

STATUS OF APPLICATION

Change in Place of Use
 Date filed April 12, 1972
 Date of hearing _____
 Place of hearing _____
 Date of order June 6 Vol. 22, page 60
 Date for application of water 10-1-73
 Proof mailed _____
 Proof received _____
 Certificate issued 11-3-72 Vol. 30, page 38649

DESCRIPTION OF WATER RIGHT

Name of stream Butte Creek
 Trib. of _____ County of MARION
 Use Irrigation
 Quantity of water _____ No. of acres 181
 Name of ditch _____
 Date of priority April 12, 1961
 In name of Walter Duda
 _____ Adjudication, Vol. _____, page _____
 App. No. 34799 Per. No. 27334 Cert. No. 33193
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-12-72</u>	<u>20.00</u>	<u>28042</u>
TOTAL . . .		
<u>9-22-72</u>	<u>1.50</u> \$1 Cert. Fee	<u>30854</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Lands being Re-transferred from Sp. Or. Vol. 19 p 493, T-2423 [See also D-134]

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

STATE OF OREGON

COUNTY OF MARION

Superseded by

Cert. No. _____

Superseded by

Cert. No. _____

Trs. Sp. Or. V. 32 p. 15Trs. Sp. Or. V. 17 p. 189Trs. Sp. Or. V. 19 p. 493

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WALTER DUDA

of Route 1, Box 16, Mt. Angel, _____, 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 Butte Creek

a tributary of Pudding River
irrigation of 34.9 acres

for the purpose of

under Permit No. 27334 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 April 12, 1961

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 0.37 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within F. Eastham DLC 63, Section 36, T. 5 S., R. 1 W., W. M. ~~Diversion point located 220 feet West and 920 feet South from NE Corner, Section 36.~~

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:

8.7 ac NENE
10.6 " NW NE
8.0 " SW NE
3.1 " SE NE
2.0 " NE NW
2.5 " SE NW

10.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
18.5 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
1.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
1.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

all as projected within W. Eastham DLC 63
Section 36
T. 5 S., R. 1 W., W. M.

This certificate is issued to confirm a change in place of use approved by an order of the State Engineer entered June 6, 1972, and supersedes certificate of water right heretofore issued to Walter Duda, and recorded at page 33193, Volume 25, State Record of Water Right Certificates.

this date. July 10, 1972

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33193

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF WALTER DUDA FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM BUTTE CREEK _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 2628

On April 12, 1972, Walter Duda filed an application in the office of the State Engineer for the approval of a change in place of use of water from Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at page 33193, Volume 25, State Record of Water Right Certificates, confirmed a right to the appropriation of 0.37 c.f.s. of water from Butte Creek for the irrigation of 34.9 acres with a date of priority of April 12, 1961. On July 24, 1970, an order was entered wherein the rights became appurtenant to the following lands: 4.5 acres in NE¼ NE¼, 18.3 acres in SW¼ NE¼, 7.1 acres in SE¼ NE¼, 0.5 acres in NE¼ NW¼, and 4.5 acres in SE¼ NW¼, Section 36, Township 5 South, Range 1 West, W.M. Satisfactory proof has been submitted to the State Engineer that water has been applied beneficially to these lands.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 11.4 acres in SW¼ NE¼, 4.5 acres in SE¼ NE¼, and 2.2 acres in SE¼ NW¼, Section 36, Township 5 South, Range 1 West, W.M., therefrom, without loss of priority, to 4.2 acres in NE¼ NE¼, 10.6 acres in NW¼ NE¼, 1.1 acres in SW¼ NE¼, 0.5 acres in SE¼ NE¼, 1.5 acres in NE¼ NW¼, and 0.2 acres in SE¼ NW¼, Section 36, Township 5 South, Range 1 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. Mike Ricks, Watermaster of District 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 11.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 2.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 5 South, Range 1 West, W.M., with a date of priority of April 12, 1961, be severed therefrom and simultaneously and without loss of priority, transferred to 4.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 5 South, Range 1 West, W.M.

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

It is FURTHER ORDERED that no new certificate be issued as provided by the order entered July 24, 1970, 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 Walter Duda confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 6th day of June, 1972.

/s/ CHRIS L. WHEELER
State Engineer