

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JAMES E. McBROOM FOR APPROVAL )  
OF A CHANGE IN PLACE OF USE AND )  
ADDITIONAL POINTS OF DIVERSION )  
OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3122

On August 26, 1974, an application was filed in the office of the Water Resources Director by James E. McBroom for approval of a change in place of use and establishment of additional points of diversion of water from Birch Creek under an existing right of record, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, entered September 9, 1916, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right, tabulated at page 209, Volume 3, and described by the certificate recorded at page 2567, Volume 3, State Record of Water Right Certificates, in the name of Jas. Johns (transferred to J.B. Stanton,) was allowed for the use of not to exceed 1.15 cubic feet per second from Birch Creek for domestic, stock, and irrigation of a certain 9.0 acres in SE 1/4 SE 1/4, Section 13, and 3.0 acres in NE 1/4 NE 1/4, Section 24, Township 2 North, Range 31 East, W.M.; 26.0 acres in SW 1/4 SW 1/4, Section 18, 1.0 acre in NE 1/4 NW 1/4, 33.5 acres in NW 1/4 NW 1/4, 14.0 acres in SW 1/4 NW 1/4 and 14.0 acres in SE 1/4 NW 1/4, Section 19, Township 2 North, Range 32 East, W.M.

The order of the Water Resources Director entered at page 171, Volume 33, Special Order Record of the Water Resources Department, canceled the right to use of 0.09 cubic foot per second of water for the irrigation of 7.9 acres located east of the railroad right of way, within the NW 1/4, Section 19, Township 2 North, Range 32 East, W.M.

The applicant proposes to sever the remainder of the right therefrom and to use said water for domestic, stock and irrigation of 9.7 acres in SE 1/4 SE 1/4, Section 13; 9.3 acres in NE 1/4 NE 1/4, Section 24, Township 2 North, Range 31 East, W.M.; 9.8 acres in NW 1/4 NW 1/4 and 11.7 acres in SW 1/4 NW 1/4, Section 19, Township 2 North, Range 32 East, W.M., with a priority date of 1895; and 6.5 acres in SE 1/4 SE 1/4, Section 13, 0.2 acre in

NE 1/4 NE 1/4, Section 24, Township 2 North, Range 31 East, W.M.; 13.2 acres in SW 1/4 SW 1/4, Section 18, 19.3 acres in NW 1/4 NW 1/4, 12.4 acres in SW 1/4 NW 1/4 and 0.5 acre in SE 1/4 NW 1/4, Section 19, Township 2 North, Range 32 East, W.M., with a priority date of 1910. Said lands to be irrigated from Reith and Johns Ditches and from two additional points of diversion located: (1) 1190 feet South and 780 feet East from the Northwest Corner of Section 19, being within the NW 1/4 NW 1/4, Section 19, Township 2 North, Range 32 East, W.M.; and (2) 390 feet North and 210 feet West from the Southeast Corner of Section 13, being within the SE 1/4 SE 1/4, Section 13, Township 2 North, Range 31 East, W.M.

Mr. Steven P. Applegate, 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 of water 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, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

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.

Dated at Salem, Oregon this 25th day of July, 1980.

  
James E. Sexson  
Director