

2921 Frank G. Studer
St. 3, Box 260-186
Estancia

2921

STATUS OF APPLICATION

Change in Place of Use
Date filed November 16, 1973
Date of hearing _____
Place of hearing _____
Date of order 3-12-74 Vol. 24, page 168
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued DEC 21 1978 Vol. 40, page 147051
Survey 10/74

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream A Spring
Trib. of _____ County of Clackamas
Use Domestic Use
Quantity of water 0.01 cfs No. of acres _____
Name of ditch _____
Date of priority Oct. 8, 1959
In name of Richard J. & Louise H. Spouhauer
_____ Adjudication, Vol. _____, page _____
App. No. 33408 Per. No. 26389 Cert. No. 30055
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-16-73</u>	<u>\$30.00</u>	<u>37447</u>
TOTAL . . .		
<u>11-16-73</u>	<u>\$1.50</u> Cert. Fee	<u>37448</u>

FEES REFUNDED

Date	Amount	Check No.

	INDEX CARDS:		Entered	Checked
			WH	
NO BE ENTERED WHERE CHECKED	☒	Name	WH	
	☒	Stream	WH	
	☒	Pt. of Div.	WH	
	☒	Calendar	WH	
	☒	Twp. & Rge.	WH	
	☒	Decree-vault	WH	
	☒	Decree-safe	WH	
	☒	Cert. of W/R	WH	
	☒	Per. Folder	WH	
	☒	Chaindex	WH	
CHECKED TO RECORDS:				
		Cross Ref.		
		Power Chain		
		Abstracts		

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRANK G. STUDER

RT3, Box 186
 of Box 578, Estacada, 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 spring
 a tributary of Dubois Creek for the purpose of
 domestic use of one family

under Permit No. 26389 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 8, 1959

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
0.01 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 Lot 2 (NW 1/4 NE 1/4) Section 32, T. 3 S., R. 4 E., W.M.
N 20° 20' W, 203.3 FT. FROM N.W. COR. STEPHENSON DCC 59

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 - - - - - of one cubic foot per second
 per acre,

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:

LOT 2 (NW 1/4 NE 1/4)
NW 1/4 NE 1/4
Section 32
T. 3 S., R. 4 E., W. M.

PLACE OF USE
 This certificate is issued to confirm a change in point of diversion approved
 by an order of the WRD entered MAR. 12, 1974 and supersedes certificate of water right
 recorded on Page 30055, Volume 22, SRWRC.

The issuance of this superseding certificate does not confirm the status of
 the water right in reference to ORS 540.610.

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. SEPTEMBER 13 1962

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 30055

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION
OF FRANK G. STUDER FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF
WATER FROM A SPRING

ORDER APPROVING
TRANSFER NO. 2921

On November 16, 1973, Frank G. Studer filed an application in the office of the State Engineer for the approval of a change in place of use of water from a spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Richard J. and Louise H. Sponhauer and recorded at page 30055, Volume 22, State Record of Water Right Certificates, confirms a right to the use of 0.01 cubic foot per second of the waters of a spring for domestic use of one family located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 3 South, Range 4 East, W.M., with a date of priority of October 8, 1959.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority to domestic use for one family in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 3 South, Range 4 East, 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.

Glen F. Daniels, contract purchaser, has submitted written approval of the proposed change in place of use.

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 domestic use for one family in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 3 South, Range 4 East, W.M., with a date of priority of October 8, 1959, be severed therefrom and simultaneously and without loss of priority transferred to domestic use for one family in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 3 South, Range 4 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Richard J. & Louise H. Sponhauer and recorded at page 30055, Volume 22, 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 Frank G. Studer confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 12th day of March, 1974.

/s/ CHRIS L. WHEELER
State Engineer