

6100 Ross Jackson
Washburn, Or 97271

3100

24

STATUS OF APPLICATION

Change in place of use
Date filed 2-24-74
Date of hearing _____
Place of hearing _____
Date of order 11-13-75 Vol. 26, page 187
Date for application of water 10-1-76
Proof mailed _____
Proof received _____

DESCRIPTION OF WATER RIGHT

Name of stream Butte Creek
Trib. of _____ County of Clackamas
Use irrigation
Quantity of water _____ No. of acres 240
Name of ditch _____
Date of priority July 3, and 22, 1940
In name of Butte Creek Orchards, Inc.
_____ Adjudication, Vol. _____, page _____
App. No. 18826 Per. No. 14464 Cert. No. 15111
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7/24/74</u>	<u>25.00</u>	<u>42169</u>
TOTAL . . .	<u>3.00</u>	<u>42170</u>
<u>7/24/74</u>	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

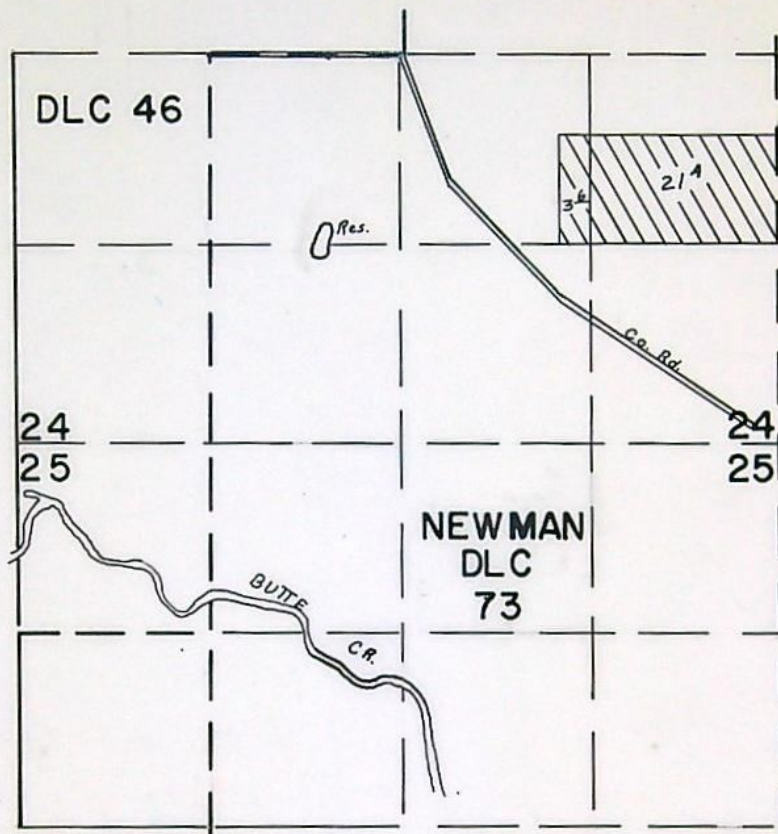
Do with appl G-5628
G-6267
G-6771

Application 18826
The 240 acres involved in this change in POV are being retransferred
by T#3661

FINIS

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

T.5S., R.1W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3100
Application No. _____ Permit No. _____
IN NAME OF

_____**ROSS IVERSON**_____

Surveyed JUNE 1 1977, by D.M. NORBY

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That BUTTE CREEK ORCHARDS, INC.

of 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 for the purpose of Irrigating ~~of~~ 98.3 acres under Permit No. 14464 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 July 3, 1940 for ~~0.61~~ c.f.s. and July 22, 1940 for ~~0.77~~ c.f.s. 0.62 ; 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 ~~1.53~~ cubic feet per second, 1.23

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 $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Township 5 South, Range 1 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:

4.9
~~3.9~~ — 28.9 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on D.L.C. 73
12.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on D.L.C. 73
Section 24
35.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on D.L.C. 73
12.3 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on D.L.C. 73
32.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on D.L.C. 73
1.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on D.L.C. 73
Section 25
T. 5 S., R. 1 W., W.M.

Land on which water is to be used is a part of the property more explicitly described by appropriator as follows: Beginning at the most Westerly north-west corner of the John W. Newman D.L.C. No. 73 in sections 24 and 25, T. 5 S., R. 1 W. of the Willamette Meridian in Clackamas County, Oregon; thence East along the North line of said claim 20.20 chains to an angle in said claim, thence S. 21° 19' E. along the center line of the County road 8.195 chains, thence S. 43° 52' E. still along the center line of said road 10.35 chains to an iron pipe; thence S. 23° E. 52.45 chains to the center line of Butte Creek; thence following down the center of said creek to where it crosses the West line of said Newman D.L.C. thence North along the West line of said D.L.C. 59.50 chains to the place of beginning, containing 224.6 acres of land more or less.

$$\frac{0.76}{122.3} = \frac{0.149}{24.0} = \frac{0.61}{98.3}$$

$$\frac{0.77}{122.3} = \frac{0.151}{24.0} = \frac{0.62}{98.3}$$

$$\frac{1.53}{122.3} = \frac{0.3}{24.0} = \frac{1.23}{98.3}$$

An order of the Water Resources Director entered November 13, 1975 approved a change in place of use for the irrigation of 24 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Butte Creek Orchards, Inc. recorded at page 15111 ^{Vol. 127}, State Record of Water Right Certificates.

~~CHAS. E. STRICKLIN~~

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 15111

43544

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION)
OF ROSS IVERSON FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF }
WATER FROM BUTTE CREEK }

ORDER APPROVING
TRANSFER NO. 3100

On July 24, 1974, Ross Iverson filed an application in the office of the Water Resources Director 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 issued to Butte Creek Orchards, Inc., and recorded at page 15111, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.53 cubic feet per second of water from Butte Creek, for the irrigation of, among other lands, 24.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 5 South, Range 1 West, W.M., with a date of priority of July 3, 1940, and July 22, 1940. These lands are irrigated from points of diversion located (1) 1100 feet South and 800 feet West from the North quarter-corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, and (2) 1600 feet South and 50 feet East from the North quarter-corner of Section 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 5 South, Range 1 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 24.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, 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. Keith M. Palmer, Watermaster of District No. 3100, 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 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 24.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 5 South, Range 1 West, W.M., with a date of priority of July 3, 1940, and July 22, 1940, be severed therefrom and simultaneously and without loss of priority transferred to 24.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, 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, 1976.

It is FURTHER ORDERED that certificate of water right heretofore issued to Butte Creek Orchards, Inc., and recorded at page 15111, Volume 12, 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 Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Ross Iverson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 13th day of November, 1975.

JAMES E. SEXSON
Director