

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF O. D. BOTHWELL FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF )  
WATER FROM CLEAR LAKE AND CLEAR )  
AND FROG CREEKS. )  
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O R D E R

APPROVING APPLICATION

On February 6, 1957, O. D. Bothwell of 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 water 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, 20 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3 and 15 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 5 South, Range 13 East, W. M., from the direct flow of Clear and Frog Creeks with a date of priority of July 1, 1903 and from storage in Clear Lake Reservoir with a date of priority of August 19, 1904.

The applicant herein, owner of 20 acres of the land above described, to-wit: 10 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, and 10 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 5 South, Range 13 East, W. M., proposes to transfer the water rights therefrom, without loss of priority, to 20 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 8, Township 5 South, Range 13 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 applications for a change in place of use of water only.

The Board of Directors of the Juniper Flat District Improvement Company at a special meeting held February 4, 1957 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.

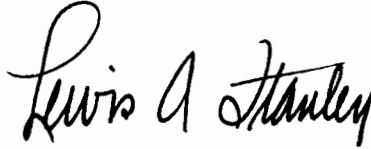
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Clear and Frog Creeks with a date of priority of July 1, 1903 and from storage in Clear Lake Reservoir with a date of priority of August 19, 1904, be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 10 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, and 10 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 5 South, Range 13 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 20 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 8, Township 5 South, Range 13 East, W. M.

It is FURTHER ORDERED that the 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 it is transferred hereby, certificate of water right shall be issued to the Juniper Flat District Improvement 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 Juniper Flat District Improvement Company and recorded at page 15525,

Volume 13, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 18th day of February, 1957.



LEWIS A. STANLEY  
State Engineer

*Noted on Dec 1957  
Vol. 14, p. 121  
Cert. 15525*

*Trsf. # B-99*