

2392

STATUS OF APPLICATION

Change in Point of Diversion
Date filed May 28, 1970
Date of hearing _____
Place of hearing _____
Date of order 2-9-78 Vol. 30, page 413
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued MAR 30 1979 Vol. 40, page 47682

to survey 2/78
5-8-79 Jan

DESCRIPTION OF WATER RIGHT

Name of stream Butte Creek
Trib. of _____ County of Clackamas
Use Irrigation
Quantity of water _____ No. of acres 150
Name of ditch _____
Date of priority July 15, 1964
In name of Wilfred B. Hatcher
_____ Adjudication, Vol. _____, page _____
App. No. 40074 Per. No. 29866 Cert. No. 35298
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>5/28/70</u>	<u>25.00</u>	<u>18866</u>
TOTAL . . .	<u>2.00</u> \$1 Cert. Fee	<u>9655</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

	INDEX CARDS:	Entered	Checked
✓	Name	<u>lij</u>	
✓	Stream	<u>lij</u>	
✓	Pt. of Div.	<u>lij</u>	
✓	Calendar	<u>lij</u>	
0	Checked to REVA. RUS:		
	Trp. & Rep.		
	Deeds-visit		
	Deeds-safe		
✓	Cert. of W/R	<u>lij</u>	
✓	Per. Folder	<u>lij</u>	
	Chaindex		
	Gross Ref.		
	Power Claim		
✓	Abstracts	<u>lij</u>	

~~17-99~~
222-155

Inspection
8/1/78 CLH

County CLACKAMAS

Not Home
5.1.78 JSD

[illegible]

Info: Mr. Anderson. All is irrigated as applied.

Source: Butte crk. A 2' rock dam across crk backs water into ditch (5' across 1' deep max). Diversion direct from 2' hole in ditch through 5" Alum pipe

pump - GE 30HP @ 3550 RPM

Cornell CDD 4x3 running @ 160 psi

Use: Irrigation of strawberries, wheat, pastureland for stock

Equip: 4" buried pvc mainline - mi

3" Alum laterals - 4000'

heads - RB 30s $\frac{1}{64} \times 0$

(100 max)
all prop.

Lift: zero to +5 ft

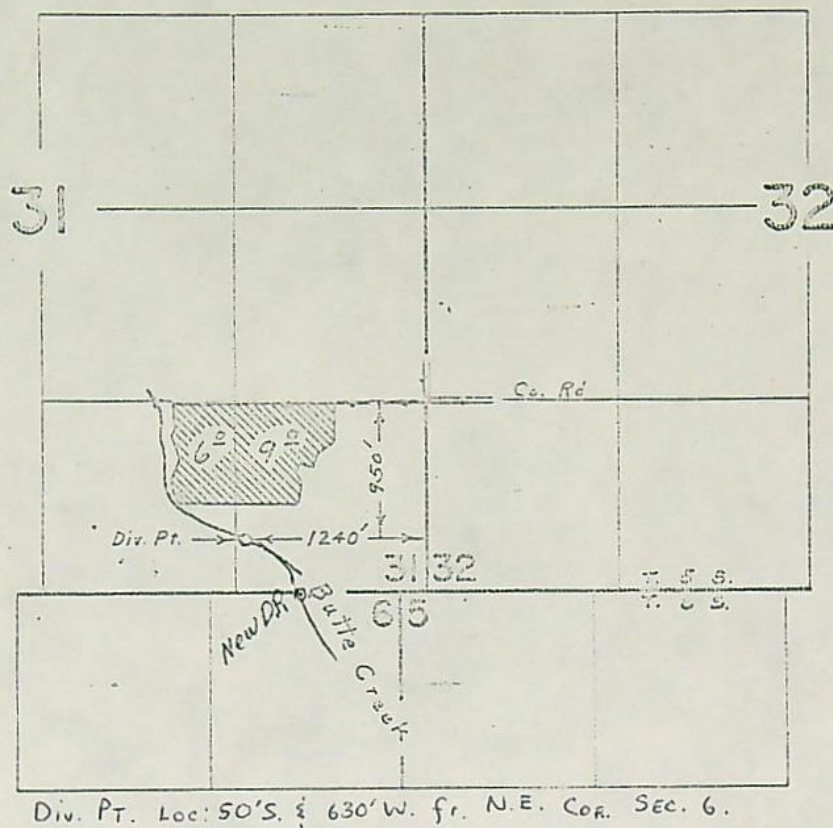
Tie: Inspection - Photo shows DP (DFK-2LL-155)

Chris Hughes

FE

8/1/78

T.586 S.R.1 E.W.M.



FINAL PROOF SURVEY UNDER

Application No. 40074 Permit No. 27866
IN NAME OF

WILFRED B. HATCHER

Surveyed Oct. 20, 1967, by L.E. Gould

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT A. ANDERSON FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM BUTTE CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 2392

On May 28, 1970, an application was filed in the office of the Water Resources Director by Robert A. Anderson for approval of a change in point of diversion from Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 35298, Volume 27, State Record of Water Right Certificates, in the name of Wilfred B. Hatcher, describes a right for the use of not to exceed 0.19 cubic foot per second from Butte Creek for the irrigation of 6.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 5 South, 1 East, W.M., with a date of priority of July 15, 1964.

Water for the said right is diverted from a point located 950 feet South and 1240 feet West from the Northeast Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 5 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 5 feet South and 870 feet West from the Southeast Corner of said Section 31, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 6 South, Range 1 East, W.M.

Mr. Keith M. Palmer, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.19 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective

when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

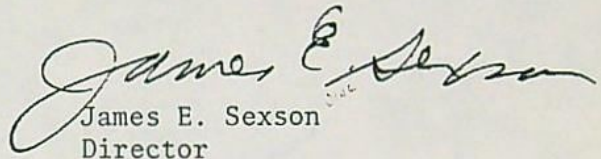
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Wilfred B. Hatcher and recorded at page 35298, Volume 27, State Record of Water Right Certificates, is canceled, 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 the applicant herein.

Dated at Salem, Oregon, this 9th day of February, 1978.


James E. Sexson
Director

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Robert A. Anderson
(Name of applicant)

of Woodburn Rt. 2 Box 212, County of Clackamas
(Postoffice)

State of Oregon, do hereby make application for change in point of
diversion
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Butte Creek
(Name of stream)

2. The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is pump

4. The point of diversion is located 950 ft. S and 1240 ft. W from the NE
(N. or S.) (E. or W.)

corner of SE 1/4 SE 1/4 Sec 31 being within the SE 1/4 SE 1/4
(Section or subdivision)

of Section 31 Tp. 5 S R. 1 E W. M., in the County of Clackamas
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
<u>55</u>	<u>1 E</u>	<u>31</u>															<u>60</u>	<u>90</u>

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? July 15, 1964
yes

9. Was your water right acquired by State Engineer's Permit? 29866 If so, give number
(Yes or No)

of permit

10. Do you hold a water right certificate? yes If so, give number of certificate 35298
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings _____
(Yes or No)

12. Is the water right recorded in your name? No, Wilfred B. Hotcher
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 5 ft. S and 870 ft. W from the SE
(N. or S.) (E. or W.)
corner of Sec 31, 551E being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6 Tp. 6S R. 1E W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Clackamas. The name of the ditch to be used is Pump

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? _____
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are More economical operation

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

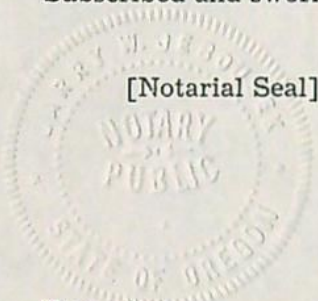
County of Clackamas } ss.

I, Robert A. Anderson, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 28 day of May, 1970.

Robert A. Anderson
(Name of applicant)

Subscribed and sworn to before me this 28th day of May, 1970



[Notarial Seal]

Tammy W. Bush
NOTARY PUBLIC FOR OREGON

My commission expires November 3, 1972

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Feb. 10, 1978.FROM: Keith Palmer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 2392IN THE NAME OF Robert A. Anderson

In my opinion the proposed change in point of diversion of water from Butte Creek.
may be made without injury ~~would result in injury*~~ to existing water rights.

Headgate notices ~~have~~ have not been issued for diversions from the source
which serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? No
(yes or no)

In my opinion the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion...
- ✓ (2) When in the judgement of the watermaster it becomes necessary...

* The approval of this transfer application would result in injury to other
water rights because _____

