

STATE OF OREGON

COUNTY OF WASHINGTON

ORDER APPROVING A CHANGE IN PLACE OF USE  
AND CANCELLATION OF A PORTION OF A WATER RIGHT

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7825 submitted by

ROBERT EPLER  
44741 SW PLUMLEE ROAD  
FOREST GROVE, OREGON 97116.

The right to be modified, as evidenced by a portion of Certificate 22580, was perfected under Permit 22652 with a date of priority of AUGUST 25, 1953. The right allows the use of GALES CREEK, a tributary of the TUALATIN RIVER, for IRRIGATION OF 17.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 cubic foot per second, if available at the authorized point of diversion: NW¼ NW¼, AS PROJECTED WITHIN ALVIN T. SMITH DLC 43, SECTION 7, T 1 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NW¼ NW¼ 1.3 ACRES  
AS PROJECTED WITHIN HARPER DLC 51  
SECTION 7  
TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M.

NE¼ NE¼ 8.5 ACRES  
SE¼ NE¼ 7.4 ACRES  
BOTH AS PROJECTED WITHIN HARPER DLC 41  
SECTION 12  
TOWNSHIP 1 SOUTH, RANGE 4 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use to:

SW $\frac{1}{4}$  NW $\frac{1}{4}$  17.2 ACRES  
AS PROJECTED WITHIN HARPER DLC 51  
TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M.

The receiving landowner is:

METRO  
ATTN: OFFICE OF GENERAL COUNSEL  
600 NE GRAND AVENUE  
PORTLAND, OREGON 97232-2736

The applicant also proposes to voluntarily cancel portions of the water right no longer being used.

An affidavit was received from Robert E. and Nell G. Epler, owners of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and are requested to be cancelled.

The abandoned portion is described by Certificate 22580, State Record of Water Right Certificates. The date of priority is August 25, 1953. The water use was for irrigation of 2.0 acres from Gales Creek, a tributary of the Tualatin River. The amount used was 0.02 cubic foot per second.

The abandoned portion is located as follows:

NW $\frac{1}{4}$  NW $\frac{1}{4}$  0.2 ACRE  
SECTION 7  
TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M.

NE $\frac{1}{4}$  NE $\frac{1}{4}$  0.7 ACRE  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  1.1 ACRES  
SECTION 12  
TOWNSHIP 1 SOUTH, RANGE 4 WEST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

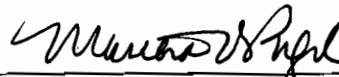
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1999.
2. The former place of use shall no longer be irrigated as a part of this water right.

The portions of the water right described herein requested to be cancelled are cancelled.

Certificate 22580 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed **OCT 30 1997** \_\_\_\_\_.



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Martha O. Page, Director