

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN FRANK MADISON FOR APPROVAL OF) ORDER APPROVING
CHANGES IN PLACE OF USE AND POINT) TRANSFER 5851
OF DIVERSION OF WATER)

On September 12, 1986, an application was filed in the office of the Water Resources Director by John Frank Madison 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.

By Decree of the Circuit Court for Umatilla and Morrow Counties, Oregon, entered September 9, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Butter Creek and Its Tributaries, a water right was established in the name of M.S. Corrigan, tabulated in Volume 15, page 527, Order Record of the Water Resources Director, for use of not to exceed 0.46 cubic foot per second from Butter Creek for irrigation of, among other lands, a certain 18.4 acres in SE 1/4 NE 1/4, Section 25, Township 3 North, Range 27 East, WM with a date of priority of 1904, as evidenced by the certificate recorded at page 22981, Volume 16, State Record of Water Right Certificates.

These lands also have a right to the use of water from Butter Creek for supplemental, out-of-season irrigation under Permit 46499.

Water for the said rights is diverted from two points located 1) 2350 feet South and 840 feet West from the Northeast Corner of Section 25, being within the SE 1/4 NE 1/4 of Section 25, Township 3 North, Range 27 East, WM; and 2) 600 feet South and 850 feet East from the Northwest Corner of Section 36, being within the NW 1/4 SW 1/4 of Section 36, Township 3 North, Range 27 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 2330 feet South and 830 feet West from the Northeast Corner of Section 25, being within the SE 1/4 NE 1/4 of Section 25, Township 3 North, Range 27 East, WM, and to change the place of use to irrigation of 8.1 acres in SW 1/4 SE 1/4, Section 24 and 10.3 acres in NW 1/4 NE 1/4, Section 25, Township 3 North, Range 27 East, WM.

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 November 24 and December 1 and 8, 1986.

Michael F. Ladd, 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 proposed changes in 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 point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.46 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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;

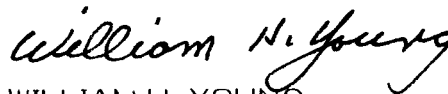
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water rights are hereby severed from the place of use described in Certificate 22981 and Permit 46499, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 22981 and Permit 46499 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 22981, Volume 16, 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 29th day of January, 1987.


WILLIAM H. YOUNG
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.

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