

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
MABEL VEY FOR APPROVAL OF AN) ORDER APPROVING
ADDITIONAL POINT OF DIVERSION OF) TRANSFER 5911
WATER)

On February 25, 1987, an application was filed in the office of the Water Resources Director by Mabel Vey for approval of an additional point of diversion of water from Big Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Morrow County, Oregon, entered September 19, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Butter Creek and Its Tributaries, a water right was established in the name of Mary A. Barker, tabulated in Volume 1, page 269, Order Record of the Water Resources Director, for use of not to exceed 4.35 cubic feet per second from Big Butter Creek for domestic, livestock and irrigation of a certain:

18.6 acres SW 1/4 SW 1/4
34.8 acres SE 1/4 SW 1/4
20.7 acres SW 1/4 SE 1/4
9.7 acres SE 1/4 SE 1/4
Section 24

36.3 acres NE 1/4 NE 1/4
16.77 acres NW 1/4 NE 1/4
3.8 acres NE 1/4 NW 1/4
Section 25

Township 1 North, Range 27 East, WM.

10.5 acres NE 1/4 NE 1/4
12.3 acres NW 1/4 NE 1/4
1.7 acres SE 1/4 NE 1/4
25.9 acres NE 1/4 NW 1/4
30.5 acres NW 1/4 NW 1/4
Section 30

Township 1 North, Range 28 East, WM

with dates of priority of 1880 and 1890, as evidenced by the certificate recorded at page 2651, Volume 3, State Record of Water Right Certificates.

Water for the said right is diverted, through the Morris Ditch, from a point located 730 feet South and 590 feet West from the Northeast Corner of Section 30, being within the NE 1/4 NE 1/4 of Section 30, Township 1 North, Range 28 East, WM.

The applicant herein, owner of the lands above described, proposes to add a second point of diversion to be located 1050 feet North and 260 feet West from the South Quarter Corner of Section 24, being within the SE 1/4 SW 1/4 of Section 24, Township 1 North, Range 27 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of April 21, 28 and May 5, 1987.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed additional point of diversion is approved, without loss of priority.

The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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, and shall not exceed 4.35 cubic feet per second.

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:

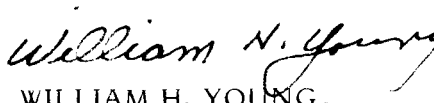
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 2651, Volume 3, State Record of Water Right Certificates, is canceled; 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 June, 1987.


WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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