

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING ADDITIONAL POINTS OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7545 submitted by

BUTTER CREEK IRRIGATION DISTRICT  
P.O. BOX 110  
HERMISTON, OREGON 97838.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County as evidenced by Certificate 53666. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1866 FOR 0.216 CUBIC FOOT PER SECOND (CFS), 1870 FOR 0.432 CFS, 1884 FOR 0.216 CFS AND 1896 FOR 5.484 CFS.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION OF 326.0 ACRES, DOMESTIC AND STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 6.348 CFS, if available at the authorized point of diversion: NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 2, SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 11, T 2 N, R 27 E, WM; 50 FEET SOUTH AND 350 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 2; 970 FEET NORTH AND 450 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

1866  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  2.20 ACRES  
SECTION 1  
  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  8.42 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  0.47 ACRE  
SECTION 2  
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

1870  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  7.31 ACRES  
SECTION 1  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  14.87 ACRES  
SECTION 2  
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

1884  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.86 ACRE  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  4.78 ACRES  
SECTION 1  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  3.25 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  2.20 ACRES  
SECTION 2  
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

1896  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  18.00 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  40.00 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  39.00 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  5.00 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  39.14 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  40.00 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  40.00 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  25.71 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  17.00 ACRES  
SECTION 1  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  2.80 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  9.46 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  5.53 ACRES  
SECTION 2  
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to add additional points of diversion as follows:

NE¼ NE¼, NE¼ SE¼, SECTION 2, T 2 N, R 27 E, WM; 1290 FEET SOUTH AND 80 FEET WEST FROM THE NORTHEAST CORNER, SECTION 2; 280 FEET SOUTH AND 500 FEET WEST FROM THE E¼ CORNER, SECTION 2.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1999.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 53666 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed November 26, 1997.

  
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Martha O. Pagel, Director