

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF HAROLD M. WASHBURN, SR. AND)
MARJORIE S. WASHBURN FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM A SPRING)

ORDER APPROVING
TRANSFER NO. 2384

On May 21, 1970, Harold M. Washburn, Sr. and Marjorie S. Washburn filed an application in the office of the State Engineer for the approval of a change in place of use of water from a spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Grace Shepard and recorded at page 24461, Volume 17, State Record of Water Right Certificates, confirms a right to, among other uses, the use of 0.02 cubic foot per second of the waters of a spring for domestic use of one

family within the SE1/4 SE1/4 SW1/4, Section 36, Township 6 South, Range 4 West, W.M., with a date of priority of July 31, 1956.

The applicants herein, owners of the lands to which the above described right is appurtenant, propose to transfer the water right therefrom, without loss of priority, to a house being constructed by Harold M. Washburn, Jr. within the NE1/4 SE1/4 SW1/4, Section 36, Township 6 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 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 domestic use of one family within the SE¼ SE¼ SW¼, Section 36, Township 6 South, Range 4 West, W.M., with a date of priority of July 31, 1956, be severed therefrom and simultaneously and without loss of priority, transferred to a house being constructed by Harold M. Washburn, Jr. within the NE¼ SE¼ SW¼, Section 36, Township 6 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, 1971.

It is FURTHER ORDERED that the quantity of water to be appropriated under the change hereby approved shall be limited to the amount beneficially used not exceeding 0.0075 cubic foot per second.

It is FURTHER ORDERED that certificate of water right heretofore issued to Grace Shepard and recorded at page 24461, Volume 17, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate shall be issued covering the balance of the right not involved in this proceeding and excluding the right to the use of 0.005 cubic foot per second of water for stock until completion of cancellation proceedings when a new certificate will be issued covering the right to the use of water for stock if it is determined that such right has not been forfeited and 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 Harold M. Washburn, Jr. confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 20th day of August, 1970.


CHRIS L. WHEELER

State Engineer