

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF RAYMOND AND BEATRICE WAIBEL)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER FROM MCKAY)
CREEK)

O R D E R
APPROVING APPLICATION

On August 6, 1962, Raymond and Beatrice Waibel of Hillsboro, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from McKay Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Raymond and Beatrice Waibel and recorded at page 23231, Volume 16, State Record of Water Right Certificates, confirms a right to the use of the waters of McKay Creek for the irrigation of, among other lands, 13.3 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 1 North, Range 3 West, W. M., with a date of priority of June 19, 1951.

The applicants herein, owners of 7.7 acres of the land above described, propose to transfer the water right therefrom, without loss of priority, to 1.2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.8 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected in J. Wooley D.L.C. No. 49, and 3.3 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and 2.4 acres in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), all in Section 25, Township 1 North, Range 3 West, 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 an application for a change in place of use of water only.

Mr. Myron V. Bish, Watermaster of District No. 1, has filed 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 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 McKay Creek be and the same is approved and that the water right hereinbefore described as appurtenant to 7.7 acres in the SE $\frac{1}{2}$ SW $\frac{1}{2}$, Section 25, Township 1 North, Range 3 West, W. M., with a date of priority of June 19, 1951, be severed therefrom and simultaneously and without loss of priority transferred to 1.2 acres in the NW $\frac{1}{2}$ SW $\frac{1}{2}$, 0.8 acre in the SW $\frac{1}{2}$ SW $\frac{1}{2}$, as projected within J. Wooley D. L. C. No. 49, and 3.3 acres in Lot 3 (NW $\frac{1}{2}$ SW $\frac{1}{2}$) and 2.4 acres in Lot 4 (SW $\frac{1}{2}$ SW $\frac{1}{2}$), Section 25, Township 1 North, Range 3 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1963, 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 Raymond and Beatrice Waibel, or their successor in interest, to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to Raymond and Beatrice Waibel and recorded at page 23231, Volume 16, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 24th day of August, 1962.

Water Right Certificate
App. # 26563
Cert. # 23231


CHRIS L. WHEELER
State Engineer