

3038 George A. White
Route 1, Bethel
Ind. 46601 or 97362

3038

STATUS OF APPLICATION

Change in place of use
Date filed 5-13-74
Date of hearing _____
Place of hearing _____
Date of order 5/31/74 Vol. 24, page 470
Date for application of water 10-1-74
Proof mailed APR 21 1977
Proof received _____
Certificate issued MAY 24 1977 Vol. 36, page 44418

DESCRIPTION OF WATER RIGHT

Name of stream Butte Creek
Trib. of _____ County of Marion
Use irrigation
Quantity of water _____ No. of acres 13⁰
Name of ditch _____
Date of priority June 11, 1954
In name of George G. White
_____ Adjudication, Vol. _____, page _____
App. No. 29246 Per. No. 23008 Cert. No. 24551
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5/13/74</u>	<u>25⁰⁰</u>	<u>40029</u>
TOTAL . . .		
<u>4-27-77</u>	<u>\$2</u> Cert. Fee	<u>60040</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See also: 2761, 2762, & 3039
(Mar. 6, 1973)

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>8</u>	
<input checked="" type="checkbox"/>	Decree-vault		
<input checked="" type="checkbox"/>	Decree-safe		
<input checked="" type="checkbox"/>	Cert. of W/R	<u>WH</u>	
<input checked="" type="checkbox"/>	Per. Folder	<u>WH</u>	
<input type="checkbox"/>	Chainindex		
<input type="checkbox"/>	Cross Ref.		
<input type="checkbox"/>	Power Claim		
<input type="checkbox"/>	Abstracts		

559

STATE OF OREGON
COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **GEORGE G. WHITE**

of **Route 1, Box 61, 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**

97362

a tributary of **Pudding River** for the purpose of
the irrigation of **60.0 acres**

under Permit No. **23008** 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 **June 11, 1954**

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 **0.75 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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 6 S., R. 1 E., W. M. ;**
1800' N & 530' E from the SW cor Sec 5

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:

4.75 **NE $\frac{1}{4}$ SE $\frac{1}{4}$**
39.75 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
~~**4.75 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$**~~
13.00 ~~**0.80**~~ **acre SW $\frac{1}{4}$ SE $\frac{1}{4}$**
2.50 ~~**14.70**~~ **acres SE $\frac{1}{4}$ SE $\frac{1}{4}$**
Section 6
T. 6 S., R. 1 E., W. M.

This certificate is issued to confirm a change in place of use approved by an order of the State Engineer entered March 6, 1973, and supersedes certificate of water right

This certificate is issued to confirm a change in place of use as well as to describe that portion of the water right confirmed by the prior certificate recorded on page 41618, Volume 33 SRWRC, not modified by the provisions of the order entered May 31, 1974. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION
OF GEORGE G. WHITE FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF
WATER FROM BUTTE CREEK

ORDER APPROVING
Transfer 3038

On May 13, 1974, George G. White 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 George G. White and recorded at page 24551, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.75 cubic feet per second of water from Butte Creek for the irrigation of, among other lands, 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 12.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 East, W.M., with a date of priority of June 11, 1954. These lands are irrigated from a point of diversion located 1800 feet North and 530 feet East from the Southwest corner of Section 5, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 6 South, Range 1 East, W.M.

On March 6, 1973, an order was entered approving a change in place of use wherein certificate of water right issued in the name of George G. White and recorded at page 24551, Volume 17, State Record of Water Right Certificates, was canceled and provided for the issuance of a certificate confirming the extent to which the water had been applied beneficially and covering the balance of the lands not involved in that proceeding.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 13.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 East, 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. E. Michael 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.

The Federal Land Bank, as mortgage holder, has submitted written approval of this proposed change in place of use.

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 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 12.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 East, W.M., with a date of priority of June 11, 1954, be severed therefrom and simultaneously and without loss of priority transferred to 13.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that no certificate be issued as provided by the order entered March 6, 1973, 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 George G. White 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 31st day of May, 1974.

CHRIS L. WHEELER
State Engineer