

2623 James Butsch +
Sheltering Oaks Berry Farm
Mt. Angel, Ore.

2623

STATUS OF APPLICATION

Change in Place of Use
Date filed April 7, 1972
Date of hearing _____
Place of hearing _____
Date of order April 16, 1973 Vol. 23, page 94
Date for application of water October 1, 1973
Proof mailed _____
Proof received _____
Certificate issued NOV 23 1976 Vol. 36, page 44018

DESCRIPTION OF WATER RIGHT

Name of stream A Well
Trib. of _____ County of MARION
Use Irrigation
Quantity of water _____ No. of acres 76²
Name of ditch _____
Date of priority MAY 16, 1966
In name of Hessel Bierma
_____ Adjudication, Vol. _____, page _____
App. No. G-3493 Per. No. G-3291 Cert. No. 36540
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-7-72</u>	<u>\$ 27.05</u>	<u>27978</u>
TOTAL . . .		
	<u>\$1 Cert. Fee</u>	

FEES REFUNDED

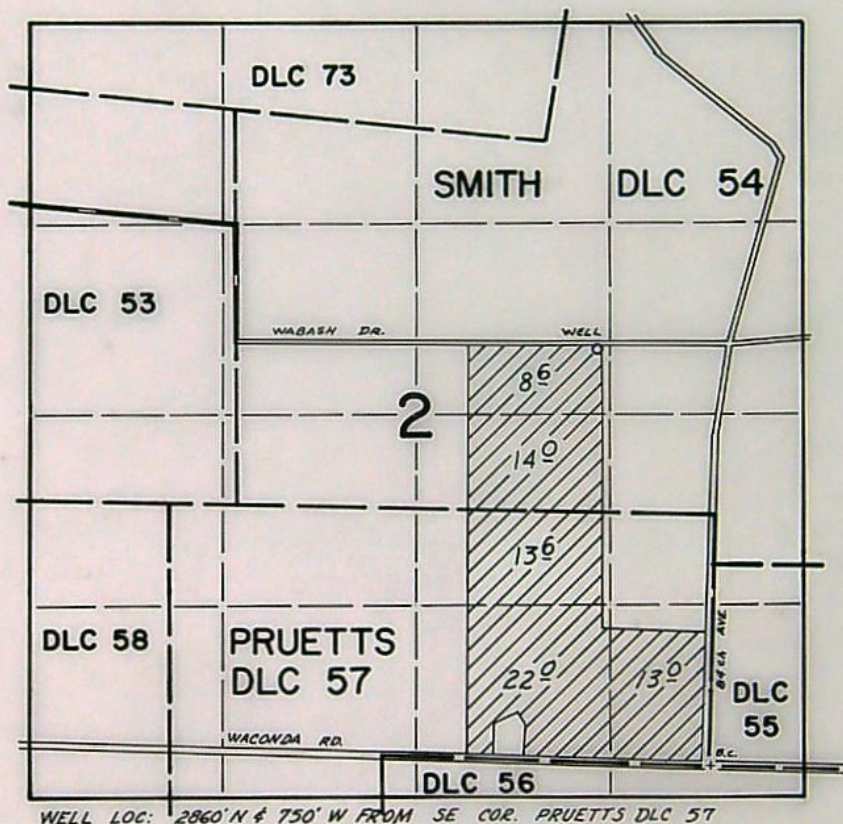
Date	Amount	Check No.

REMARKS

Right not involved here has been canceled

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name			
<input checked="" type="checkbox"/>	Address			
<input checked="" type="checkbox"/>	Pl. of Div.			
<input checked="" type="checkbox"/>	Calendar			
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp & Rge.			
<input checked="" type="checkbox"/>	Decree-vault			
<input checked="" type="checkbox"/>	Decree-safe			
<input checked="" type="checkbox"/>	Cert. of W/R			
<input checked="" type="checkbox"/>	Per. Folder			
<input checked="" type="checkbox"/>	Chainindex			
<input checked="" type="checkbox"/>	Cross Ref.			
<input checked="" type="checkbox"/>	Power Claim			
<input checked="" type="checkbox"/>	Abstracts			

T.6S., R.2W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2623

Application No. Permit No.

IN NAME OF

JAMES BUTSCH & SHELTERING OAKS BERRY FARM

Surveyed March 28 1975, by D. Norby

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

James Butsch & Sheltering Oaks Berry Farm

This Is to Certify, That

HESSEL BIERMA

mt Angel of ~~Route 2, Box 175, Woodburn~~, State of ~~Oregon~~ ⁹⁷³⁶², has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of unnamed creek (Pudding River)
irrigation of ~~102.0~~ ^{71.2} acres

for the purpose of

under Permit No. G-3291 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 16, 1966

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ~~4.28~~ cubic foot per second

0.89

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the $SW\frac{1}{4}NE\frac{1}{4}$, as projected within Smith DLC 54, Section 2, T. 6 S., R. 2 W., W. M. Well located 1390 feet South and 320 feet East from the SE Corner, Rondenau DLC 73. The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

~~18.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Smith DLC 54~~
~~5.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Smith DLC 54~~
~~2.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Smith DLC 54~~
~~12.3 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Smith DLC 54~~
~~14.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Smith DLC 54~~
~~2.2 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Pruett's DLC 57~~
~~12.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Smith DLC 54~~
~~13.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Pruett's DLC 57~~
~~22.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2~~
~~13.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ T. 6 S., R. 2 W., W. M.~~

This certificate is issued to confirm a change in place of useapproved by an order of the Water Resources Director entered April 16, 1973,*together with special order Vol. 22 Page 297*and supersedes certificate of water right issued to aboveand recorded at Page 36540, Volume 28, State Record of Water Right Certificates.Recorded in State Record of Water Right Certificates, Volume 28, page 36540

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HESSEL BIERMA

of Route 2, Box 175, Woodburn , State of Oregon , has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of unnamed creek (Pudding River) for the purpose of irrigation of 102.0 acres

under Permit No. G-3291 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 16, 1966

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.28 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Smith DLC 54, Section 2, T. 6 S., R. 2 W., W. M. Well located 1390 feet South and 320 feet East from the SE Corner, Rondeau DLC 73. The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

18.0 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Smith DLC 54
5.5 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Smith DLC 54
29.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Smith DLC 54
21.6 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Smith DLC 54
10.0 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Smith DLC 54
2.2 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Pruetts DLC 57
14.2 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Smith DLC 54
1.5 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Pruetts DLC 57
	Section 2	
	T. 6 S., R. 2 W., W. M.	

SWSE
SESE

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. February 10, 1970

CHRIS L. WHEELER

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

On May 12, 1972, James Butsch and Sheltering Oaks Berry Farms submitted an affidavit that they are the owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the appropriation of not to exceed 0.33 cubic foot per second of the waters from a well for the irrigation of 18.0 acres in NE¼ NE¼, 5.5 acres in NW¼ NE¼, and 2.3 acres in SE¼ NE¼ as projected within the Smith DLC No. 54, Section 2, Township 6 South, Range 2 West, W.M., with a date of priority of May 16, 1966, and is evidenced by certificate of water right recorded at page 36540, Volume 28, State Record of Water Right Certificates.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.95 cubic foot per second of the waters of a well for irrigation of 29.0 acres in SW¼ NE¼, 19.3 acres in SE¼ NE¼, 10.0 acres in NE¼ SE¼, 14.2 acres in NW¼ SE¼, as projected within the Smith DLC No. 54, 2.2 acres in NE¼ SE¼ and 1.5 acres in NW¼ SE¼, as projected within Pruetts DLC No. 57, Section 2, Township 6 South, Range 2 West, W.M., with a date of priority of May 16, 1966, is not in question.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancellation

22-297

thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 0.33 cubic foot per second of the waters of a well for the irrigation of 18.0 acres in NE¼ NE¼, 5.5 acres in NW¼ NE¼, and 2.3 acres in SE¼ NE¼, as projected within the Smith DLC No. 54, Township 6 South, Range 2 West, W.M., with a date of priority of May 16, 1966, is canceled.

Dated at Salem, Oregon, this 20th day of November, 1972.

/s/ CHRIS L. WHEELER
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF JAMES BUTSCH & SHELTERING OAKS)
BERRY FARM FOR THE APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
FROM A WELL)

ORDER APPROVING
TRANSFER NO. 2623

On April 7, 1972, James Butsch and Sheltering Oaks Berry Farm filed an application in the office of the State Engineer for the approval of a change in place of use of water from a well, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Hassel Bierma and recorded at page 36540, Volume 28, State Record of Water Right Certificates, confirms a right to the use of 1.28 cubic feet per second of the waters of a well for the irrigation of, among other lands, 29.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 12.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 15.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 6 South, Range 2 West, W.M., with a date of priority of May 16, 1966.

The applicants herein, owners of the lands above described, propose to transfer the water right appurtenant to 29.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 12.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 15.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, without loss of priority to 11.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 21.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 15.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 6 South, Range 2 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. E. Michael Ricks, Watermaster of District No. 16, 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 29.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 12.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 15.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 6 South, Range 2 West, W.M., with a date of priority of May 16, 1966, be severed therefrom and simultaneously and without loss of priority, transferred to 11.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 21.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 15.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 6 South, Range 2 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

By an Order of the State Engineer entered November 20, 1972, the right for the use of 0.33 cubic foot per second of waters for the irrigation of 18.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 6 South, Range 2 West was canceled. This is the balance of the right evidenced by the certificate recorded at page 36540 not involved in this proceeding.

It is FURTHER ORDERED that certificate of water right heretofore issued to Hessel Bierma and recorded at page 36540, Volume 28, State Record of Water Right Certificates is canceled 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 James Butsch and Sheltering Oaks Berry Farm confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 16th day of April, 1973.

/s/ CHRIS L. WHEELER
State Engineer

100% COTTON FIBER
UNIONSKIN
OLD FOUNDED TREE

