

2947 ERADY W. BUTLER
RT 3, Box 383, Junction City

2947

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 244-246
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 43503
AUG 24 1978 38 46305

DESCRIPTION OF WATER RIGHT

Name of stream Ferguson Creek
Trib. of _____ County of Lane
Use irrigation
Quantity of water _____ No. of acres 5.0
Name of ditch _____
Date of priority March 2, 1956
In name of Thomas C. Buchanan
_____ Adjudication, Vol. _____, page _____
App. No. 30571 Per. No. 24110 Cert. No. 23819
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>12-11-73</u>	<u>40.00</u>	<u>37758</u>
TOTAL . . .		
<u>12-11-73</u>	<u>3.00</u> Cert. Fee	<u>37759</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See # 2946

chd SLS in note

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

Superseded by

Cert. No. 43603Sp. Or. V. 244 p. 244

JCS
pay \$11.00

STATE OF OREGON
COUNTY OF LANE

20571
CERTIFICATE OF WATER RIGHT

This Is to Certify, That Grady W. Butler
25644 Ferguson ~~THOMAS G. DUCHANAN~~
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 ~~Creek~~ ^{River} for the purpose of
the irrigation of 5.0 acres
under Permit No. 24110 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 March 2, 1956,

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
0.13 cubic foot per second,
0.065

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the ~~NE 1/4~~ ^{NW 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 $2\frac{1}{2}$ 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:

5 acres in the W₂ NW₂ NE₄ NW
5 acres in the W₂ SW₂ NE₄
Section 30
Township 15 South, Range 5 West, W.M.

Ch. 41.4 to replace of Use
Sp. Or. Vol 24 p 244

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 22, 1974 and together with certificate of water right recorded on page
43603, Volume 35, SRWRC supersedes certificate of water right recorded on
page 23819, Volume 17, SRWRC.

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 28th day of March, 1958.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 23819

STATE OF OREGON
COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That THOMAS C. BUCHANAN

of Rt. 3, Junction City , 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
Ferguson Creek
a tributary of Long Tom Creek for the purpose of
irrigating ~~17~~ 5 acres
under Permit No. 24110 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 March 2, 1956.

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
~~0.13~~ cubic foot per second,
0.065

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 15 South, Range
5 West, W.M.

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:

5 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$
~~5 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$~~
Section 30
Township 15 South, Range 5 West, W.M.

An order of the ~~Water Resources Director~~ ^{S-E-} entered April 22, 1974 approved
a change ^{place of use} in point of diversion for the irrigation of 5.0 acres. This
certificate is issued to confirm the remaining right not involved in the
change and supersedes the certificate heretofore issued to Thomas C. Buchanan
recorded at page 23819 ^{Vol. 17,} State Record of Water Right Certificates.

~~LESLIE A. STANLEY~~

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 23819

BEFORE THE STATE ENGINEER OF OREGON

Iane 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. 2947

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 23819, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.13 cubic foot per second of water from Ferguson Creek for the irrigation of, among other lands, 5.0 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 March 2, 1956. 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 $\frac{1}{4}$ of 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 5.0 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 5.0 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 March 2, 1956, be severed therefrom and simultaneously and without loss of priority transferred to 5.0 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 5.0 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 March 2, 1956, 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 0.065 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 head-gates 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 23819, 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. WHISTLER
State Engineer