

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF TED M. BALL FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM LOST AND BOULDER CREEKS)

O R D E R
APPROVING APPLICATION

On May 8, 1963, Ted M. Ball of Tygh Valley, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Lost and Boulder Creeks, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wasco County, Oregon, entered March 9, 1948, In the Matter of the Determination of the Relative Rights to the Use of the Waters of White River and its Tributaries, a water right was established in the name of the Lost and Boulder Ditch Company for the use of the waters of Lost and Boulder Creeks for the irrigation of, among other lands, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 5 South, Range 12 East, W. M., with a date of priority of 1901, said 40 acres being tabulated in the name of J. W. Farlow.

The applicant herein, owner of 7.2 acres of the lands above described, proposes to transfer the water right therefrom without loss of priority to 7.2 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 7, Township 5 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 that said section provides notice is not required on an application for a change in place of use of water only.

The Board of Directors of the Lost and Boulder Ditch Company have submitted in writing their approval to the change in place of use of water.

No objections having been filed and it appearing that the proposed change in place of use of water from Lost and Boulder Creeks 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 7.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 5 South, Range 12 East, W. M., with a date of priority of 1901, be severed therefrom and simultaneously and without loss of priority transferred to 7.2 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 7, Township 5 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, 1964, 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 on the lands to which the water is transferred hereby, certificate of water right shall be issued to Lost and Boulder Ditch Company at the time certificate is issued to the Company confirming other transfers within the Company.

Dated at Salem, Oregon, this 24th day of May, 1963.

Chris L. Wheeler
24 May 1963
10:15 AM

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer

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