

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
EARL W. & IRMA DORENE WATTENBURGER)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE & POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3333

On December 15, 1975, an application was filed in the office of the Water Resources Director by Earl W. and Irma Dorene Wattenburger for approval of changes in place of use and point of diversion of water from Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2705, Volume 3, State Record of Water Right Certificates, in the name of W. J. Wattenburger, describes a right which includes the use of not to exceed 0.10 cubic foot per second with a priority date of 1872, 0.34 cubic foot per second with a priority date of 1890, and 1.98 cubic feet per second with a priority date of 1896, all from Butter Creek, for stock and for irrigation of a certain 122 acres, being 39.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, 12.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 34.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 22.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 1 North, Range 27 East, W.M.

Water for the said right is diverted at two points: (a) 1650 feet South and 1250 feet West from the Northeast Corner of Section 15, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 1 North, Range 27 East, W.M.; and (b) 10 feet North and 2000 feet West from the East Quarter Corner of Section 10, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 1 North, Range 27 East, W.M.

The applicants herein, owners of the lands above described, propose changes in place of use and point of diversion, without loss of priority, to hereafter irrigate a certain 5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 with a priority date of 1872; a certain 1.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 13.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 3 and 2.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 with a priority date of 1890; and a certain 33.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 3, 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 32.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 with a priority date of 1896, from the points of diversion (a) and (b), described above, and two additional points of diversion (e) 1450 feet South and 720 feet West from the Northeast Corner of Section 10, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 1 North, Range 27 East, W.M.; and (f) 375 feet North and 1420 feet West from the Northeast

of said Section 10, being within the SW¹/₄ SE¹/₄ of Section 3, Township 1 North, Range 27 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Heppner Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of October 19 and 26, and November 2, 1978.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in 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 requested changes in place of use and point of diversion of water from Butter Creek, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points 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;

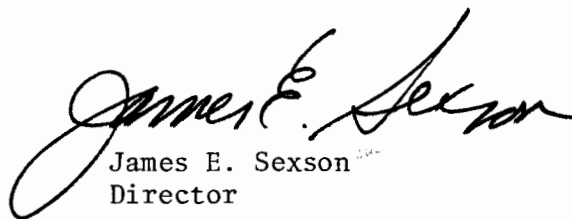
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 2705, 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 applicants herein.

Dated at Salem, Oregon this 17th day of September, 1979.



James E. Sexson
Director