

Washington County

IN THE MATTER OF THE APPLICATION)
 OF HENRY J. GRASS, M.D., FOR THE)
 APPROVAL OF A CHANGE IN USE)
 HERETOFORE MADE OF WATER FROM AN)
 UNNAMED STREAM)

ORDER APPROVING
TRANSFER NO. 3254 and 3255

On June 4, 1975, Henry J. Grass, M.D., filed applications in the office of the Water Resources Director for the approval of a change in use heretofore made of water from natural flow and storage from an unnamed stream pursuant to the provisions of ORS 540.510 to 540.530.

Certificates of water right issued to Hollis Hartwick and recorded at Page 29782 and 29783, Volume 21, State Record of Water Right Certificates, confirms a right for the storage of 66.7 acre feet of water from an unnamed stream in Hartwick Reservoir located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 2 North, Range 4 West, W.M., for irrigation purposes and a right which includes the use of not to exceed 0.24 cubic foot per second of water from the unnamed stream and Hartwick Reservoir for the irrigation of 17.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, 10.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 2 North, Range 4 West, W.M., with a date of priority of May 11, 1956. Water for the said rights is diverted at an in channel storage dam located 908.7 feet South and 502.01 feet East from the Northwest corner of the NE $\frac{1}{4}$ of Section 35, Township 2 North, Range 4 West, W.M.

The applicant herein, contract purchaser of the lands above described, proposes to change the use heretofore made of the stored water to use as a recreation pond within the reservoir site located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 2 North, Range 4 West, W.M., and to change the use heretofore made of the natural flow of the unnamed stream to maintenance of the said recreational pond.

Mr. Joseph A. Lanza, owner of record and contract seller of the land above described, has submitted a statement of concurrence with the proposed change.

Notice of the application, pursuant to ORS 540.510, was published in the News-Times, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of December 18, 22 and 29, 1975.

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

No objection having been filed and it appearing that the proposed change in use heretofore made 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 water from an unnamed stream and stored water, described herein, without loss of priority, is approved.

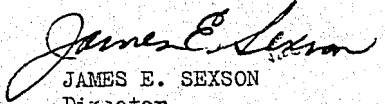
It is FURTHER ORDERED that the quantity of water diverted from the natural flow of the unnamed stream for maintenance of the recreation pond shall not exceed 0.24 cubic foot per second during the irrigation season of each year.

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 certificates of water right heretofore issued to Hollis Hartwick and recorded at Pages 29782 and 29783, Volume 21, State Record of Water Right Certificates, are 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 Henry J. Grass, M.D.

Dated at Salem, Oregon, this 1st day of February, 1977.


JAMES E. SEXSON
Director