

Columbia County

IN THE MATTER OF THE APPLICATION
 OF PAUL J. DeSHAZER AND McNULTY
 WATER ASSOCIATION FOR THE APPROVAL
 OF A CHANGE IN USE OF WATER FROM A
 WELL

ORDER APPROVING
TRANSFER NO. 3362

On February 11, 1976, Paul J. DeShazer and McNulty Water Association filed an application in the office of the Water Resources Director for the approval of a change in use of water heretofore made from a well pursuant to the provisions of ORS 537.705.

Certificate of water right recorded at Page 28177, Volume 20, State Record of Water Right Certificates, in the name of Paul J. DeShazer, describes an existing right of record which includes the use of not to exceed 0.04 cubic foot per second from a well for irrigation of a certain 4.74 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 4 North, Range 2 West, W.M., with a date of priority of August 25, 1959.

Water for the said right is diverted from a well located 2277 feet South and 1881 feet East from the Northwest corner of Section 13, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 4 North, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the use heretofore made and to make use of the water for domestic and commercial purposes within the service area of the McNulty Water Association, being within SW $\frac{1}{4}$ of Section 5, Section 6, Section 7, Section 8, N $\frac{1}{2}$ of Section 18, and W $\frac{1}{2}$ of Section 19, Township 4 North, Range 1 West, W.M.; Section 1, E $\frac{1}{4}$ of Section 2, E $\frac{1}{2}$ of Section 12, and NE $\frac{1}{4}$ of Section 13, Township 4 North, Range 2 West, W.M.; W $\frac{1}{2}$ of Section 31, Township 5 North, Range 1 West, W.M.; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 25, E $\frac{1}{4}$ of Section 26, E $\frac{1}{4}$ of Section 35 and Section 36, Township 5 North, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Sentinel-Mist Chronicle, a newspaper printed and having general circulation in Columbia County, Oregon, for a period of three weeks in the issues of March 4, 11 and 18, 1976.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in use of water may be made without injury to existing rights.

On October 21, 1976, an objection to the proposed change in use of water was filed in the names of Douglas A. Wilson, Leslie C. Wilson, Herbert Freeland, Karen Freeland, Judith Siewert, Kim Candioglo, Mel West and Helen J. West. Prior to a hearing on the matter, the said objection was withdrawn by the objectors with the provision that the proposed change in use be restricted to the amount of 0.04 cubic foot per second of water from the subject well. The said restriction was agreed to by the applicant.

No other objection having been filed and it appearing that the proposed change in use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made of ground water during the irrigation season, described herein, without loss of priority, is approved.

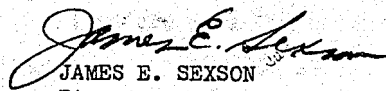
It is FURTHER ORDERED that the quantity of water diverted at the point of diversion under the provisions of this order shall not exceed 0.04 cubic foot per second and shall be further limited to the irrigation season of each year.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Paul J. DeShazer and recorded at Page 28177, Volume 20, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate

be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to McNulty Water Association.

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


JAMES E. SEXSON
Director