

2916

STATUS OF APPLICATION

Change in Place of Use
Date filed Nov. 8, 1973
Date of hearing _____
Place of hearing _____
Date of order 1-3-74 Vol. 24, page 37-38
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued MAY 21 1975 Vol. 34, page 42164

9-28-75 wls

DESCRIPTION OF WATER RIGHT

Name of stream Gales Creek
Trib. of _____ County of Washington
Use Irrigation
Quantity of water _____ No. of acres 2 1/2
Name of ditch _____
Date of priority MAY 2, 1939
In name of Shady Beard
_____ Adjudication, Vol. _____, page _____
App. No. 17971 Per. No. 13646 Cert. No. 13783
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-8-73</u>	<u>25.00</u>	<u>37361</u>
TOTAL . . .	<u>300</u>	
<u>12-26-73</u>	<u>Cert. Fee</u>	<u>37961</u>

FEES REFUNDED

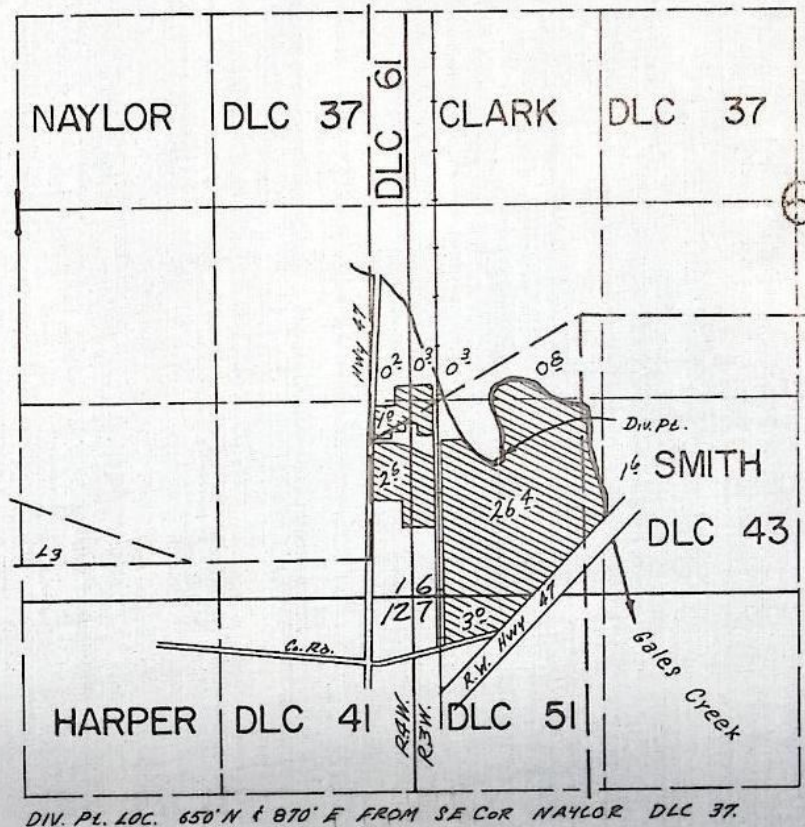
Date	Amount	Check No.
<u>6-26-75</u>	<u>1.50</u>	<u>6426</u>

REMARKS

See Transfer 0-56 - one cert to be issued
for remaining right of change - See file 12783 for
part of land - subtract this from acct land irrigated
and issue prop. on balance. Then cert - need survey
of acct land irrigated by Otto

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	Entered	Checked
_____	Name	<u>WH</u>	_____
_____	Stream	<u>WH</u>	_____
_____	Pt. of Div.	_____	_____
_____	Calendar	<u>WH</u>	_____
_____	CHECK	_____	_____
_____	Twp.	<u>WKE</u>	_____
_____	Decree	_____	_____
_____	Decree	_____	_____
_____	Cert. of Div.	<u>WAC</u>	_____
_____	Per. Folder	<u>WAC</u>	_____
_____	Chainder	_____	_____
_____	Cross Ref.	_____	_____
_____	Power Claim	_____	_____
_____	Abstracts	_____	_____

T.1S. R.3&4W. W.M.



FINAL PROOF SURVEY
UNDER

Transfer Nos. 0-56 & 2916
Application No. _____ Permit No. _____
IN NAME OF

DAVID H. OTTO

Surveyed Sep...3... 1974, by R. G. MUCKEN

Superseded by

Cert. No.

Trs. Sp. Cr. V. 17, p. 124

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That SHADY BEARD

of Route 1, Forest Grove, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Gales Creek a tributary of Tualatin River for the purpose of Irrigation under Permit No. 13646 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 2, 1939;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.30 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 1 South, Range 3 West, W. M., being within Andrews Harper D. L. C. 51.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

(11.0)	26.6	19.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
(0.5)	1.4	0.4 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
		Section 6
	2.8	2.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
		Section 7
		Tp. 1 S., R. 3 W., W. M.
(2.5)	2.1	0.9 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
		Section 1
		Tp. 1 S., R. 4 W., W. M., being within
	2.4	Andrews Harper D. L. C. 51.
	0.3	0.3 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
		Section 6
	0.1	0.1 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
		Section 7
		Tp. 1 S., R. 3 W., W. M., being within
		Alvin T. Smith D. L. C. 43.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of July, 1941.

CHAS. E. STRICKLIN

State Engineer

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