

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF GERALD D. NATHAN FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER)

ORDER APPROVING
TRANSFER NO. 3765

On August 26, 1977, an application was filed in the office of the Water Resources Director by Gerald D. Nathan for approval of a change in place of use from Mitchell Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 36338, Volume 28, State Record of Water Right Certificates, in the name of Ed Richter, describes a right for the use of not to exceed 0.01 cubic foot per second from Mitchell Creek for irrigation of 0.2 acre in Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and 0.6 acre in Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, Township 8 South, Range 6 West, W.M., with a date of priority of March 21, 1962.

Water for the said right is diverted from two points located: (1) 1260 feet South and 290 feet West and (2) 1230 feet South and 440 feet West from the East quarter corner of Section 10, both being within Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 10.

The applicant herein, owner of the lands described, proposes to change the place of use from the said 0.6 acre in Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) and, without loss of priority, to irrigate a different 0.6 acre within said Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), together with the 0.2 acre in Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) from the diversion point No. 2 described above.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

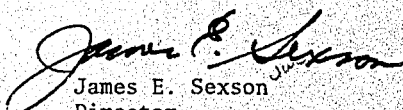
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ed Richter and recorded at page 36338, Volume 28, State Record of Water Right Certificate, is canceled, and upon proof satisfactory to the Water Resources

Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 3rd day of November, 1977.


James E. Sexson
Director