

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF W. G. KRIEGER FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM GALES CREEK)

ORDER APPROVING
TRANSFER NO. K-62

On June 20, 1969, W. G. Krieger 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 E. A. Rueter and recorded at page 15707, Volume 13, State Record of Water Right Certificates, confirmed a right to the use of waters of Gales Creek for the irrigation of 97.5 acres, with a date of priority of April 10, 1939. A change in place of use for the irrigation of 57.6 acres was approved by an order of the State Engineer entered July 28, 1967, and proof of beneficial use of water as authorized by the order was submitted. A change in place of use for the irrigation of 42.4 acres and a change in point of diversion for the irrigation of these lands and the balance of the lands was approved by an order of the State Engineer entered December 18, 1968, and proof of beneficial use of water as authorized by the order was submitted. The water right established in the name of E. A. Rueter now is for the irrigation of 1.0 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 6.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 30.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 28.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 1 North, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, with the exception of the water right appurtenant to 0.4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 1 North, Range 4 West, W.M., without

loss of priority, to 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 22.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 20.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.9 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 1 North, 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 of water may be made without injury to existing rights, the application should be approved.

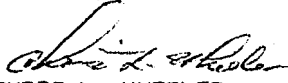
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 1.0 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 6.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 30.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 27.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 1 North, Range 4 West, W.M., with a date of priority of April 10, 1939, be severed therefrom and simultaneously and without loss of priority, transferred to 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 22.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 20.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.9 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 1 North, 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, 1970.

It is FURTHER ORDERED that a certificate of water right not

be issued as provided in the orders entered July 28, 1967, and December 18, 1968, and upon receipt of proof satisfactory to the State Engineer of completion of the change in place of use authorized herein, a certificate of water right shall be issued to W. G. Krieger confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 31st day of October, 1969.


CHRIS L. WHEELER
State Engineer