

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF )  
EDWARD BURL WATTENBURGER, JR., FOR )  
APPROVAL OF CHANGES IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 2944  
AND RECINDING  
PRIOR ORDER

On December 4, 1973, an application was filed in the office of the Water Resources Director by Edward Burl Wattenburger, Jr., 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, 1.12 cubic feet per second with a priority date of 1890, and 1.31 cubic feet per second with a priority date of 1896, all from Butter Creek, for stock and for irrigation of a certain 127.5 acres, being 26.5 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and 2.0 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 34, Township 2 North, Range 27 East, W.M.; 1.0 acre in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 23.0 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 23.0 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 3.0 acres in SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 10.0 acres in NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and 39.0 acres in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 3, 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<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> 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<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 10, Township 1 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes changes in place of use and point of diversion, without loss of priority, to thereafter irrigate a certain 4.0 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of said Section 34, and 1.0 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of said Section 3 with a priority date of 1872; a certain 0.4 acre in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of said Section 34, 1.0 acre in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 9.3 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 16.9 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 3.3 acres in SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 10.5 acres in NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and 15.2 acres in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of said Section 3 with a priority date of 1890; and 29.4 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of said Section 34 10.1 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 6.9 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> and 19.5 acres in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of said Section 3 with a priority date of 1896, from the points of diversion (a) and (b), described above, and two additional points of diversion: (c) 320 feet South and 2400 feet West from the Northeast Corner of Section 3, being within the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 3, Township 1

Range 27 East, W.M.; and (d) 1500 feet South and 2180 feet West from the Northeast Corner of Section 3, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 3.

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.


The said certificate heretofore issued to W. J. Wattenburger and recorded at page 2705, Volume 3, State Record of Water Right Certificates, was canceled by an order of the Water Resources Director dated September 17, 1979, approving transfer application No. 3333; therefore,

It is FURTHER ORDERED that 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.

It is FURTHER ORDERED that the prior order of the Water Resources Director dated May 19, 1975, and recorded at pages 322 to 324, Volume 25, Special Order Record, approving transfer application No. 2944 for change in point of diversion only be, and the same hereby is, recinded.

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



James E. Sexson  
Director