

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM R. STURGIS FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM CLEAR CREEK,)
FROG CREEK AND CLEAR LAKE RESERVOIR.)

O R D E R
APPROVING APPLICATION

On April 7, 1952, William R. Sturgis of Maupin, Oregon, filed an application for the approval of a change in place of use of water from Clear Creek, Frog Creek and Clear Lake Reservoir, pursuant to the provisions of Section 116-606, O. C. L. A.

By decree of the Circuit Court for Wasco County, Oregon, dated April 17, 1947 in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of White River and its Tributaries, a water right was adjudicated in the name of the Juniper Flat District Improvement Company for the irrigation of, among other lands, 30 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 5 South, Range 12 East, W. M, from the direct flow of water of Clear Creek and Frog Creek with a date of priority of July 1, 1903 and storage in Clear Creek Reservoir with a date of priority of August 19, 1904. Subsequently the State Engineer entered an order approving a change in place of use of water wherein the water right appurtenant to 25 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 19, were transferred to other lands under the company's system, leaving a water right appurtenant to only 5 acres in said tract.

The applicant herein, owner of 20 acres of the land above described, to-wit: 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and

8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 5 South, Range 12 East, W. M., proposes to transfer the water right therefrom, without loss of priority, to 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 5 South, Range 12 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required in applications for only a change in place of use of water.

The Board of Directors of the Juniper Flat District Improvement Company, at a meeting held April 3, 1952, approved the proposed change in place of use of water of William R. Sturgis.

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.

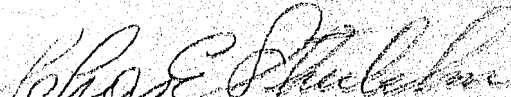
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 5 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 10 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 5 South, Range 12 East, W. M.

It is FURTHER ORDERED that complete application of water to beneficial use on the land to which the water is transferred hereby shall be made on or before October 1, 1953 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 complete application of water to beneficial use upon the land to which the water is transferred hereby, a certificate of water right shall be issued to the Juniper Flat District Improvement Company and that the certificate of water right heretofore issued to said company and recorded at Page 15525, Volume 13, State Record of Water Right Certificates, be cancelled.

Dated at Salem, Oregon this 23rd day of April 1952.

Noted on Decree
Vol. 14, p. 406
Cert. 15525


CHAS. E. STRICKLIN
State Engineer