

3748

3748 SMITH

## STATUS OF APPLICATION

Change in POU  
 Date filed Aug. 8, 1977  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 10-17-77 Vol. 29, page 467  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued NOV 28 1977 Vol. 37, page 45015  
Sept 27, 1988 54 57730

## DESCRIPTION OF WATER RIGHT

Name of stream Gales Creek  
 Trib. of \_\_\_\_\_ County of Washington  
 Use Irr.  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority Aug. 10, 1951  
 In name of Grant Wright  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 26289 Per. No. 20634 Cert. No. 22045  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>8-8-77</u>	<u>30.00</u>	<u>63026</u>
TOTAL . . .		
<u>10-13-77</u>	<u>2</u> Cert. Fee	<u>64437</u>

## FEES REFUNDED

Date	Amount	Check No.
<u>10/10/77</u>	<u>200</u> Cert fee on its way	

## REMARKS

See also T#3528 which canceled C# 22045 and provides for R.R. Cert.

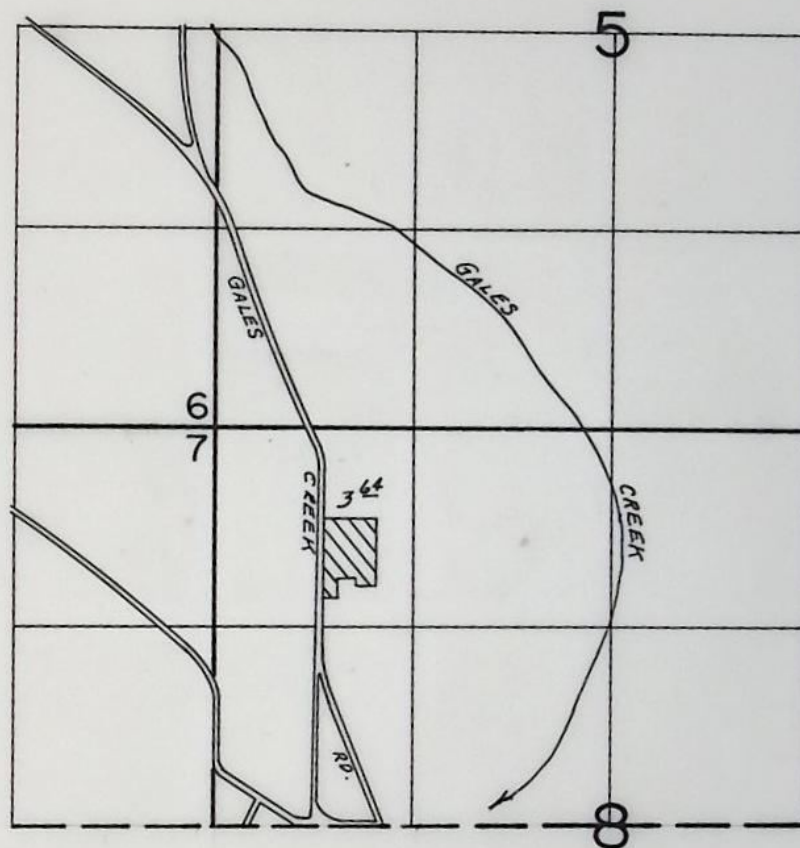
**DVA Notification**

W.R.I.S.

Assembled 6-20-85 by SCD  
 Entered \_\_\_\_\_ by \_\_\_\_\_  
 Verified \_\_\_\_\_ by \_\_\_\_\_

INDEX CARDS:		Entered	Checked
✓	Name	<u>lg</u>	_____
✓	Succ. in	<u>lg</u>	_____
✓	Pt. of Div.	<u>lg</u>	_____
✓	Calendar	<u>lg</u>	_____
✓	Twp. & Rge.	<u>lg</u>	_____
✓	Decree-vault	<u>lg</u>	_____
✓	Decree-safe	<u>lg</u>	_____
✓	Cert. of W/R	<u>lg</u>	_____
✓	Per. Folder	<u>lg</u>	_____
✓	Chaindex	<u>lg</u>	_____
✓	Cross Ref.	<u>lg</u>	_____
✓	Power Claim	<u>lg</u>	_____
✓	Abstracts	<u>lg</u>	_____

T. 1N., R. 4W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3748  
Application No. .... Permit No. ....  
IN NAME OF

..... EARL A., JR. & DONNA F. SMITH .....

Surveyed JULY 16, 1980, by R.G. MUCKEN.....

STATE OF OREGON  
COUNTY OF WASHINGTON

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Donna F. & Earl A. Smith, Jr.

~~GRANT RIGHT~~

Star Rt. Box 1045,

of Gales Creek

, State of

Oregon 97117

, 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

the irrigation of ~~26.9 acres~~ <sup>3.64</sup> ~~23.26 acres~~

for the purpose of

under Permit No. 20634

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 August 10, 1951

that the amount of water to which such right is entitled and hereby confirmed, for the purposes

0.05 ~~0.37~~ cubic foot per second

~~0.33~~

0.28

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the NW 1/4, Section 8, Township 1 North, Range 4 West, W. M., being 790' S & 50' E from N 1/4 Cor of Sec. 8.

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 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: 6.20 ~~6.24~~ acres in the E 1/4 NW 1/4, T 3528, R 3748

3.64 acres NW 1/4 NW 1/4, 17.06 ~~23.5~~ acres in the NE 1/4 NW 1/4, T 3528, R 3748

Section 8

Township 1 North, Range 4 West, W. M.

## 1 Clause

This certificate is issued to confirm a change in place of use approved by an order of the Water Resources Director entered Oct 17, 1977, and together with certificate 45015, supersedes certificate , State Record of Water Right Certificates.

The issuance ..... 540.610

thence E. 30 chains, thence S. 13 1/3 chains to the place of beginning.

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 7th day of February, 1977

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 2245.

F-3748

45015

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 $\frac{1}{2}$  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.

029  
2467-468

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.

/s/ James E. Sexson  
Director