
				Sec. 18, T. 7 S., R. 39 E., W. M.

<u>Name of Owner</u>	<u>Priority</u>	<u>Use</u>	<u>No. of Acres</u>	<u>Description</u>
WILLIAMS DITCH (Continued)				
James Hearing, Hattie Yankey, Anna Harpham & E. W. Hearing	1877	Irr. & Stock	93	40 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$
	1898	Irr. & Stock	47	13 ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15; 35 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Lowell Chandler	1875	Irr.	75	22 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$
	1889	Irr.	22	35 ac. SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T. 7 S., R. 38 E., W. M.
C. A. Leonnig	1893	Irr. Dom. & Stock	100	80 ac. W $\frac{1}{2}$ SW $\frac{1}{4}$ 20 ac. S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T. 7 S., R. 38 E., W. M.
DUTCH FLAT CREEK DITCH				
John, Hattie & Lizzie Yankey	1904	Irr. Dom. & Stock	6	6 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T. 7 S., R. 38 E., W. M.
Seth and Myrtle Hart	1904	Irr.	25 $\frac{1}{2}$	5 $\frac{1}{2}$ ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, T. 7 S., R. 38 E., W. M.
	5-28-28	Irr.	10	10 ac. W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T. 7 S., R. 38 E., W. M.
	7-1-10	Irr. & Dom.	98	15 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9; 30 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, T. 7 S., R. 38 E., W. M.
J. A. Hearing	7-1-10	Irr. & Dom.	15	15 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T. 7 S., R. 38 E., W. M.
J. R. Long	7-1-10	Irr. & Dom.	79	35 ac. SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1 ac. SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 ac. NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 ac. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Worthy & Lilly Ward	7-1-10	Irr. & Dom.	35	35 ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, T. 7 S., R. 38 E., W. M.

Name of Owner Priority Use No. of Acres Description

DUTCH FLAT CREEK DITCH (Continued)

Sid Bowen	7-1-10	Irr. & Dom.	5	5 ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Alice Angell	7-1-10	Irr. & Dom.	2	2 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 7 S., R. 38 E., W. M.
Lizzie Yankey	7-1-10	Irr. & Dom.	27	17 ac. SE $\frac{1}{2}$ SE $\frac{1}{2}$ Sec. 17; 10 ac. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T. 7 S., R. 38 E., W. M.

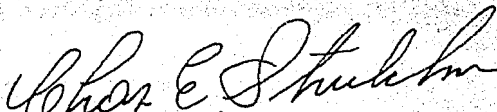
BLUME & ZILKEY DITCH
(Sometimes Known As Hutchinson Ditch)

C. A. Leonnig	1881	Irr. & Dom. & Stock	100	80 ac. W $\frac{1}{2}$ NW $\frac{1}{4}$ 20 ac. N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T. 7 S., R. 38 E., W. M.
Clara M. Welch	1879	Irr. & Dom. & Stock	90	24 $\frac{1}{2}$ ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11;
	1890	Irr. & Dom. & Stock	363 $\frac{1}{2}$	80 ac. E $\frac{1}{2}$ SW $\frac{1}{4}$ 36 $\frac{1}{2}$ ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32 $\frac{1}{2}$ ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12; 160 ac. NW $\frac{1}{4}$ Sec. 13; 80 ac. E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 14, T. 7 S., R. 38 E., W. M.
Mabel Withycombe	1879	Irr.	95	19 ac. NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 ac. SW $\frac{1}{4}$ NE $\frac{1}{4}$ 36 ac. NE $\frac{1}{2}$ NW $\frac{1}{2}$ Sec. 14, T. 7 S., R. 38 E., W. M.
L. W. Perkins	1903	Irr.	198	160 ac. NE $\frac{1}{4}$ 20 ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T. 7 S., R. 38 E., W. M.
Mary F. Hutchinson	1879	Irr.	367 $\frac{1}{2}$	31 ac. SW $\frac{1}{4}$ NE $\frac{1}{4}$ 37 ac. NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$ 80 ac. S $\frac{1}{2}$ NW $\frac{1}{4}$ 80 ac. N $\frac{1}{2}$ SW $\frac{1}{4}$ 40 ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ 24 $\frac{1}{2}$ ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, T. 7 S., R. 38 E., W. M.
J. R. Long	1885	Irr.	10	10 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, T. 7 S., R. 38 E., W. M.

It is FURTHER ORDERED that the proposed change in point of diversion and place of use of water on behalf of Mabel Withycombe be and the same hereby is approved and that 2 acres appurtenant to the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 7 South, Range 38 East, W. M., with a date of priority of July 2, 1919, be severed therefrom and simultaneously and without loss of priority transferred to 2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 7 South, Range 38 East, W. M., and the point of diversion for the irrigation of said 2 acres be changed from the head of the Mansfield Ditch to the head of the Bulger Ditch, the point of diversion of the Mansfield Ditch being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 7 South, Range 38 East, W. M.

It is FURTHER ORDERED that complete application of water to beneficial use for the irrigation of 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 7 South, Range 38 East, W. M., be made on or before October 1, 1940, and that upon proof satisfactory to the State Engineer of complete application of water to beneficial use upon the land to which said 2 acres are transferred hereby a certificate of water right shall be issued to Mabel Withycombe and that the certificate of water right heretofore issued to Mabel Withycombe and recorded in State Record of Water Right Certificates, Volume 5, Page 3948, shall be cancelled.

Dated at Salem, Oregon, this 24th day of January, 1940.


CHAS. E. STRICKLIN

State Engineer

*Noted on Decree Vol. 1 p 399-418
and Cert. 3948, 3202, 8654
Also other: See Trsf. File U-5*