

2629 waiter Duda
Rt. 1, Box 16
Mt, Angel, Ore 97362

2629

STATUS OF APPLICATION

Change in Place of Use
 Date filed April 12, 1972
 Date of hearing _____
 Place of hearing _____
 Date of order June 7, 1972 Vol. 22, page 62
 Date for application of water 10-1-73
 Proof mailed _____
 Proof received _____
 Certificate issued 11-3-72 Vol. 30, page 38648

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 6, 1944
 In name of Henry Hamann
 _____ Adjudication, Vol. _____, page 16712
 App. No. 20191 Per. No. 15743 Cert. No. 16712
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-12-72</u>	<u>20.00</u>	<u>28043</u>
TOTAL . . .	<u>1.50</u>	
<u>9-22-72</u>	<u>\$1 Cert. Fee</u>	<u>30855</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Land being Re-Transferred from Sp. Dr. Vol. 19 p490, T-2422 [See also D-133]

	INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE 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>Y</u>	<u>wat</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>wk</u>
	<input checked="" type="checkbox"/>	Per. Folder	<u>st</u>	<u>wk</u>
	<input type="checkbox"/>	Chainindex		
	<input type="checkbox"/>	Cross Ref.		
	<input type="checkbox"/>	Power Claim		
	<input type="checkbox"/>	Abstracts		

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HENRY 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 18.1 acres

for the purpose of

under Permit No. 15743 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 6, 1944

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 0.226 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 Eastham DLC 63, Section 36, T. 5 S., R. 1 W., W. M., 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:

11.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

4.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

2.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

All as projected within 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 7, 1972, and supersedes certificate of water right issued to Henry Homann and recorded at page 16712, Volume 13, 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. November 3, 1972

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38648

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. 2629

the application should be approved.

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 16712, Volume 13, State Record of Water Right Certificates, confirmed a right to the appropriation of 0.226 c.f.s. of water from Butte Creek for the irrigation of 18.1 acres, with a date of priority of April 6, 1944.

On July 24, 1970, an order was entered wherein the rights became appurtenant to the following lands: 4.2 acres in NE1/4 NE1/4, 10.6 acres in NW1/4 NE1/4, 1.1 acres in SW1/4 NE1/4, 0.5 acres in SE1/4 NE1/4, 1.5 acres in NE1/4 NW1/4, and 0.2 acres in SE1/4 NW1/4, 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 therefrom without loss of priority, to 11.4 acres in SW1/4 NE1/4, 4.5 acres in SE1/4 NE1/4, and 2.2 acres in SE1/4 NW1/4, 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 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.

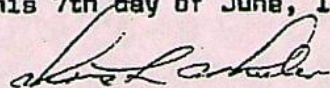
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 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., with a date of priority of April 6, 1944, be severed therefrom and simultaneously and without loss of priority, transferred 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.

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 Dude confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 7th day of June, 1972.


CHRIS L. WHEELER
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Marion County

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

ORDER APPROVING
TRANSFER NO. D-133

On August 15, 1968, Walter A. 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 issued to Henry Homann and recorded at page 16712, Volume 13, State Record of Water Right Certificates, confirms a right to the use of 0.226 cubic foot per second of the waters of Butte Creek for the irrigation of 8.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.7 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 5 South, Range 1 West, W.M., with a date of priority of April 6, 1944.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 0.4 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.8 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 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 only.

Mr. Clayton J. Gardner, Watermaster of District No. 1, 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.

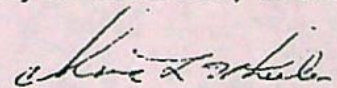
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 8.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.7 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 5 South, Range 1 West, W.M., with a date of priority of April 6, 1944, be severed therefrom and simultaneously and without loss of priority transferred to 0.4 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.8 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.6 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, 1969.

It is FURTHER ORDERED that certificate of water right heretofore issued to Henry Homann and recorded at page 16712, Volume 13, 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 Walter A. Duda confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 18th day of December, 1968.


CHRIS L. WHEELER
State Engineer

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. 2422

On July 23, 1970, 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 16712, Volume 13, State Record of Water Right Certificates, confirmed a right to the appropriation of 0.226 cubic foot per second of water from Butte Creek for the irrigation of 18.1 acres, with a date of priority of April 6, 1944. Subsequently, a change in place of use to the irrigation of 0.4 acre in NE¼ NE¼, 0.8 acre in NW¼ NE¼, 10.0 acres in SW¼ NE¼, 4.1 acres in SE¼ NE¼, 0.2 acre in NE¼ NW¼ and 2.6 acres in SE¼ NW¼, Section 36, Township 5 South, Range 1 West, W.M. was approved by order of the State Engineer entered December 18, 1969. 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 ~~8.9 acres in SW¼ NE¼, 3.6 acres in SE¼ NE¼ and 2.4 acres in SE¼ NW¼, Section 36, Township 5 South, Range 1 West, W.M. therefrom, without loss of priority, to 3.8 acres in NE¼ NE¼, 9.8 acres in NW¼ NE¼ and 1.3 acres in NE¼ 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. Clayton J. Gardner, Watermaster of District No. 1, 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.

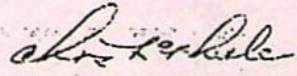
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 8.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.4 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 6, 1944, be severed therefrom and simultaneously and without loss of priority, transferred to 3.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 9.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.3 acres in NE $\frac{1}{4}$ 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, 1970.

It is FURTHER ORDERED that no new certificate be issued as provided by the order entered December 18, 1968, 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 24th day of July, 1970.


CHRIS L. WHEELER
State Engineer

STATE OF OREGON
COUNTY OF MARION

Expedited by
Cert. No.
Tres. Sp. Or. V. 17 p. 491
Tres. Sp. Or. V. 19 p. 490

Supervised by
Cert. No. 58648
Tres. Sp. Or. V. 22 p. 62

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HENRY HOMANN

of Route 1, Box 72, 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 irrigation under Permit No. 15743 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 6, 1944

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 0.226 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 on William F. Eastham D.L.C. No. 63, Section 36, 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:

8.7 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on William F. Eastham D.L.C. No. 63
0.7 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on William F. Eastham D.L.C. No. 63
1.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on William F. Eastham D.L.C. No. 63
7.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on William F. Eastham D.L.C. No. 63
Section 36
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 the appropriator as follows: Beginning at an iron pipe in the S. E. line of the R. R. right of way at a point 35.31 chains N. 89 degrees and 45 minutes E. and 28.713 chains S. 17 minutes E. from the N. W. Corner of the Wm. F. Eastham D.L.C. #63 in T. 5 S., R. 1 W., of the Willamette Meridian in Marion County, Ore. thence N. 36 degrees and 41 minutes E. along said right of way 4.95 chains to a stone; thence N. 89 degrees and 26 minutes E. 29.98 chains to a stone; thence N. 28 degrees and 48 minutes W. in the County road 4.667 chains to a stone; thence N. 43 degrees and 35 minutes E. 9.30 chains to the center line of Butte Creek; thence S. 33 degrees E. up the center of said creek 2.70 chains; thence S. 87 degrees E. 1.30 chains; thence S. 51 degrees E. 4.90 chains; thence S. 4 degrees and 30 minutes W. 5.23 chains; thence leaving said creek and running S. 75 degrees and 21 minutes W. 9.43 chains to a stone in the center line of the County road; thence S. 29 degrees and 39 minutes E. along the center line of said road 15.14 chains to a stone; thence S. 89 degrees and 26 minutes W. along the line dividing the Eastham claim into N. and S. halves 11.58 chains to a stone; thence N. 17 minutes W. 11.48 chains to the point of beginning; containing 67.00 acres of land, part of the N. half of the Wm. F. Eastham D.L.C. #63, T. 5 S., R. 1 W. Marion County, Oregon.

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 30th day of December, 19 49

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16712

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. 2629

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 16712, Volume 13, State Record of Water Right Certificates, confirmed a right to the appropriation of 0.226 c.f.s. of water from Butte Creek for the irrigation of 18.1 acres, with a date of priority of April 6, 1944. On July 24, 1970, an order was entered wherein the rights became appurtenant to the following lands: 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. 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 therefrom without loss of priority, 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.

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 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.

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 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., with a date of priority of April 6, 1944, be severed therefrom and simultaneously and without loss of priority, transferred 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.

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.

Dated at Salem, Oregon, this 7th day of June, 1972.

/s/ CHRIS L. WHEELER
State Engineer