

Umatilla County

IN THE MATTER OF THE APPLICATION)
 OF EDWIN A. JOHNSON FOR THE)
 APPROVAL OF A CHANGE IN POINT OF)
 DIVERSION OF WATER FROM BUTTER CREEK)
 -----)

ORDER APPROVING
TRANSFER NO. 3491

On November 15, 1976, Edwin A. Johnson filed an application in the office of the Water Resources Director for approval of an additional point of diversion from Butter Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 2653, Volume 3, State Record of Water Right Certificates, in the name of C. P. Bowman, describes an existing right of record for the use of not to exceed 12.98 cubic feet per second from Butter Creek, being 5.08 cubic feet per second with a date of priority of 1883, 6.40 cubic feet per second with a date of priority of 1895, and 1.50 cubic feet per second with a date of priority of 1903, for stockwater and irrigation of a certain 685.5 acres further described as follows:

40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 15

40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
 35.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
 16.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
 37.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$

40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
 37.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
 13.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 22

31.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
 40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
 34.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
 1.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 27

All in Township 2 North, Range 27 East, W.M.

Water for the said right is diverted from a point located 200 feet North and 75 feet East from the West quarter-corner of Section 27, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 2 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion by establishing a new additional point of diversion at a point located 275 feet North and 1175 feet West from the East quarter-corner of Section 22, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 2 North, Range 27 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of December 27, 1976, and January 3 and 10, 1977.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 hereby is ORDERED that the requested additional point of diversion from Butter Creek described herein, without loss of priority, is approved.

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;

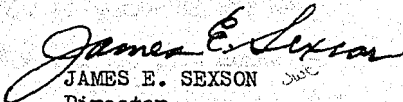
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 12.98 cubic feet per second from both points.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

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, the certificate of water right heretofore issued to C. P. Bowman and recorded at Page 2653, Volume 3, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 22nd day of March, 1977.


JAMES E. SEXSON *Just*
Director