

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF )  
ARLEN L. BUROKER FOR APPROVAL OF A ) ORDER APPROVING  
CHANGE IN POINT OF DIVERSION OF WATER ) TRANSFER 6035  
OF WATER )

On November 23, 1987, an application was filed in the office of the Water Resources Director by Arlen L. Buroker for approval of a change in point of diversion of water from the Dry Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered March 17, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Pine Creek and Its Tributaries, a water right was established in the name of W. E. Burnham, tabulated in volume 7, page 159, Order Record of the Water Resources Director, for use of not to exceed one acre foot per acre during any thirty-day period, nor three acre feet per acre during the irrigation season beginning April 1 and ending October 1, for irrigation of a certain 40.0 acres SE1/4 NE1/4, 10.0 acres NE1/4 SE1/4 and 2.0 acres NW1/4 SE1/4 in Section 26, Township 6 North, Range 34 East, WM, with a date of priority of 1896, as evidenced by the certificate recorded at page 5514, volume 6, State Record of Water Right Certificates.

Water for said right is diverted, through the Kelty-Morley-Marlatt-Shaw Ditch, from a point located 1300 feet North and 660 feet West from the Southeast Corner of Section 31, being within the SE1/4 SE1/4 of Section 31, Township 6 North, Range 35 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to points located 146 feet North and 1662 feet East from the Southwest Corner of Section 25, being within the SE1/4 SW1/4 of Section 25, and 2346 feet North and 3324 feet East from the Southwest Corner of Section 26, being in the NW1/4 SE1/4 of Section 26, both in Township 6 North, Range 34 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Valley Herald, 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 August 3, 10 and 17, 1988.

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

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

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

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed one acre foot per acre during any thirty-day period, nor three acre feet per acre during the irrigation season beginning April 1 and ending October 1, and 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.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 right to divert water from the point described in Certificate 5514 is hereby canceled, and water shall be used from the new diversion points on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 5514, volume 6, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the rights 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 26th day of September, 1988.

  
WILLIAM H. YOUNG  
Director

NOTE: Approval of the 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.