

FINAL ORDER

April 9, 1997

WATER
RESOURCES
DEPARTMENT

Butter Creek Irrigation District
P.O. Box 110
Hermiston, Oregon 97838

Watermaster

RE: Approval of **Temporary Transfer # T-7680**

Pursuant to ORS 540.570, Butter Creek Irrigation District filed a request to move the place of use of certain water rights within the District for the 1997 irrigation season. The changes requested are enumerated on the attached sheet. Notice of the request was published in summary form by the Water Resources Department on January 14, 1997. Public comments were accepted for 30 days following publication. No comments were received.

Pursuant to ORS 540.570 (3) and OAR 690-21-060 (2) staff has reviewed the requested changes. This review finds that the proposed changes do not injure existing rights or result in enlargement of the subject rights. Therefore, the request as enumerated on the attached sheet and as conditioned below, is approved for the 1997 irrigation season.

1. Prior to using water on the subject lands, for each point of diversion/appropriation included in the temporary transfer, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Watermaster.
2. Within ten (10) days of the Watermaster's request, the water user shall install an in-line flow meter or other means for measuring the quantity of water going to the "TO" lands. The type and plans of the measuring device must be approved by the Watermaster.
3. Prior to using water on the subject lands, the water user shall install back flow prevention devices on all wells.
4. Pursuant to 540.570 (2) water will not be used on the subject lands until 60 days after the district's notice was received. The notice was received February 25, 1997.
5. The "FROM" lands will receive no water under the rights involved with T-7680 for the 1997 irrigation season.



Butter Creek Irrigation District Temporary Transfer, 1997 Irrigation Season

6. The "FROM" lands will receive no water under any other rights appurtenant to these lands for the 1997 irrigation season, unless water rights are transferred to the "FROM" lands.
7. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands.
8. Pursuant to 540.570 (6) the Department may further condition or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.
9. Pursuant to 540.570 (7), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

Copies of the approved request and associated maps are on file at the Department's North Central Region office in Pendleton.

Sincerely,



Bernadette Williams
Field Water Rights Technician

cc: Hale Brothers; P.O. Box 110; Hermiston, OR 97838
Leann Rea; Schroeder Law Offices; P.O. Box 1392; Hermiston, OR 97838
Bill Porfily, Consultant
Tony Justus, District 5 Watermaster
Mike Ladd, North Central Region Manager
Marc Norton, Groundwater Section

attachment

Butter Creek Irrigation District Temporary Transfer, 1997 Irrigation Season

TEMPORARY TRANSFER, 1997 IRRIGATION SEASON
BUTTER CREEK IRRIGATION DISTRICT

- 1) **Umatilla River Decree - Certificate 63802:** Irrigation; Priority Date - 1866 for 0.0265 cfs, 1870 for 0.053 cfs, 1884 for 0.0265 cfs and 1896 for 0.6728 cfs; Authorized Source - Butter Creek

Authorized Point of Diversion

SW ¼ NE ¼, Section 11, Township 2 North, Range 27 East, W.M.; 1330 Feet South and 270 Feet East from the North ¼ Corner, Section 11

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
63802	2N	27E	11	NESW	1400	1866, 1870 1884, 1896	IR	26.67
63802	2N	27E	11	NESW	1401	1866, 1870 1884, 1896	IR	13.33
TOTAL								40.00

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
63802	2N	28E	6	SWNE	1000	1866, 1870 1884, 1896	IR	15.00
63802	2N	28E	6	SENE	1000	1866, 1870 1884, 1896	IR	25.00
TOTAL								40.00

- 1) **Umatilla River Decree - Certificate 53666:** Irrigation; Priority Date - 1866, 1870, 1884 and 1896; Authorized Source - Butter Creek (POD #2)

Authorized Point of Diversion

NE ¼ SE ¼, Section 2, Township 2 North, Range 27 East, W.M.; 50 Feet South and 350 Feet West from the East ¼ Corner, Section 2

Butter Creek Irrigation District Temporary Transfer, 1997 Irrigation Season

- 2) **Permit G-434; Certificate 53658:** Supplemental Irrigation; Priority Date - January 21, 1957; Authorized Source - Well #2

Authorized Point of Appropriation

NE¼ SE¼, Section 2, Township 2 North, Range 27 East, W.M.; 100 Feet South and 130 Feet West from the East¼ Corner, Section 2

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53666	2N	27E	1	SWNE	100	1896	IR	38.20
53666	2N	27E	1	SENE	100	1896	IR	5.00
53666	2N	27E	1	SWNW	100	1896	IR	27.00
53666	2N	27E	2	SENE	100	1896	IR	2.80
53666	2N	27E	2	SENE	100	1884	IR	2.20
53666	2N	27E	2	NESE	100	1866	IR	8.00
53666	2N	27E	2	NWSE	100	1896	IR	5.53
53666	2N	27E	2	NWSE	100	1866	IR	0.47
53658	2N	27E	1	SWNE	100	1/21/57	SUPP	38.20
53658	2N	27E	1	SENE	100	1/21/57	SUPP	5.00
53658	2N	27E	1	SWNW	100	1/21/57	SUPP	27.00
53658	2N	27E	2	SENE	100	1/21/57	SUPP	5.00
53658	2N	27E	2	NESE	100	1/21/57	SUPP	8.00
53658	2N	27E	2	NWSE	100	1/21/57	SUPP	6.00
PRIM TOTAL								89.20
SUPP TOTAL								89.20

Butter Creek Irrigation District Temporary Transfer, 1997 Irrigation Season

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53666	2N	28E	6	NWNE	1000	1896	IR	23.00
53666	2N	28E	6	SWNE	1000	1896	IR	1.53
53666	2N	28E	6	SWNE	1000	1866	IR	8.47
53666	3N	28E	31	NESW	8900	1896	IR	34.10
53666	3N	28E	31	NWSW	8900	1896	IR	7.80
53666	3N	28E	31	SESW	8900	1896	IR	1.30
53666	3N	28E	31	SESW	8900	1884	IR	0.80
53666	3N	28E	31	NWSE	8900	1896	IR	7.90
53666	3N	28E	31	SWSE	8900	1896	IR	2.90
53666	3N	28E	31	SWSE	8900	1884	IR	1.40
53658	2N	28E	6	NWNE	1000	1/21/57	SUPP	23.00
53658	2N	28E	6	SWNE	1000	1/21/57	SUPP	10.00
53658	3N	28E	31	NESW	8900	1/21/57	SUPP	34.10
53658	3N	28E	31	NWSW	8900	1/21/57	SUPP	7.80
53658	3N	28E	31	SESW	8900	1/21/57	SUPP	2.10
53658	3N	28E	31	NWSE	8900	1/21/57	SUPP	7.90
53658	3N	28E	31	SWSE	8900	1/21/57	SUPP	4.30
PRIM TOTAL								89.20
SUPP TOTAL								89.20

Butter Creek Irrigation District Temporary Transfer, 1997 Irrigation Season

- 1) **Permit G-434; Certificate 53658:** Irrigation; Priority Date - 1/21/1957; Authorized Source Well #2

Authorized Point of Appropriation

POA Well 2 - NE¼ SE¼, Section 2, Township 2 North, Range 27 East, W.M.; 100 Feet South and 130 Feet West from the East¼ Corner, Section 2

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53658	2N	27E	1	SWNE	100	1/21/1957	IR	0.81
53658	2N	27E	1	SENE	100	1/21/1957	IR	7.39
53658	2N	27E	2	SWNE	100	1/21/1957	IR	6.70
53658	2N	27E	2	SENE	100	1/21/1957	IR	33.30
53658	2N	27E	2	NESE	100	1/21/1957	IR	1.20
53658	2N	27E	2	NWSE	100	1/21/1957	IR	17.60
PRIM TOTAL								67.00

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53658	2N	28E	6	NENE	1000	1/21/1957	IR	25.00
53658	2N	28E	6	NWNE	1000	1/21/1957	IR	2.00
53658	2N	28E	6	SWNE	1000	1/21/1957	SUPP	15.00
53658	2N	28E	6	SENE	1000	1/21/1957	SUPP	25.00
PRIM TOTAL								27.00
SUPP TOTAL								40.00

Butter Creek Irrigation District Temporary Transfer, 1997 Irrigation Season

- 1) **Umatilla River Decree - Certificate 63802:** Irrigation; Priority Date - 1866 for 0.0118 cfs, 1870 for 0.0236 cfs, 1884 for 0.0118 cfs and 1896 for 0.2994 cfs; Authorized Source - Butter Creek

Authorized Point of Diversion

SW ¼ NE ¼, Section 11, Township 2 North, Range 27 East, W.M.; 1330 Feet South and 270 Feet East from the North ¼ Corner, Section 11

- 2) **Permit G-1227; Certificate 30742:** Supplemental Irrigation; Priority Date - 1/21/1959; Authorized Source - Hanson Well #1

Authorized Point of Appropriation

NW ¼ NW ¼, Section 12, Township 2 North, Range 27 East, W.M.; 10 Feet South and 10 Feet East from the Northwest Corner, Section 12

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
63802	2N	27E	1	SESW	404	1866, 1870 1884, 1896	IR	7.3
63802	2N	27E	1	SWSE	404	1866, 1870 1884, 1896	IR	2.5
63802	2N	27E	2	SWSE	401	1866, 1870 1884, 1896	IR	8.0
30742	2N	27E	1	SESW	404	1/21/1959	SUPP	7.3
30742	2N	27E	1	SWSE	404	1/21/1959	SUPP	2.5
30742	2N	27E	2	SWSE	401	1/21/1959	SUPP	8.0
PRIM TOTAL								17.8
SUPP TOTAL								17.8

Butter Creek Irrigation District Temporary Transfer, 1997 Irrigation Season

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
63802	3N	28E	31	SESW	8900	1866, 1870 1884, 1896	IR	13.9
63802	3N	28E	31	SWSE	8900	1866, 1870 1884, 1896	IR	3.9
30742	3N	28E	31	SESW	8900	1/21/1959	SUPP	13.9
30742	3N	28E	31	SWSE	8900	1/21/1959	SUPP	3.9
PRIM TOTAL								17.8
SUPP TOTAL								17.8

- 1) **Permit G-1227; Certificate 30742:** Irrigation; Priority Date - 1/21/1959; Authorized Source - Hanson Well #1

Authorized Point of Appropriation

NW ¼ NW ¼, Section 12, Township 2 North, Range 27 East, W.M.; 10 Feet South and 10 Feet East from the Northwest Corner, Section 12

FROM LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
30742	2N	27E	1	SESW	404	1/21/1959	IR	2.5
30742	2N	27E	1	SWSE	404	1/21/1959	IR	13.5
30742	2N	27E	2	SWSE	401	1/21/1959	IR	10.0
TOTAL								26.0

Butter Creek Irrigation District Temporary Transfer, 1997 Irrigation Season

TO LANDS								
W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
30742	3N	28E	31	SWSW	8900	1/21/1959	IR	7.8
30742	3N	28E	31	SESW	8900	1/21/1959	IR	18.2
TOTAL								26.0