

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING CHANGES IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 8391 submitted by

CHESTER PRIOR  
32327 OREGON TRAIL ROAD  
ECHO, OREGON 97826.

The first right to be modified, as evidenced by a portion of Certificate 76050, was perfected under Permit 25920 with a date of priority of APRIL 22, 1955. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 46.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.55 cubic foot per second, if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 N, R 29 E, WM; N 76° 45' 56" E, 2913 FEET FROM THE W¼ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-15-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The second right to be modified, as evidenced by a portion of Certificate 76051, was perfected under Permit 25924, with a date of priority of June 27, 1958. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 27.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 cubic foot per second, if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 N, R 29 E, WM; N 76° 45' 56" E, 2913 FEET FROM THE W¼ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4½ acre-feet for each acre irrigated during the irrigation season of each year.

The third right to be modified, as evidenced a portion of Permit 7400, with a date of priority of July 7, 1924. The permit allows the use of McKAY RESERVOIR, CONSTRUCTED UNDER PERMIT R-584, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of 46.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 120.5 acre-feet, if available at the authorized point of diversion: McKAY DAM - NW¼ SE¼, SECTION 34, T 2 N, R 32 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount of water secured under any other right existiong for the same lands, shall be limited to a diversion of not to exceed 4½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

CERTIFICATE 76050  
AND PERMIT 7400  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  21.5 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  24.7 ACRES  
SECTION 26

CERTIFICATE 76051  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  0.2 ACRE  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  26.3 ACRES  
SECTION 26  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  1.3 ACRES  
SECTION 35

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to TEMPORARILY change the place of use to:

CERTIFICATE 76050  
AND PERMIT 7400  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  14.7 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  31.5 ACRES  
SECTION 4  
TOWNSHIP 2 NORTH,  
RANGE 28 EAST, W.M.

CERTIFICATE 76051  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  7.0 ACRES  
SECTION 25  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  6.9 ACRES  
SECTION 26  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  6.9 ACRES  
SECTION 35  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  7.0 ACRES  
SECTION 36  
TOWNSHIP 3 NORTH,  
RANGE 28 EAST, W.M.

The applicant has requested that the water rights under Certificate 76050 and Permit 7400 be remove from the authorized place of use during the 2000 irrigation season, to make way for other water rights being temporarily moved into that land under Temporary Transfer 8390. The applicant has also requested that these water rights not be placed in the proposed place of use until the 2001 irrigation season because the landowner is temporarily moving water other water rights onto this land for the 2000 irrigation season under District Temporary Transfer 8393. The applicant has agreed not to use the water rights under Certificate 76050 and Permit 7400 for the 2000 irrigation season.

The authorized places of use are included in Permit 48450. The applicant, as part of this application, provided a statement saying Permit 48450 was not used and was not claimed under Permit 48450 at the authorized place of use.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2000, 2001, 2002, 2003, and 2004 irrigation seasons.
3. Water shall not be used under Certificate 76050 and Permit 7400 on the proposed place of use during the 2000 irrigation season.
4. The uses shall revert to the authorized places of use at the end of the 2004 irrigation season.

5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right, upon request of the applicant, or upon approval of a permanent transfer for substantially the same changes.
6. Proof to the satisfaction of the Director has not been made for these lands under Permit 48450.
7. The use of the remaining water rights described by Certificates 76050, 76051, and Permit 7400 shall continue to be in accordance with the terms and conditions of Certificates 76050, 76051, and Permit 7400.

WITNESS the signature of the Water Resources Director,

MAR 08 2000

affixed \_\_\_\_\_.

  
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For Martha O. Pagel, Director