

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM AND ARTHUR PEETZ FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM BADGER CREEK)
AND STORAGE IN BADGER LAKE RESER-)
VOIR.)

O R D E R
APPROVING APPLICATION

On December 27, 1960, William and Arthur Peetz, doing business as Peetz Brothers, 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 storage in 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 26642, Volume 18, State Record of Water Right Certificates, confirms a right under Permit Nos. 22633 and R-773 to the use of the waters of Badger Creek and storage in Badger Lake Reservoir for the irrigation of, among other lands, 29.3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 4 South, Range 13 East, W. M., with dates of priority of April 12, 1941 and March 20, 1951.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom, without loss of priority, to 24 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 4 South, Range 12 East, W. M.

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 an application for a change in place of use of water only.

All the lands involved herein are within the boundaries of the Badger Improvement District and the Board of Directors of said district approved the proposed change in place of use of water at a meeting held January 19, 1961.

Mr. William A. Johnson, Watermaster of District No. 23, 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 be and the same is approved and that the water right hereinbefore described as appurtenant to 29.3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 4 South, Range 13 East, W. M., with dates of priority of April 12, 1941 and March 20, 1951, be severed therefrom and simultaneously and without loss of priority transferred to 24 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 4 South, Range 12 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1962, 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 Badger Improvement District, or their successor in interest, to the extent to which the water has been applied beneficially, and the certificate of water right heretofore issued to Badger Improvement District, and recorded at page 26642, Volume 18, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 25th day of January, 1961.

*Notation made on records
App. # 19264
Cert. # 26642*

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

Trsf. "P-59"