

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF IRL DAVIS FOR THE APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)
FROM BADGER CREEK AND BADGER LAKE)
RESERVOIR)

ORDER APPROVING
TRANSFER NO. D-137

On August 27, 1968, Irl Davis filed an application in the office of the State Engineer for the approval of a change in place of use of water from Badger Creek and Badger Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Badger Improvement District and recorded at page 30866, Volume 22, State Record of Water Right Certificates, confirms a right to the use of 24.72 cubic foot per second of the waters of Badger Creek and Badger Lake Reservoir for irrigation of, among other lands, 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, 12.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 4 South, Range 12 East, W.M., with dates of priority of April 12, 1941, for 0.425 cubic foot per second and March 20, 1951 for 0.425 cubic foot per second.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.9 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 4 South, Range 12 East, 4.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, and 15.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 4 South, Range 13 East, W.M.

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.

Mr. Glenn E. Tracy, Watermaster of District No. 3, has filed a statement 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.

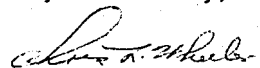
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, 12.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 4 South, Range 12 East, W.M., with a date of priority of April 12, 1941 for 0.425 cubic foot per second and March 20, 1951 for 0.425 cubic foot per second, be severed therefrom and simultaneously and without loss of priority transferred to 2.9 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, 4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 4 South, Range 12 East, 4.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, and 15.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 4 South, Range 13 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1969.

It is FURTHER ORDERED that certificate of water right heretofore issued to Badger Improvement District and recorded at page 30866, Volume 22, State Record of Water Right Certificates, is canceled 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 Badger Improvement District confirming the extent to

which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 7th day of January, 1969.



CHRIS L. WHEELER
State Engineer