

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF GLENN M. COCHRAN FOR THE APPROVAL )  
OF ESTABLISHING ADDITIONAL POINT OF )  
DIVERSION OF WATER FROM BUTTER CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2748

On January 2, 1973, Glenn M. Cochran filed an application in the office of the State Engineer for the approval of establishing additional point of diversion of water from Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 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 Grant Buchanan for the use of the waters of Butter Creek for the irrigation of 18.0 acres in the NE¼ NW¼, 1.0 acre in SW¼ NW¼, and 39.0 acres in SE¼ NW¼, Section 11, Township 2 North, Range 27 East, W.M., with a date of priority of 1896. The point of diversion is located North 67° 30' East, 2380 feet from the SW corner of Section 11, being within the SE¼ SW¼ of Section 11, Township 2 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and establish an additional point of diversion to be located North 39° 10' East, 3850 feet from the SW corner of Section 11, being within the SE¼ NW¼, of Section 11, Township 2 North, Range 27 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed additional point of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon, on May 15,

1973, at 9:30 a.m. The notice 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 March 22, 29, and April 5, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Jerry Haines, Watermaster of District No. 5, has filed a report to the effect that the proposed point of diversion may be established without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the applicant may maintain the following point of diversion from Butter Creek:

North 67° 30' East 2380 feet from the SW corner of Section 11, being within the SE¼ SW¼ of Section 11, Township 2 North, Range 27 East, W.M.

and may establish and maintain the additional point of diversion to be located as follows:

North 39° 10' East, 3850' from the SW corner of Section 11, being within the SE¼ NW¼ of Section 11, Township 2 North, Range 27 East, W.M.

for the irrigation of, 18.0 acres in NE¼ NW¼, 1.0 acre in SW¼ NW¼, and 39.0 acres in SE¼ NW¼, Section 11, Township 2 North, Range 27 East, W.M., with a date of priority of 1896, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the establishment of an additional point of diversion of water made on or before October 1, 1974.

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 previously established point of diversion and shall not exceed 1.16 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 certificate of water right heretofore issued to Grant Buchanan and recorded at page 2655, Volume 3, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the additional point of diversion, a certificate of water right shall be issued to Glenn M. Cochran confirming the additional point of diversion.

Dated at Salem, Oregon, this 23rd day of July, 1973.

  
CHRIS L. WHEELER  
State Engineer