

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF DAVID H. OTTO FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM GALES CREEK)

ORDER APPROVING
TRANSFER NO. 2916

On November 8, 1973, David H. Otto filed an application in the office of the State Engineer for the approval of a change in place of use of water from Gales Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Shady Beard and recorded at page 13783, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.30 cubic foot per second of water from Gales Creek for the irrigation of, among other lands, 1.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.3 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, and 1.0 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 1 South, Range 3 West, W.M., with a date of priority of May 2, 1939. These lands are irrigated from a point of diversion located 940 feet North and 530 feet East from the Southwest corner of Section 6, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 1 South, Range 3 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 0.7 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 1 South, Range 3 West, 1.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.5 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 1 South, Range 4 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.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement 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 may be made without injury to existing rights, the application should be approved.

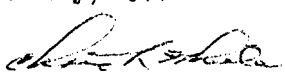
NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 1.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.3 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, and 1.0 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 1 South, Range 3 West, W.M., with a date of priority of May 2, 1939, be severed therefrom and simultaneously and without loss of priority transferred to 0.7 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 1 South, Range 3 West, 1.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.5 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 1 South, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

A change in place of use of irrigation of lands included in the certificate recorded at page 13783 was approved by an order of the State Engineer entered November 27, 1968. This order canceled the certificate and provided for a new certificate on completion of the change which was to include the balance of the lands not involved in the change.

It is FURTHER ORDERED that no certificate be issued as provided by the order entered November 27, 1968, and in lieu thereof, upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use a certificate of water right shall be issued to David Otto confirming the extent to which the water has been applied beneficially, confirming the prior change in place of use and including the lands not involved in this proceeding and not involved in the order entered November 27, 1968.

Dated at Salem, Oregon, this 3rd day of January, 1974.


CHRIS L. WHEELER
State Engineer