

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF MERTON SAHNOW FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
AND PLACE OF USE OF WATER FROM )  
GALES CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 2564

On August 25, 1971, Merton Sahnaw filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Gales Creek.

Certificate of water right issued to Jean K. and Robert H. Warrens and recorded at page 19731, Volume 14, State Record of Water Right Certificates, confirms a right to the use of 1.24 cubic feet per second of waters of Gales Creek, for the irrigation of, among other lands, 4.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 5.7 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, 7.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 1.2 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of June 29, 1935.

Certificate of water right issued to Jean K. and Robert H. Warrens and recorded at page 22035, Volume 16, State Record of Water Right Certificates, confirms a right to the use of 1.1 cubic feet per second of waters of Gales Creek, for the irrigation of, among other lands, 14.8 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 0.4 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, 4.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, 5.6 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.4 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, and 2.3 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 22.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.8 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of March 13, 1951. These lands are irrigated by means of a pump, the points of diversion being located at 920 feet South and 1850 feet East from the SW corner of Shepherd DLC No. 62, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, Township 1 North, Range 4 West, W.M., and also at a point of diversion located 1060 feet South and 3,000 feet East

from the SW corner of Shepherd DLC No. 62, being within the NW¼ NW¼ of Section 21, Township 1 North, Range 4 West, W.M.

Certificate of water right issued to Emil Carl Dober and recorded at page 28626, Volume 20, State Record of Water Right Certificates, confirms a right to the use of 0.17 cubic foot per second of the waters of Gales Creek, for the irrigation of 1.4 acres in NW¼ SW¼, and 8.5 acres in SW¼ SW¼, Section 16, and 0.8 acre in NE¼ SE¼, 5.1 acres in SW¼ SE¼, 24.2 acres in SE¼ SE¼, Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of August 10, 1956. These lands are irrigated by means of a pump, the point of diversion being located 880 feet North and 20 feet East from the SW corner of Shepherd DLC No. 62, being within the SW¼ SE¼ of Section 17, Township 1 North, Range 4 West, W.M.

The applicant herein, owner of the lands above described proposes to transfer the water rights therefrom, without loss of priority to 4.6 acres in SE¼ SE¼, Section 17, 5.5 acres in NE¼ NE¼ and 7.4 acres in SE¼ NE¼, Section 20 and 0.8 acre in SW¼ NW¼, Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of June 29, 1935; and 1.4 acres in NW¼ SW¼, 12.9 acres in SW¼ SW¼, 5.7 acres in SE¼ SW¼, Section 16, 0.8 acre in NE¼ SE¼, 5.1 acres in SW¼ SE¼, 24.2 acres in SE¼ SE¼, Section 17, 7.0 acres in NE¼ SE¼, Section 20, and 1.2 acres in SW¼ NW¼, Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of March 13, 1951; and 14.8 acres in SE¼ SW¼, 0.4 of acre in SW¼ SE¼, Section 16, and 2.3 acres in NW¼ NE¼, 22.5 acres in NE¼ NW¼, Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of August 10, 1956 and irrigate these lands from a point of diversion to be located 1060 feet South and 3,000 feet East from the SW corner of S. Shepherd DLC No. 62, being within the NW¼ NW¼ of Section 21, Township 1 North, Range 4 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in place of use and point of diversion of water, if any there were, namely: at the County courthouse in Hillsboro, Oregon, on September 19, 1972, at 9:30 a.m. The notice was published in the Hillsboro Argus, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of July 27, August 3, and 10, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in place of use and point of diversion 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 and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 4.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.7 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, 7.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 1.2 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of June 29, 1935; 14.8 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.4 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, 4.5 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, 5.6 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.4 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, and 2.3 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 22.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of March 13, 1951; 1.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 8.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, and 0.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 5.1 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 24.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 1 North, Range 4 West,

W.M., with a date of priority of August 10, 1956, be severed therefrom and simultaneously and without loss of priority transferred to 4.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, 5.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.4 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, and 0.8 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of June 29, 1935; and, 1.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 12.9 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.7 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, 0.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 5.1 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 24.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, 7.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 1.2 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of March 13, 1951; and, 14.8 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.4 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, and 2.3 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 22.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 21, Township 1 North, Range 4 West, W.M., with a date of priority of August 10, 1956..

It is FURTHER ORDERED that the proposed change in points of diversion of water from Gales Creek, to-wit:

From points located 880 feet North and 20 feet East from the SW corner of Shepherd DLC No. 62 being with in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, Township 1 North, Range 4 West, W.M.; 920 feet South and 1850 feet East from the SW corner of Shepherd DLC No. 62, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, Township 1 North, Range 4 West; 1060 feet South and 3,000 feet East from the SW corner of Shepherd DLC No. 62, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 1 North, Range 4 West, W.M.

To a point to be located 1060 feet South and 3,000 feet East from the SW corner of S. Shepherd DLC No. 62, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 1 North, Range 4 West, W.M.

for the irrigation of lands to which the right is transferred as listed in the preceding paragraph, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water

that is available at the old point of diversion and shall be limited to 0.23 cubic foot per second with a date of priority of June 29, 1935, 0.73 cubic foot per second with a date of priority of March 13, 1951 and 0.17 cubic foot per second with a date of priority of August 10, 1956.

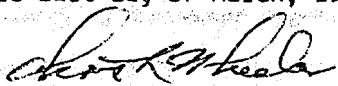
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificates issued in the names of Jean K. and Robert H. Warrens, recorded at pages 19731, Volume 14, and 22035, Volume 16, and Emil Carl Dober, recorded at page 28626, Volume 20, State Record of Water Right Certificates, be canceled and that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use and certificates shall be issued to Merton Sahnaw confirming the extent to which the water has been applied beneficially and the change of point of diversion and covering the balance of the rights not involved in this proceeding.

Dated at Salem, Oregon, this 21st day of March, 1973.

  
CHRIS L. WHEELER  
State Engineer