

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF J. E. MYERS FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM SOUTH BRANCH OF MUD)
CREEK.)

O R D E R
APPROVING APPLICATION

On December 19, 1956 J. E. Myers of Route 2, Milton-Freewater, Oregon, filed an application for the approval of a change in place of use of water from South Branch of Mud Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Dorsey F. Baker and recorded at page 3267, Volume 4, State Record of Water Right Certificates, confirms a right under Permit No. 4562 to the use of water of South Branch of Mud Creek for the irrigation of, among other lands, 15 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W. M., with a date of priority of March 11, 1920.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W. M., for the supplemental irrigation of said 15 acres.

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

Mr. W. C. Mason, Deputy Watermaster of District No. 5, has filed a report to the effect that the proposed change in place of use of water from South Branch of Mud Creek may be made without injury to existing rights.

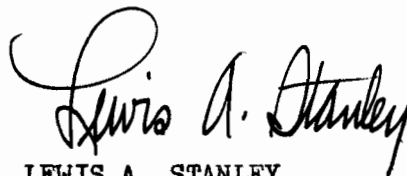
No objections having been filed and it appearing that the proposed change in place of use of water from South Branch of Mud Creek may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from South Branch of Mud Creek be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 15 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W. M., with a date of priority of March 11, 1920, be severed therefrom and simultaneously and without loss of priority be transferred to 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W. M., for supplemental irrigation.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on the lands to which it is transferred hereby on or before October 1, 1957 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 on the lands to which the water is transferred hereby, certificate of water right shall be issued to J. E. Myers or his successor in interest, to the extent to which the water has been applied and certificate of water right heretofore issued to Dorsey F. Baker and recorded at page 3267, Volume 4, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 24th day of January 1957.



LEWIS A. STANLEY
State Engineer

Noted on Cert. E 221