

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANK PEDRO FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER FROM BUTTER CREEK)

ORDER APPROVING
TRANSFER NO. 4381

On January 30, 1980, an application was filed in the office of the Water Resources Director by Frank Pedro for approval of an additional point of diversion from Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 2678, Volume 3, State Record of Water Right Certificates, in the name of Jesse Moore, and is for the use of not to exceed 1.31 cubic feet per second from Butter Creek, under priority dates of 1872 and 1885, for irrigation of a certain 2.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 4.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19; 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 24.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 3 North, Range 28 East, W.M.

The authorized point of diversion is located 320 feet North and 820 feet West from the East Quarter Corner of Section 25, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 3 North, Range 27 East, W.M. (Pennington Ditch).

The applicant proposes to establish an additional point of diversion at a point located 2620 feet North and 620 feet East from the West Quarter Corner of Section 30, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 3 North, Range 28 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Hermiston Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of February 6, 13 and 20, 1980.

Mr. Steven P. Applegate, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the additional point of diversion may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point 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, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

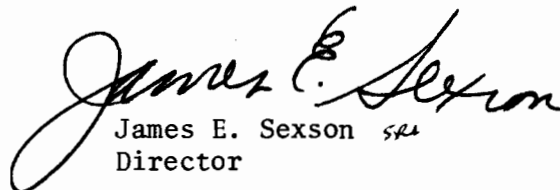
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 additional point of diversion of water established on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 2678, Volume 3, 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 10th day of April, 1980.


James E. Sexson *SES*
Director