

2748

STATUS OF APPLICATION

Change in Additional Point of Diversion
 Date filed Jan. 2, 1973
 Date of hearing May 15, 1973
 Place of hearing Pendleton Ore
 Date of order July 23, 1973 Vol. 23, page 279
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued **MAR 07 1989** Vol. 57, page 60455

Survey
Resurvey 1/77

DESCRIPTION OF WATER RIGHT

Name of stream Butter Creek
 Trib. of _____ County of Umatilla
 Use Irrigation
 Quantity of water _____ No. of acres 582
 Name of ditch _____
 Date of priority 1896
 In name of Grant Buchanan
Butter Creek Adjudication, Vol. 1, page 269
 App. No. _____ Per. No. _____ Cert. No. 2655
 Certificate cancelled _____
 Notation made on record by _____
JWB

DVA Notification

FEES PAID

Date	Amount	Receipt No.
<u>1-2-73</u>	<u>24.20</u>	<u>31906</u>
<u>2-7-73</u>	<u>.80</u>	<u>From P-6</u>
<u>2-7-73</u>	<u>40.00 (PDN)</u>	<u>From P-6</u>
TOTAL . . .	85¢ Cent Fee	From P.O.N.
<u>5-7-73</u>	Cert. Fee	
<u>5-31-73</u>	<u>654 cert fee</u>	<u>33889</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:

Entered

Checked

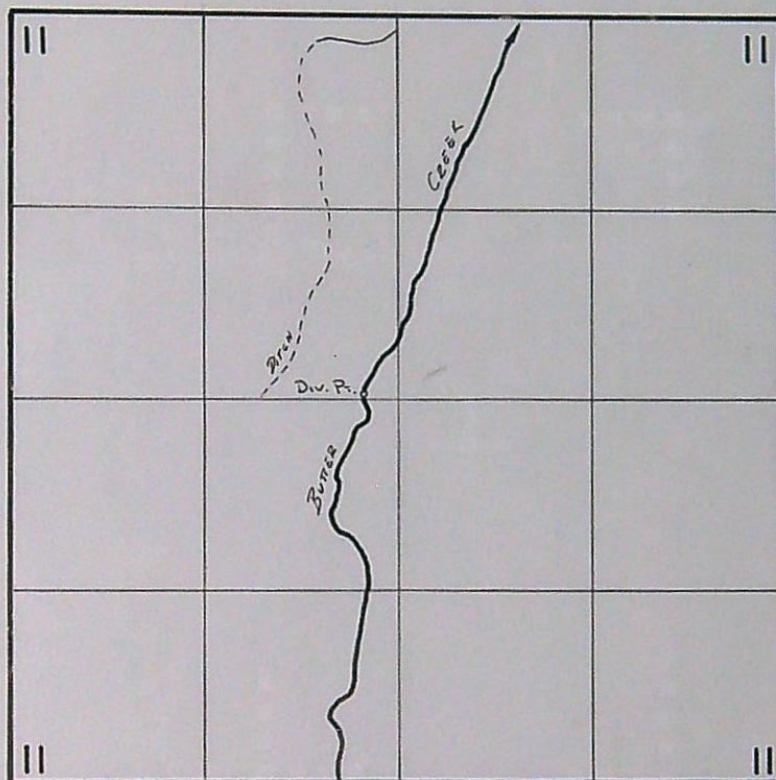
TO BE ENTERED WHERE CHECKED

Name
 Stream
 Pt. of Div.
 Calendar
 Twp. & Rge.
 Decree-vault
 Decree-safe
 Cert. of W/R
 Per. Folder
 Chainindex
 Cross Ref.
 Power Claim
 Abstracts

st
st
st
st
WAC
WAC
WAC
WAC

CHECKED TO RECORDS:

T. 2N., R. 27E., W. M.



Div. Pt. Loc. 40' N. & 240' W. FROM CENTER COR. SEC. 11

FINAL PROOF SURVEY
UNDER

TRANSFER 2748

Application No. Permit No.
IN NAME OF

..... **GLENN M. COCHRAN**

Surveyed May 7, 1975, by P. Muchan.....
Jan. 16 1979 P. Bauwin.....
July 28 1983 V. L. Church.....

NOTICE OF FILING
APPLICATION FOR
ADDITIONAL POINTS
OF DIVERSION

Notice is given hereby that Glenn M. Cochran filed an application for the approval of additional point of diversion of water from Butter Creek.

In the Butter Creek Ajudication proceedings, a water right was established in the name of Grant Buchanan for the use of the waters of Butter Creek for the domestic and stockuse, and irrigation of, 18.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 39.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 2 North, Range 27 East, W.M., with a date of priority of 1896.

The point of diversion is located North 67 degrees 30 minutes East, 2380 minutes from the SW corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and establish an additional point of diversion to be located North 39 degrees 10 minutes East, 3850 minutes from the SW corner of Section 11, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 2 North, Range 27 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on May 15, 1973, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Glenn M. Cochran, Halstead Street, Echo, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 15th day of March, 1973.

CHRIS L. WHEELER
State Engineer

Mar. 22, 29, Apr. 5, 1973

RECEIVED
MAY 3 1973
STATE ENGINEER
SALEM OREGON

AFFIDAVIT OF PUBLICATION

State of Oregon

County of Umatilla

)
) ss.
)

I, G. M. REED, being first duly sworn, depose and say that I am the publisher of The Hermiston Herald, a newspaper of general circulation, as defined by sections 1-609, 1-610, Oregon Compiled Laws Annotated; printed and published at Hermiston in the aforesaid county and state; that the NOTICE OF FILING APPLICATION FOR ADDITIONAL POINTS OF DIVERSION

, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for...3...successive and consecutive weeks in the following issues: MARCH 22, 29, APRIL 5, 1973.

G. M. Reed

Subscribed and sworn to before me this 27th day of April, 1973

Richard L. Smith

Notary Public for Oregon

My commission expires ~~MY COMMISSION EXPIRES OCTOBER 8, 1975~~

X



STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That GRANT BUCHANAN
of Echo State of Oregon has a right to the use of
the waters of Butter Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 58 acres of land, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 3 at page 250 ; that the priority of the right hereby confirmed dates from 1896

that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.16 cubic feet per second, and shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 18 acres in the Northeast quarter of Northwest quarter; 1 acre in the Southwest quarter of Northwest quarter and 39 acres in the Southeast quarter of Northwest quarter of Section Eleven, Township Two North, Range Twenty-seven East of Willamette Meridian, in Umatilla County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State
Water Board
affixed this 29th day

of December, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper,
State Engineer, President

Attest:

R. W. Potter
Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2655

60455

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF GLENN M. COCHRAN FOR THE APPROVAL)
OF ESTABLISHING ADDITIONAL POINT OF)
DIVERSION OF WATER FROM BUTTER CREEK)

ORDER APPROVING
TRANSFER NO. 2748

On January 2, 1973, Glenn M. Cochran filed an application in the office of the State Engineer for the approval of establishing additional 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 County, 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 Grant Buchanan for the use of the waters of Butter Creek for the irrigation of 18.0 acres in the NE¼ NW¼, 1.0 acre in SW¼ NW¼, and 39.0 acres in SE¼ NW¼, Section 11, Township 2 North, Range 27 East, W.M., with a date of priority of 1896. The point of diversion is located North 67° 30' East, 2380 feet from the SW corner of Section 11, being within the SE¼ SW¼ of Section 11, Township 2 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and establish an additional point of diversion to be located North 39° 10' East, 3850 feet from the SW corner of Section 11, being within the SE¼ NW¼, of Section 11, Township 2 North, Range 27 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed additional point of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon, on May 15,

1973, at 9:30 a.m. The notice was published in The Hermiston Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of March 22, 29, and April 5, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Jerry Haines, Watermaster of District No. 5, has filed a report to the effect that the proposed point of diversion may be established without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the applicant may maintain the following point of diversion from Butter Creek:

North 67° 30' East 2380 feet from the SW corner of Section 11, being within the SE¼ SW¼ of Section 11, Township 2 North, Range 27 East, W.M.

and may establish and maintain the additional point of diversion to be located as follows:

North 39° 10' East, 3850' from the SW corner of Section 11, being within the SE¼ NW¼ of Section 11, Township 2 North, Range 27 East, W.M.

for the irrigation of, 18.0 acres in NE¼ NW¼, 1.0 acre in SW¼ NW¼, and 39.0 acres in SE¼ NW¼, Section 11, Township 2 North, Range 27 East, W.M., with a date of priority of 1896, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the establishment of an additional point of diversion of water made on or before October 1, 1974.

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 previously established point of diversion and shall not exceed 1.16 cubic feet 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 certificate of water right heretofore issued to Grant Buchanan and recorded at page 2655, Volume 3, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the additional point of diversion, a certificate of water right shall be issued to Glenn M. Cochran confirming the additional point of diversion.

Dated at Salem, Oregon, this 23rd day of July, 1973.

/s/ CHRIS L. WHEELER
State Engineer