

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF J. O. AND BERTHA MINKS FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM LOST AND BOULDER )  
CREEKS. )  
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ORDER  
APPROVING APPLICATION

On March 12, 1956, J. O. and Bertha Minks of Wamic, Oregon, filed an application 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, entered November 30, 1923 in the matter 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 Lost and Boulder Ditch Company for the irrigation of, among other lands, 2 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 5 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, Township 5 South, Range 11 East, W. M., through the Lost and Boulder ditch from Lost and Boulder Creeks with a date of priority of 1901. Subsequently, on September 11, 1950, the State Engineer entered an order approving an application of S. E. Endersby for a change in place of use of water wherein certain water rights under the Lost and Boulder ditch were transferred to, among other lands, 5 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 2.

The applicants herein, owners of 10 acres of the lands above described, to-wit: 2 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 2 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, Township 5 South, Range 11 East, W. M., propose to transfer the water rights therefrom without loss of priority to 5 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5 and 5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 8, Township 5 South, Range 12 East, W. M.

The Lost and Boulder Ditch Company has submitted its approval of the proposed change in place of use of water.

Mr. Roger Wilhelm, Watermaster of District No. 23, has submitted a report 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 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 from Lost and Boulder Creeks be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 2 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, Township 5 South, Range 11 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 5 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 5 and 5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 8, Township 5 South, Range 12 East, W. M.

It is FURTHER ORDERED that said water 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 the Lost and Boulder Ditch Company or its successor in interest, to the extent to which the water has been applied beneficially and Certificate of Water Right heretofore issued to the Lost and Boulder Ditch Company and recorded at page 14586, Volume 12, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 26th day of March 1956.

*Noted in Decree  
Vol. 7, p 217  
Cert. 14586*

*Lewis A. Stanley*  
LEWIS A. STANLEY  
State Engineer