

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DONNA F. AND EARL A. SMITH, JR. FOR )  
APPROVAL OF A CHANGE IN PLACE OF USE )  
OF WATER FROM GALES CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3748

On August 8, 1977, an application was filed in the office of the Water Resources Director by Donna F. and Earl A. Smith, Jr. for a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 22045, Volume 16, State Record of Water Right Certificates, in the name of Grant Wright, describes a right which includes the use of not to exceed 0.05 cubic foot per second from Gales Creek for irrigation of a certain 3.44 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.2 acre in E $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 8, Township 1 North, Range 4 West, W.M., with a date of priority of August 10, 1951.

Water for the said right is diverted from a point located 790 feet South and 50 feet East from the North quarter corner of Section 8, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 8.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 3.64 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 8.

Mr. Clayton J. Gardner, 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.

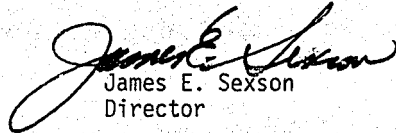
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NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

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 portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered February 24, 1977, approving transfer application No. 3528, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in place of use authorized herein, a certificate of water right shall be issued to the applicants herein confirming the change in place of use.

Dated at Salem, Oregon, this 17th day of October, 1977.

  
James E. Sexson  
Director