

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF )  
PENDLETON COUNTRY CLUB, INC. ) ORDER APPROVING  
FOR APPROVAL OF CHANGES IN USE, ) TRANSFER 5795  
PLACE OF USE AND POINT OF DIVERSION )  
OF WATER )

On May 12, 1986, an application was filed in the office of the Water Resources Director by Pendleton Country Club, Inc. for approval of changes in use, place of use and point of diversion of water from Birch 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 Umatilla River and Its Tributaries, a water right was established in the name of J. A. Guderian, tabulated in Volume 3, page 204, Order Record of the Water Resources Director, for use of not to exceed 0.37 cubic foot per second from Birch Creek for irrigation of, among other lands, a certain:

4.0 acres SW 1/4 NE 1/4  
2.0 acres SE 1/4 NW 1/4  
2.0 acres NE 1/4 SW 1/4  
10.5 acres NW 1/4 SE 1/4  
11.0 acres SW 1/4 SE 1/4  
Section 15  
Township 1 North, Range 32 East, WM

with dates of priority of 1873, 1889 and 1900, as evidenced by the certificate recorded at page 2534, Volume 3, State Record of Water Right Certificates.

Water for the said right is diverted from a point located 700 feet South and 1800 feet West from the East Quarter Corner of Section 22, being within the NW 1/4 SE 1/4 of Section 22, Township 1 North, Range 32 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to three points located: 1 - 2121 feet South and 2351 feet East from the Northwest Corner of Section 15, being within the SE 1/4 NW 1/4 of Section 15; 2 - 2310 feet North and 2124 feet East from the Southwest Corner of Section 15, being within the NE 1/4 SW 1/4 of Section 15; 3 - 1300 feet North and 2590 feet West from the Southeast Corner of Section 15, being within the SW 1/4 SE 1/4 of Section 15, all Township 1 North, Range 32 East, WM, and to change the use and place of use to supplemental irrigation of 2.0 acres SE 1/4 NE 1/4, 13.9 acres SE 1/4 NW 1/4, 12.6 acres NE 1/4 SW 1/4 and 1.0 acre NE 1/4 SE 1/4 of said Section 15. The applicant further proposes to cancel the use of 0.02 cfs of water for irrigation of 1.0 acre in SW 1/4 NE 1/4 and 0.5 acre in NW 1/4 SE 1/4 of said Section 15.

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 June 9, 16 and 23, 1986.

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

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No objections having been filed and it appearing that the proposed changes in use, place of use and 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 changes in use, place of use and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.37 cubic foot per second.

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:

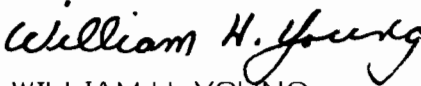
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work be completed, and the change in point of diversion of water made, and said water be applied to beneficial use on or before October 1, 1987.

It is FURTHER ORDERED that the certificate recorded at page 2534, 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 27th day of August, 1986.

  
WILLIAM H. YOUNG, Jr.

Director

NOTE: 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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

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