

## FINAL ORDER

February 27, 1998

WATER  
RESOURCES  
DEPARTMENT

Butter Creek Irrigation District  
P.O. Box 110  
Hermiston, Oregon 97838

Watermaster

RE: Approval of District Temporary Transfer File T-7900

Pursuant to ORS 540.570, Butter Creek Irrigation District filed a request to move the place of use of certain water rights within the District for the 1998 irrigation season. The changes requested are enumerated on the attached sheet. Notice of the request was published in summary form by the Water Resources Department on January 6, 1998. Public comments were accepted for 30 days following publication. No comments were received.

Pursuant to ORS 540.570 (3) and OAR 690-21-060 (2), staff has reviewed the requested changes. This review finds that the proposed changes do not injure existing rights or result in enlargement of the subject rights. Therefore, the request as enumerated on the attached sheet and as conditioned below is approved for the 1998 irrigation season.

1. Prior to using water on the subject lands, for each point of diversion/appropriation included in the temporary transfer, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Watermaster.
2. Within ten (10) days of the Watermaster's request, the water user shall install an in-line flow meter or other means for measuring the quantity of water going to the "TO" lands. The type and plans of the measuring device must be approved by the Watermaster.
3. Prior to using water on the subject lands, the water user shall install back flow prevention devices on all wells.
4. Pursuant to 540.570 (2), water will not be used on the subject lands until 60 days after the District's notice was received or the start of the irrigation season. The notice was received December 31, 1997.
5. The "FROM" lands will receive no water under the rights involved with T-7900 for the 1998 irrigation season.



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6. The "FROM" lands will receive no water under any other rights appurtenant to these lands for the 1998 irrigation season, unless water rights are transferred to the "FROM" lands. In no case shall a temporary transfer allow the enlargement of the water right.
7. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands. Water use from the wells shall not exceed the limits imposed by the Butter Creek Critical Groundwater Area.
8. Pursuant to 540.570 (6), the Department may further condition or revoke a temporary transfer at any time to the extent necessary to avoid injury if the Department finds the transfer is causing injury to an existing water right.
9. Pursuant to 540.570 (7), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

Copies of the approved request and associated maps are on file at the Department's North Central Region office in Pendleton.

Sincerely,



Bernadette Williams  
Field Water Rights Technician

cc: Tony Justus, District 5 Watermaster  
Mike Ladd, North Central Region Manager  
Marc Norton, Groundwater Section  
Sandra Cairns, Assistant Watermaster

attachment

**TEMPORARY TRANSFER, 1998 IRRIGATION SEASON  
BUTTER CREEK IRRIGATION DISTRICT**

- 1) **Butter Creek River Decree - Certificate 63802:** Irrigation; Priority Date - 1866 for 0.076 cfs, 1870 for 0.153cfs, 1884 for 0.076 cfs and 1896 for 1.938 cfs; Authorized Source - Butter Creek

Authorized Point of Diversion

SW ¼ NE ¼, Section 11, Township 2 North, Range 27 East, W.M.; 1330 Feet South and 270 Feet East from the North ¼ Corner, Section 11

<b>FROM LANDS</b>								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
63802	2N	27E	11	SWNE	401	1866, 1870 1884, 1896	IRRIG	4.2
63802	2N	27E	11	SENE	401	1866, 1870 1884, 1896	IRRIG	40.0
63802	2N	27E	11	NESW	1400	1866, 1870 1884, 1896	IRRIG	26.67
63802	2N	27E	11	NESW	1401	1866, 1870 1884, 1896	IRRIG	13.33
63802	2N	27E	12	SWNW	403	1866, 1870 1884, 1896	IRRIG	31.0
<b>IRRIG TOTAL</b>								<b>115.2</b>

<b>TO LANDS</b>								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
63802	2N	27E	1	SWNE	100	1896	IRRIG	38.2
63802	2N	27E	1	SENE	100	1896	IRRIG	5.0

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63802	2N	27E	1	SWNW	100	1884	IRRIG	3.9
63802	2N	27E	1	SWNW	100	1894	IRRIG	3.9
63802	2N	27E	1	SWNW	100	1870	IRRIG	7.8
63802	2N	27E	1	SWNW	100	1896	IRRIG	11.4
63802	2N	27E	2	SENE	100	1896	IRRIG	5.0
63802	2N	28E	5	SWNW	900	1896	IRRIG	8.7
63802	2N	28E	5	SENE	900	1896	IRRIG	31.3
<b>IRRIG TOTAL</b>								<b>115.2</b>

- 1) **Butter Creek River Decree - Vol. 3, Page 250; T-7545 (Vol. 51, Page 1302):**  
Irrigation; Priority Date - 1866 for 0.059 cfs, 1870 for 0.118 cfs, 1884 for 0.059 cfs and 1896 for 1.50 cfs; Authorized Source - Butter Creek (POD #2)

Authorized Point of Diversion

NE¼ SE¼, Section 2, Township 2 North, Range 27 East, W.M.; 50 Feet South and 350 Feet West from the East¼ Corner, Section 2

- 2) **Permit G-434; Certificate 53658:** Supplemental Irrigation; Priority Date - January 21, 1957; Authorized Source - Well #2

Authorized Point of Appropriation

NE¼ SE¼, Section 2, Township 2 North, Range 27 East, W.M.; 100 Feet South and 130 Feet West from the East¼ Corner, Section 2

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
T-7545 & 53658	2N	27E	1	SWNE	100	1896	IRRIG & SUPP	38.2

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T-7545 & 53658	2N	27E	1	SENE	100	1896	IRRIG & SUPP	5.0
T-7545 & 53658	2N	27E	1	SWNW	100	1884 & 1896	IRRIG & SUPP	27.0
T-7545 & 53658	2N	27E	2	SENE	100	1896	IRRIG & SUPP	2.8
T-7545 & 53658	2N	27E	2	SENE	100	1884	IRRIG & SUPP	2.2
T-7545 & 53658	2N	27E	2	NESE	100	1866, 1870, 1884 & 1896	IRRIG & SUPP	8.0
T-7545 & 53658	2N	27E	2	NWSE	100	1866	IRRIG & SUPP	0.47
T-7545 & 53658	2N	27E	2	NWSE	100	1896	IRRIG & SUPP	5.53
<b>IRRIG TOTAL</b>								<b>89.2</b>
<b>SUPP TOTAL</b>								<b>89.2</b>

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
T-7545 & 53658	2N	28E	5	NWNW	900	1896	IRRIG & SUPP	10.5

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T-7545 & 53658	2N	28E	5	SWNW	900	1896	IRRIG & SUPP	22.5
T-7545 & 53658	2N	28E	6	NENW	1000	1896	IRRIG & SUPP	12.6
T-7545 & 53658	2N	28E	6	NENW	1000	1870	IRRIG & SUPP	6.2
T-7545 & 53658	2N	28E	6	NENW	1000	1884	IRRIG & SUPP	3.1
T-7545 & 53658	2N	28E	6	NENW	1000	1866	IRRIG & SUPP	3.1
T-7545 & 53658	2N	28E	6	NWNW	1000	1896	IRRIG & SUPP	25.0
T-7545 & 53658	2N	28E	6	SESW	1000	1884	IRRIG & SUPP	6.2
<b>IRRIG TOTAL</b>								<b>89.2</b>
<b>SUPP TOTAL</b>								<b>89.2</b>

- 1) **Permit G-434; Certificate 53658:** Irrigation; Priority Date - 1/21/1957; Authorized Source Wells #1 and 2

Authorized Points of Appropriation

Well #1 - SE ¼ NW ¼, Section 1, Township 2 North, Range 27 East, W.M.; 10 Feet North and 2400 Feet East from the East ¼ Corner, Section 2

Well #2 - NE ¼ SE ¼, Section 2, Township 2 North, Range 27 East, W.M.; 100 Feet South and 130 Feet West from the East ¼ Corner, Section 2

Butter Creek Irrigation District Temporary Transfer, 1998 Irrigation Season

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53658	2N	27E	1	NENE	100	1/21/1957	IRRIG	7.48
53658	2N	27E	1	SWNE	100	1/21/1957	IRRIG	0.81
53658	2N	27E	1	SENE	100	1/21/1957	IRRIG	7.39
53658	2N	27E	1	NESE	100	1/21/1957	IRRIG	0.3
53658	2N	27E	1	NWSE	100	1/21/1957	IRRIG	17.22
53658	2N	27E	2	SWNE	100	1/21/1957	IRRIG	6.7
53658	2N	27E	2	SENE	100	1/21/1957	IRRIG	33.3
53658	2N	27E	2	NESE	100	1/21/1957	IRRIG	1.2
53658	2N	27E	2	NWSE	100	1/21/1957	IRRIG	17.6
<b>IRRIG TOTAL</b>								<b>92.0</b>

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53658	2N	28E	5	NENW	900	1/21/1957	IRRIG	31.3
53658	2N	28E	5	NWNW	900	1/21/1957	IRRIG	20.7
53658	2N	28E	5	SWNW	900	1/21/1957	SUPP	8.7
53658	2N	28E	5	SENW	900	1/21/1957	SUPP	31.3
<b>IRRIG TOTAL</b>								<b>52.0</b>
<b>SUPP TOTAL</b>								<b>40.0</b>

Butter Creek Irrigation District Temporary Transfer, 1998 Irrigation Season

- 1) **Permit G-1227; Certificate 30742:** Irrigation; Priority Date - 1/21/1959; Authorized Source - Well #1

Authorized Point of Appropriation

NW¼ NW¼, Section 12, Township 2 North, Range 27 East, W.M.; 10 Feet South and 10 Feet East from the Northwest Corner, Section 12

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
30742	2N	27E	1	SESW	100	1/21/1959	IRRIG	2.5
30742	2N	27E	1	SWSE	100	1/21/1959	IRRIG	13.5
30742	2N	27E	2	SWSE	401	1/21/1959	IRRIG	10.0
<b>IRRIG TOTAL</b>								<b>26.0</b>

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
30742	2N	28E	6	SWNW	1000	1/21/1959	IRRIG	25.0
30742	2N	28E	6	SENW	1000	1/21/1959	IRRIG	1.0
<b>IRRIG TOTAL</b>								<b>26.0</b>

- 1) **Butter Creek River Decree - Certificate 63802:** Irrigation; Priority Date - 1866 for 0.012 cfs, 1870 for 0.024 cfs, 1884 for 0.012 cfs and 1896 for 0.303 cfs; Authorized Source - Butter Creek

Authorized Point of Diversion

SW¼ NE¼, Section 11, Township 2 North, Range 27 East, W.M.; 1330 Feet South and 270 Feet East from the North¼ Corner, Section 11



Butter Creek Irrigation District Temporary Transfer, 1998 Irrigation Season

- 2) **Permit G-1227; Certificate 30742:** Supplemental Irrigation; Priority Date - 1/21/1959; Authorized Source - Hanson Well #1

Authorized Point of Appropriation

NW ¼ NW ¼, Section 12, Township 2 North, Range 27 East, W.M.; 10 Feet South and 10 Feet East from the Northwest Corner, Section 12

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
63802 & 30742	2N	27E	1	SESW	404	1866,1870, 1884,1896 & 1/21/1959	IRRIG & SUPP	7.3
63802 & 30742	2N	27E	1	SWSE	404	1866,1870, 1884,1896 & 1/21/1959	IRRIG & SUPP	2.5
63802 & 30742	2N	27E	2	SWSE	401	1866,1870, 1884,1896 & 1/21/1959	IRRIG & SUPP	8.0
<b>IRRIG TOTAL</b>								<b>17.8</b>
<b>SUPP TOTAL</b>								<b>17.8</b>

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
63802 & 30742	2N	28E	6	SENW	1000	1896	IRRIG & SUPP	17.8

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<b>IRRIG TOTAL</b>								<b>17.8</b>
<b>SUPP TOTAL</b>								<b>17.8</b>