

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION
OF ROSS IVERSON FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF
WATER FROM BUTTE CREEK

ORDER APPROVING
TRANSFER NO. 3100

On July 24, 1974, Ross Iverson filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Butte Creek Orchards, Inc., and recorded at page 15111, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.53 cubic feet per second of water from Butte Creek, for the irrigation of, among other lands, 24.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 5 South, Range 1 West, W.M., with a date of priority of July 3, 1940, and July 22, 1940. These lands are irrigated from points of diversion located (1) 1100 feet South and 800 feet West from the North quarter-corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, and (2) 1600 feet South and 50 feet East from the North quarter-corner of Section 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 5 South, Range 1 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 24.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 5 South, Range 1 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. Keith M. Palmer, Watermaster of District No. 3100, 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.

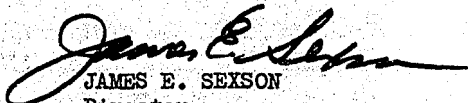
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 24.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 5 South, Range 1 West, W.M., with a date of priority of July 3, 1940, and July 22, 1940, be severed therefrom and simultaneously and without loss of priority transferred to 24.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 5 South, Range 1 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

It is FURTHER ORDERED that certificate of water right heretofore issued to Butte Creek Orchards, Inc., and recorded at page 15111, Volume 12, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Ross Iverson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 13th day of November, 1975.


JAMES E. SEXSON
Director