

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF SAM WALL FOR THE APPROVAL OF )  
A CHANGE IN PLACE OF USE OF WATER )  
FROM CLEAR CREEK, FROG CREEK AND )  
STORAGE IN CLEAR LAKE RESERVOIR. )  
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O R D E R

APPROVING APPLICATION

On May 14, 1953, Sam Wall of Maupin, Oregon, filed an application for the approval of a change in place of use of water from Clear Creek, Frog Creek and Storage in Clear Lake Reservoir, pursuant to the provisions of Section 116-606, O. C. L. A.

By decree of the Circuit Court for Wasco County dated April 17, 1947, in the matter of the determination of the relative rights of the various claimants to the use of the water of White River and its tributaries, the Juniper Flat District Improvement Company was adjudicated a water right from Clear Creek and Frog Creek and storage in Clear Lake Reservoir for the irrigation of, among other lands, 15 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 5 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 South, Range 12 East, W. M., with a date of priority of July 1, 1903 as to Clear Creek and Frog Creek and August 19, 1904 as to storage in Clear Lake Reservoir.

Sam Wall, owner of 10 acres of the lands above described, to-wit: 5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 5 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 South, Range 12 East, W. M., proposes to transfer the water right therefrom without loss of priority to 10 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 4 South, Range 13 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 said section

provides that notice is not required on 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 on April 21, 1953, 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 from Clear Creek and Frog Creek and storage in Clear Lake Reservoir 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 Clear Creek and Frog Creek and storage in Clear Lake Reservoir be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 5 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 10 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 4 South, Range 13 East, W. M.

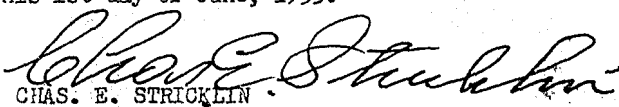
It is FURTHER ORDERED that complete application of water to beneficial use on the land to which the water is transferred hereby shall be completed on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use upon the land to which the water is transferred hereby, certificate of water right shall be issued to the Juniper Flat District Improvement Company and certificate of water right heretofore issued to the Juniper Flat District Improvement Company and recorded at page 15525, Volume 13, State Record of Water Right Certificates, shall be cancelled.

Dated at Salem, Oregon this 1st day of June, 1953.

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

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CHAS. E. STRICKLIN  
State Engineer