

2946

STATUS OF APPLICATION

Change in place of use & point of diversion
 Date filed 12/11/73
 Date of hearing _____
 Place of hearing _____
 Date of order 4-22-74 Vol. 24, page 247-9
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 30 1978 Vol. 35, page 43602
AUG 10 1978 38 46212

DESCRIPTION OF WATER RIGHT

Name of stream Ferguson Creek
 Trib. of _____ County of Lane
 Use irrigation
 Quantity of water _____ No. of acres 9.0
 Name of ditch _____
 Date of priority Oct 22, 1954
 In name of Thomas C. Buchanan
 _____ Adjudication, Vol. _____, page _____
 App. No. 29525 Per. No. 23249 Cert. No. 23805
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>12-11-73</u>	<u>40.00</u>	<u>37756</u>
TOTAL . . .	<u>3.00</u>	
<u>12-11-73</u>	Cert. Fee	<u>37757</u>

FEES REFUNDED

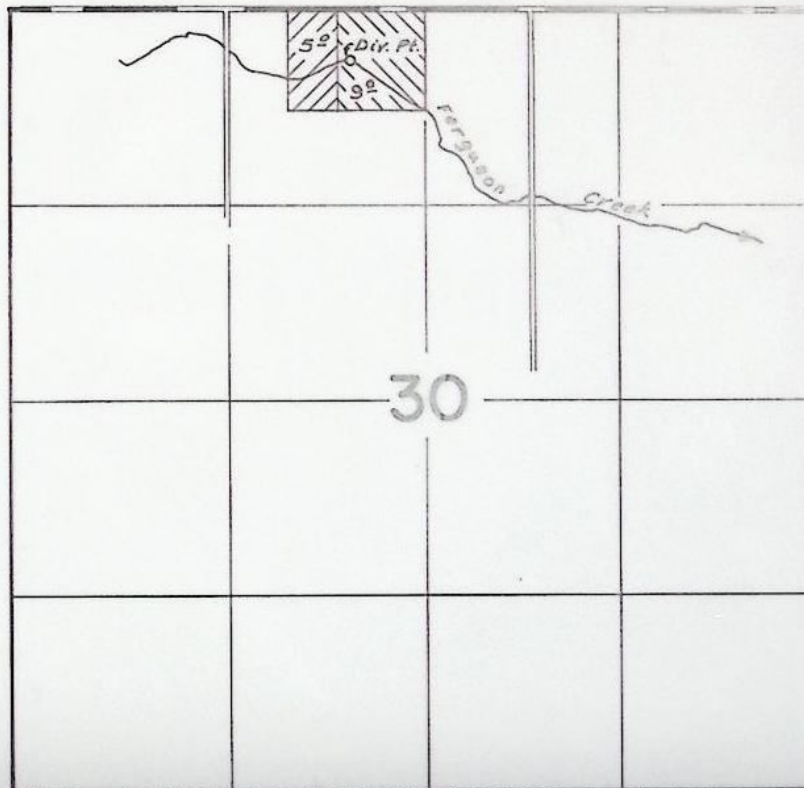
Date	Amount	Check No.

REMARKS

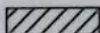
Sec # 2949

INDEX CARDS:		Entered	Checked
<u>WC</u>	Name	☒	☐
<u>WC</u>	Stream	☒	☐
<u>WC</u>	Pt. of Div.	☐	☐
<u>WC</u>	Calendar	☒	☐
CHECKED TO RECORDS:			
☒	Twp. & Rge.	☒	☐
☐	Decree-vault	☐	☐
☐	Decree-safe	☐	☐
<u>WC</u>	Cert. of W/R	☒	☐
<u>WC</u>	Per. Folder	☒	☐
☐	Chainindex	☐	☐
☐	Cross Ref.	☐	☐
☐	Power Claim	☐	☐
☐	Abstracts	☐	☐

T.15 S., R.5 W., W.M.



Div. Pt. Loc: 360'S. & 500'W. from N. 1/4 Cor. Sec. 30

 T-2946
 T-2947

FINAL PROOF SURVEY
UNDER

Transfer No. 2946 & 2947

Application No. _____ Permit No. _____
IN NAME OF

Grady W. Butler

Surveyed May 12 1976 by D.M. Norby

DBQ-1JJ-125 *OCB*

BEFORE THE STATE ENGINEER OF OREGON

Lane County

IN THE MATTER OF THE APPLICATION
OF GRADY W. BUTLER FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE AND POINT
OF DIVERSION OF WATER FROM FERGUSON
CREEK

ORDER APPROVING
TRANSFER NO. 2946

On December 11, 1973, Grady W. Butler filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Ferguson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Thomas C. Buchanan and recorded at page 23805, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from Ferguson Creek for the irrigation of, among other lands, 9.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 15 South, Range 5 West, W.M., with a date of priority of October 22, 1954. These lands are irrigated from a point of diversion located 1200 feet South and 325 feet East from the North $\frac{1}{4}$ corner of Section 30, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 15 South, Range 5 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 9.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 15 South, Range 5 West, W.M., and to irrigate these lands from a point of diversion to be located 390 feet South and 565 feet West from the North $\frac{1}{4}$ corner of Section 30, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 15 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Gene McGinnis, Watermaster of District No. 2, has filed a report to the effect that the proposed change in place of use and point of diversion 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 and point of diversion 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 9.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 15 South, Range 5 West, W.M., with a date of priority of October 22, 1954, be severed therefrom and simultaneously and without loss of priority transferred to 9.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 15 South, Range 5 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Ferguson Creek, to wit:

From a point located 1200 feet South and 325 feet East from the North $\frac{1}{2}$ corner of Section 30, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 15 South, Range 5 West, W.M.

To a point to be located 390 feet South and 565 feet West from the North $\frac{1}{2}$ corner of Section 30, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 15 South, Range 5 West, W.M.

for the irrigation of 9.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 15 South, Range 5 West, W.M., with a date of priority of October 22, 1954, is approved.

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use and the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1975.

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, and shall not exceed 0.11 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to Thomas C. Buchanan and recorded at page 23805, Volume 17, 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 State Engineer of application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to Grady W. Butler confirming the change in point of diversion and the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 22nd day of April, 1974.

/s/ CHRIS L. WHEELER
State Engineer

Superseded by

Cert. No. 43602Sp. Or. Vol. 247

STATE OF OREGON
COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Grady W. Butler
~~THOMAS C. BUCHANAN~~

25644 Ferguson

of Rt. 3, Junction City

, State of Oregon 97448

, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Ferguson Creek

a tributary of Long Tom River

for the purpose of

the irrigation of 9.0 acres

under Permit No. 23249

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 October 22, 1954,

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 0.25 cubic foot per second,

0.11

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the NW 1/4 NE 1/4 Section 30, Township 15 South, Range 5 West, W.M., 360'S & 500'W from the N 1/4 cor Sec 30

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 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:

CL 44121 5/1/58
92 ar. Sp. Or. Vol. 247

11.0 acres in the W 1/2 NW 1/4 NE 1/4

→ 9.0 acres in the W 1/2 SW 1/4 NE 1/4

Section 30

Township 15 South, Range 5 West, W.M.

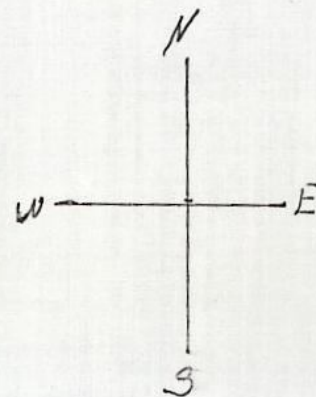
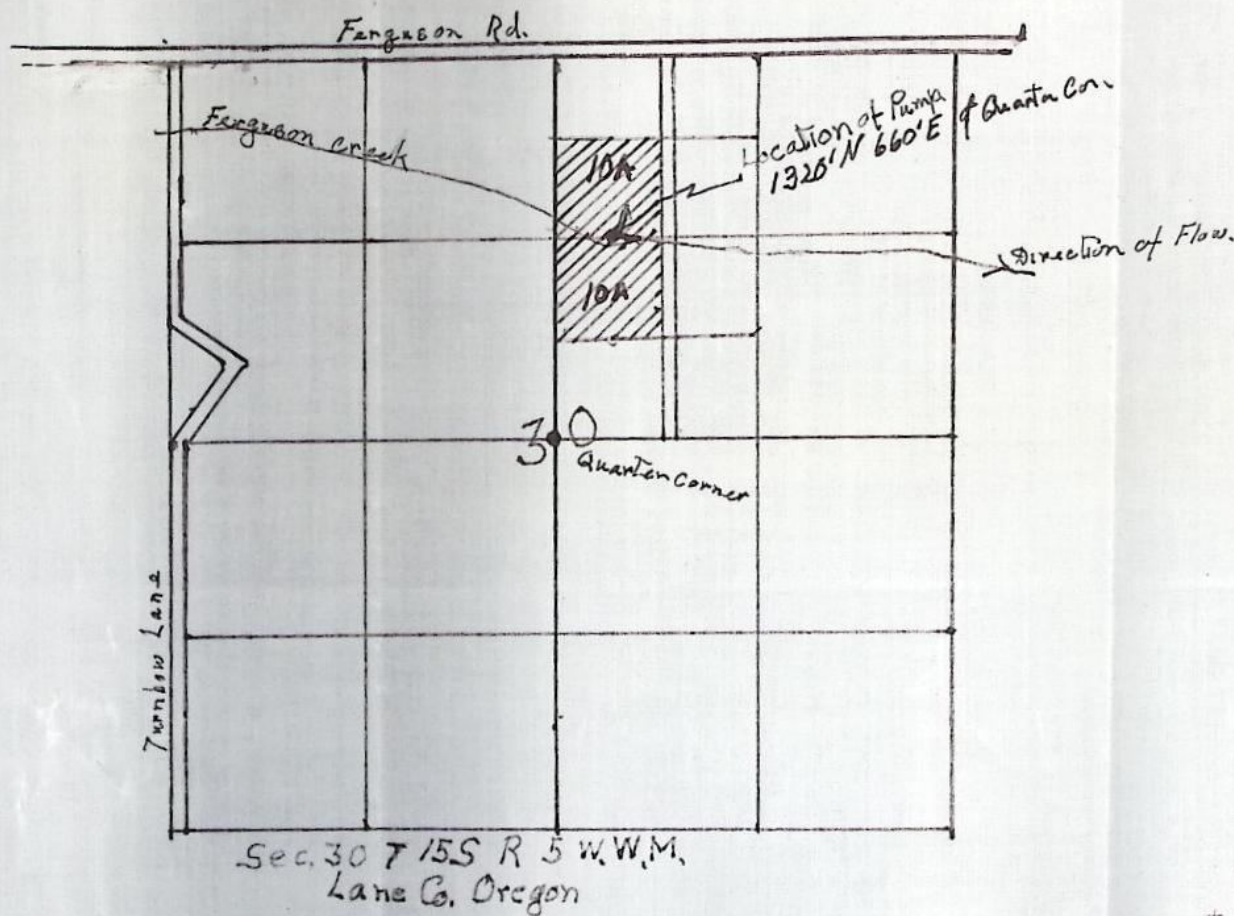
This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered April 23, 1974 and together with certificate of water right recorded on page 43602, Volume 35, SRWRC supersedes certificate of water right recorded on page 23805, Volume 17, SRWRC.

this 28th day of March, 1958

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 23805



RECEIVED
DEC 6 1954
STATE ENGINEER
SALEM, OREGON

20 Acres to be irrigated as follows
The SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$
and
the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$
of Sec 30 T15S R5 W.W.M.
Owner - Thomas C. Buchanan
Appl. 29525

Application No. 29525
Permit No. 23249

Scale $\frac{1}{4}$ " = 1 Mile