

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF J. M. ABBOTT FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM CLEAR LAKE AND CLEAR)
AND FROG CREEKS.)

O R D E R
APPROVING APPLICATION

On May 4, 1956 J. M. Abbott of R. F. D. Maupin, Oregon, filed an application for the approval of a change in place of use of water from Clear Lake and Clear and Frog Creeks pursuant to the provisions of ORS 540.510 to 540.530.

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, 7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, 11 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, 8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, 1 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 15 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, 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 Lake Reservoir with a date of priority of August 19, 1904.

The applicant herein, owner of 56 acres of the lands above described, to-wit: 7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, 10 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, 8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, 1 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 5 South, Range 12 East, W. M., proposes to transfer the water right therefrom, without loss of priority to 16 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, 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 said section provides notice is not required on applications for a change in place of use of water only.

The secretary of the Juniper Flat District Improvement Company has submitted a letter to the effect that the board of directors of said district have approved the proposed 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 may be made without injury to existing rights, the application should be approved.

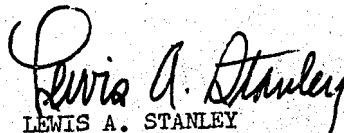
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, 10 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, 8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, 1 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 5 South, Range 12 East, W. M., from Clear and Frog Creeks and Clear Lake Reservoir be severed therefrom and simultaneously and without loss of priority transferred to 16 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, 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, 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 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, shall be canceled.

Dated at Salem, Oregon this 8th day of May 1956


LEWIS A. STANLEY
State Engineer

*Noted on Decree
Vol. 14 p. 401
Cert. 15525*