

Name Norman Butler

By _____

Address Route 1, Box 144BBaker, OR 97814Change in PODDate filed May 22, 1978

Date of hearing _____

Place of hearing _____

Date of order 9-15-78 Vol. 31, page 244Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued NOV 2 1978 Vol. 39, page 46753OCT 23 1986 50 54988to survey 1/80

3959

DESCRIPTION OF WATER RIGHT

Name of stream Spring CreekTrib. of _____ County of Baker

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1866, 1880In name of A.F. WaltzPowder Riv. Adjudication, Vol. 6, page 455App. No. _____ Per. No. _____ Cert. No. 4537

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-22-78</u>	<u>35 -</u>	<u>3069</u>
TOTAL . . .		
<u>9-9-78</u>	<u>\$2 Cert. Fee</u>	<u>5967</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

W.R.I.S.

Assembled 6-5-85 by SP4

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

Entered

Checked

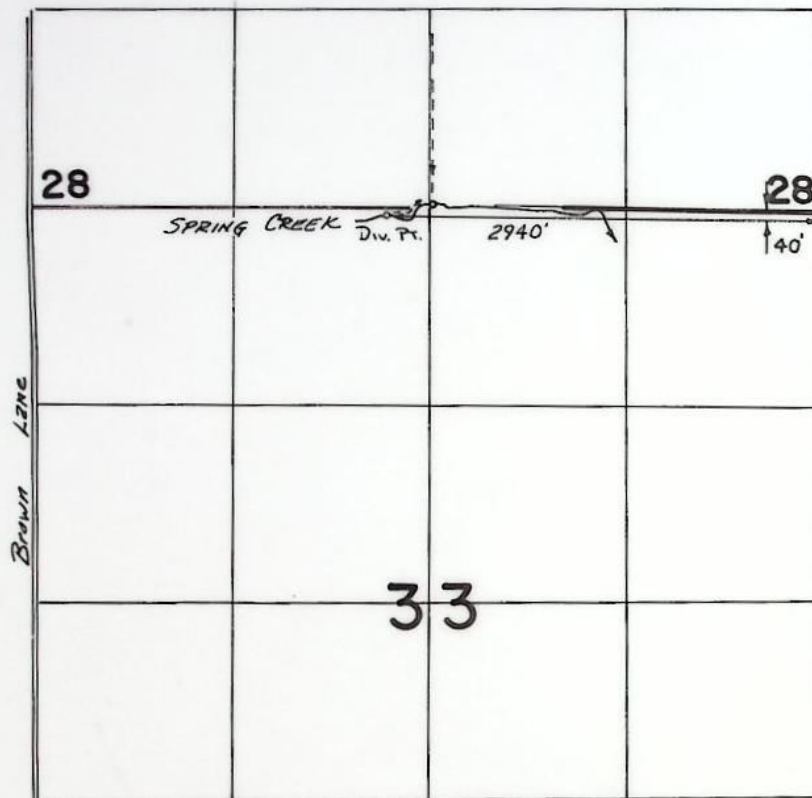
TO BE ENTERED WHERE CHECKED

☒ Name
☒ Stream
☒ Pt. of Div.
☒ Calendar
☒ Twp. & lge.
☒ Decree-vault
☒ Decree-sale
☒ Cert. of W/R
☐ Per. folder
☐ Chainindex
☐ Cross Ref.
☒ Power Claim
☒ Abstracts

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CHECKED TO RECORD

T. 8S., R. 39E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER 3959

IN NAME OF

.....**NORMAN BUTLER**.....

Surveyed ..8..5..... 1981.., by *V.L. Church*.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF NORMAN BUTLER FOR APPROVAL)
OF CHANGES IN POINTS OF DIVER-)
SION OF WATER FROM SPRING CREEK)

ORDER APPROVING
TRANSFER NO. 3959

On May 22, 1978, an application was filed in the office of the Water Resources Director by Norman Butler for approval of changes in points of diversion from Spring Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4537, Volume 5, State Record of Water Right Certificates, in the name of A. F. Waltz, describes a right which includes the use of water from Spring Creek for irrigation of 17.5 acres with a priority date of 1866 and 5.0 acres with a priority date of 1880 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 8 South, Range 39 East, W.M.

Water for the said right with the priority date of 1866 is diverted, through the A.F. Waltz No. 3 Ditch, from a point located 45 feet South and 2110 feet West from the Northeast Corner of Section 33, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 8 South, Range 39 East, W.M.

Water for the said right with the priority date of 1880 is diverted, through the A.F. Waltz No. 4 Ditch, from a point located 75 feet North and 2590 feet West from the Northeast Corner of Section 33, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 8 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the points of diversion therefrom and, without loss of priority, to hereafter divert water at a point located 2720 feet West from the Northeast Corner of Section 33, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 8 South, Range 39 East, W.M.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed change in points of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in points of diversion, as described herein, without loss of priority, is approved.

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 points of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

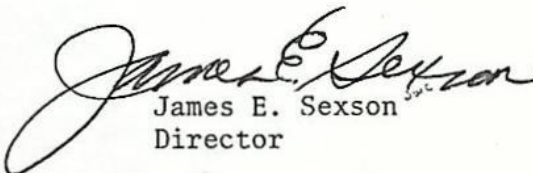
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right heretofore issued to A. F. Waltz and recorded at page 4537, Volume 5, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 15th day of September, 1978.


James E. Sexson
Director

120

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That A. F. WALTZ

of Baker County, State of Oregon, has a right to the use of

the waters of Spring Creek, tributary of Powder River

for the purpose of the irrigation of ^{27.5}~~50~~ acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1867 for 23 acres; 1866 for 4.5 acres ~~22 acres and 1860 for 5 acres~~

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic foot per second per acre; and shall be subject to all other conditions and limitations contained in said decree

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

27.5 acres in the Northwest quarter of Southeast quarter ~~and 22.5 acres in the Southwest quarter of Southeast quarter~~ of Section Twenty-eight, Township Eight South, Range Thirty-nine East of Willamette Meridian, in Baker County, Oregon.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4537, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Sept 15, 1978, approving transfer application No. 3959.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 15th day of February, 1923

(Seal of State Water Board)

By PERCY A. GUPPER
State Engineer, President

Attest:

R. W. POTTER
SecretaryRecorded in State Record of Water Right Certificates, Volume 5, page 4537