

2910

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed Oct. 30, 1973
 Date of hearing _____
 Place of hearing _____
 Date of order 12-26-73 Vol. 23, page 496-8
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued MAY 24 1974 Vol. 32, page 40396
FEB 4 1975 33 41624
41625

DESCRIPTION OF WATER RIGHT

Name of stream Pudding River
 Trib. of _____ County of Marion
 Use Irrigation
 Quantity of water _____ No. of acres 32.9
 Name of ditch _____
 Date of priority MAR. 9, 1949 - Sept. 7, 1949
 In name of Cornelius Bateson
 _____ Adjudication, Vol. _____, page _____
 App. No. 23645 18694 20095
24086 Per. No. 18968 Cert. No. 22471
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-30-73</u>	<u>30.00</u>	<u>37237</u>
TOTAL . . .	<u>1.50</u>	<u>37238</u>
<u>10-30-73</u>	Cert. Fee	Remaining Right Cert. Fee only
<u>1-23-75</u>	<u>3.00</u>	<u>44914</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION
OF HERBERT A. SPADY FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM PUDDING RIVER

ORDER APPROVING
TRANSFER NO. 2910

On October 30, 1973, Herbert A. Spady filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Pudding River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Cornelius Bateson and recorded at page 20095, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic foot per second of water from Pudding River for the irrigation of 0.1 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 16.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, and 1.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 7 South, Range 2 West, W.M., with a date of priority of March 9, 1949.

Certificate of water right issued to Cornelius Bateson and recorded at page 22471, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic foot per second of water from Pudding River for the irrigation of, among other lands, 10.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.7 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 7 South, Range 2 West, W.M., with a date of priority of September 7, 1949.

These lands are irrigated from a point of diversion located 80 feet North and 1400 feet West from the Southeast corner of Section 13, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 7 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 75 feet South and 1350 feet West from the Southeast corner of Section 13, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 7 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 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. E. Michael Ricks, Watermaster of District No. 16, has filed a report to the effect that the proposed change in 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 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 point of diversion of water from Pudding River, to wit:

From a point located 80 feet North and 1400 feet West from the Southeast corner of Section 13, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 7 South, Range 2 West, W.M.

To a point to be located 75 feet South and 1350 feet West from the Southeast corner of Section 13, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 7 South, Range 2 West, W.M.

for the irrigation of 16.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.1 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13 and 1.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 7 South, Range 2 West, W.M., with a date of priority of March 9, 1949, and 10.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.7 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 7 South, Range 2 West, W.M., with a date of priority of September 7, 1949, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

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 0.23 cubic foot per second with a priority date of March 9, 1949, and 0.18 cubic foot per second with a priority date of September 7, 1949.

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 Cornelius Bateson and recorded at page 22471, Volume 16, 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 completion of the authorized change in point of diversion, a certificate of water right shall be issued to Herbert A. Spady confirming the change in point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to Cornelius Bateson and recorded at page 20095, Volume 14, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Herbert A. Spady confirming the change in point of diversion.

Dated at Salem, Oregon, this 26th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer

R10 P 196

STATE OF OREGON

COUNTY OF MARION

FILED
MARION COUNTY OREGON

CERTIFICATE OF WATER RIGHT PH 2 17

T. HAROLD TOMLINSON
COUNTY CLERK**This Is to Certify,** That CORNELIUS BATESON

of Route 5, Box 382, Salem, 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
Pudding River

a tributary of Willamette River for the purpose of
irrigation of 3.8 acres

under Permit No. 18968 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 September 7, 1949

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
0.05 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within English DLC 67,
Section 13, T. 7 S., R. 2 W., 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:

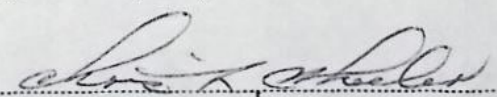
1.8 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within English DLC 57
Section 18
T. 7 S., R. 1 W., W. M.
2.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
As projected within English DLC 67
Section 13
T. 7 S., R. 2 W., W. M.

An order of the State Engineer entered December 26, 1973, approves a change in
point of diversion for the irrigation of 14.9 acres. This certificate is issued
to confirm the remaining right and supersedes the certificate heretofore issued
to Cornelius Bateson and recorded at page 22471, State Record of Water Right
Certificates.

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. May 24, 1974


State Engineer

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

Cornelius Bateson

STATE OF OREGON,

County of Marion } ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume R10
of Record of Water Right Certificates, at
page 196 on the 23rd day
of October, 1914

T. HAROLD TOMLINSON, County Clerk

By: Ardia Marshall
Deputy County Clerk

STATE OF OREGON
COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Herbert A. Spady
~~Cornelius Dawson~~
9460 Sunnyview Rd. NE
of ~~Box 368, Salem~~ ✓, State of Oregon 97301, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
~~Padding River~~ ✓
a tributary of ~~Willamette River~~ ✓ for the purpose of
irrigation ~~of 3.8 acres~~ → 14.9 acres
under Permit No. 18968 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 September 7, 1919

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
~~8.23~~ cubic foot per second

~~8.05~~
0.18

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 of Sec 24~~ NW 1/4 NE 1/4, as projected within English
DLC #67, Section 24, Township 7 South, Range 2 West, W. M. 1350 ft N & 1180 ft W
from the SE Corner of English DLC 67

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:

10.4 acres NW NE
0.2 acre SW NE
3.6 acres NE NW
0.7 acre SE NW
all as proj w/in English DLC 67
Section 24
T 7 S R 2 E W. M.

This certificate is issued to confirm a change in Prof. Div. approved by an
order of the State Engineer entered Dec 26, 1973, and supersedes certificate of
water right heretofore issued to Cornelius Dawson and Together with 90396 W 132
recorded at page 22471,
Volume 16, State Record of Water Right Certificates.

STATE OF OREGON
COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **CORNELIUS BATESON**

of Route 5, Box 382, Salem, 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 Pudding River, a tributary of Willamette River, for the purpose of irrigation of 3.8 acres under Permit No. 18968 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 September 7, 1949

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 ~~0.23~~ cubic foot per second

0.05

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 1/4~~ & SE 1/4, as projected within English DLC #67, Section 13, Township 7 South, Range 2 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:

1.8 acres in the SW 1/4 SW 1/4
as projected within English DLC #57
Section 18
Township 7 South, Range 1 West, W. M.

2.0 acres in the SE 1/4 SE 1/4
Section 13

~~9.1~~ ~~10.4~~ acres in the NW 1/4 NE 1/4
~~0.2~~ acres in the SW 1/4 NE 1/4
~~3.6~~ acres in the NE 1/4 NE 1/4
~~0.7~~ acres in the SE 1/4 NE 1/4

Section 24
Township 7 South, Range 2 West, W. M.
all as projected within English DLC #67

Ch. Pt. of Div.
T-2910

An order of the State Engineer entered Dec. 26 1973, approves a change in Pt. of Div. for the irrigation of 14.9 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to Cornelius Bateson and recorded at page 22471, State Record of Water Right Certificates.

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Herbert A. Spady
~~CORNELIUS BATESON~~
9460 Sunnyview Rd. NE.
 of ~~Route 5, Box 582, Salem~~ Salem, State of Oregon 97301, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Pudding River
 a tributary of Molalla River for the purpose of
 irrigation of 18.0 ac.
 under Permit No. 18694 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, 1949

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
0.23 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 NW 1/4 NE 1/4 SW 1/4 SE 1/4, as projected on L. N. English D.L.C.
No. 67, Section 13, Township 7 South, Range 2 West, W. M. 1350 ft N. 1160 ft.
W. from the SE Cor English D.L.C. 67

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:

- both
2 0.1 acre in SE 1/4 SE 1/4, as projected on L. N. English D.L.C. No. 67
1 16.6 acres in SW 1/4 SE 1/4, as projected on L. N. English D.L.C. No. 67
Section 13
1.3 acres in NW 1/4 NE 1/4, as projected on L. N. English D.L.C. No. 67
Section 24
Township 7 South, Range 2 West, W. M.

This certificate is issued to confirm a change in pt. of Div. approved by an
 order of the State Engineer entered Dec 26, 1973, and supersedes certificate of
 water right heretofore issued to Cornelius Bateson and recorded at page 20095,
 Volume 14, State Record of Water Right Certificates.

No. 57 of L.N. English situated in Sections 18 and 19, Township 7 South Range 1 West
 of Willamette Meridian, and No. 67 in Sections 13 and 24, Township 7 South, Range 2
 West of the Willamette Meridian, running thence North 19° 45' East along the East
 line of said D.L.C. 2400 feet to the intersection of said East line with the center
 of Pudding River, thence up stream following the meandering of the center of said
 Pudding River to the intersection of said river with the south line of said D.L.C.,
 thence east along said South line 460 feet to the point of beginning, containing
63.7 acres, more or less"

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 29th day of May , 19 53.

CHAS. E. STRICKLIN

State Engineer