

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF GEORGE B. LUND, MYRON KILBURG )  
AND CHRIST THE KING LUTHERAN CHURCH )  
FOR THE APPROVAL OF A CHANGE IN )  
PLACE OF USE OF WATER FROM WALLA )  
WALLA RIVER )  
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O R D E R  
APPROVING APPLICATION

On June 3, 1963, George B. Lund, Myron Kilburg and Christ the King Lutheran Church of Milton-Freewater, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Walla Walla River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered May 16, 1932, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Walla Walla River and its Tributaries, a water right was established in the name of S. A. Miller for the irrigation of 7.03 acres in the NW¼ NW¼, Section 12, Township 5 North, Range 35 East, W. M., from Walla Walla River with a date of priority of 1883. This right was confirmed by certificate recorded at page 12917, Volume 11, State Record of Water Right Certificates. In the same proceedings, a water right was established in the name of the Estate of August Tanke for the use of the waters of Walla Walla River for the irrigation of 7.82 acres in the NW¼ NW¼, said Section 12, with a date of priority of 1885. This right was confirmed by certificate recorded at page 13058, Volume 11, State Record of Water Right Certificates.

The applicants herein, owners of 5.4 acres of the lands above described, to-wit: 3.3 acres with a date of priority of 1883 and 2.1 acres with a date of priority of 1885, propose to transfer the water right therefrom without loss of priority to 5.4 acres in the NW¼ NW¼ SW¼, Section 2, Township 5 North, Range 35 East, W. M., owned by Van V. Robinson.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

The President and Secretary of the Milton Ditch Company approved the proposed change in place of use of water.

Pendleton First Federal Savings and Loan Association, mortgagees of the lands from which it is proposed to transfer water, have submitted written approval to the change in place of use of water.

Mr. Jerry F. Haines, Watermaster of District No. 5, has filed a report to the effect that the proposed change in 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 place of use of water may be made without injury to existing rights, the application should be approved.

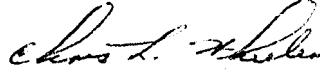
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and that the water right hereinbefore described as appurtenant to 5.4 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 12, Township 5 North, Range 35 East, W. M., of which 3.3 acres have a date of priority of 1883 and 2.1 acres have a date of priority of 1885, be severed therefrom and simultaneously and without loss of priority transferred to 5.4 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 5 North, Range 35 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificates of water right heretofore issued to S. A. Miller and the Estate of August Tanke and recorded at pages 12917 and 13058, Volume 11, State Record of Water Right Certificates, are canceled and in lieu thereof new certificates be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a

certificate of water right shall be issued to Van V. Robinson to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 18th day of October, 1963.



CHRIS L. WHEELER  
State Engineer

*Noted on Decree  
Vol. 12, p. 192 and 203  
Cert # 12917 & 13058*