

STATE OF OREGON

COUNTY OF UMATILLA

**ORDER APPROVING A CHANGE IN PLACE OF USE
AND DIMINISHMENT OF A WATER RIGHT**

Pursuant to ORS 540.580, 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, TRANSFER 8320 submitted by:

WESTLAND IRRIGATION DISTRICT (Norma Quick)
P.O. BOX 944
HERMISTON, OREGON 97838.

The first right to be modified, as evidenced by a portion of Certificate 76718, was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, tabulated under WESTLAND IRRIGATION DISTRICT and recorded in the Order Record of the Water Resources Director in Volume 15, at Page 440; and Volume 3, at Pages 247-249, as modified by Orders of the Director entered on May 7, 1986, T-5766, and April 5, 1990, approving T-5869. The date of priority is July, 1907.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 101.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.27 cubic feet per second, subject to the provisions of Paragraph 32 of the decree, if available at the authorized points of diversion: SW¼ NE¼, SECTION 21, T 3 N, R 29 E, W.M., N 76°45'56" E 2913.19 FEET FROM THE W¼ CORNER, SECTION 21; POD #2 - SW¼ SW¼, SECTION 16, T 4 N, R 28 E, W.M.; 660 FEET NORTH AND 10 FEET EAST FROM THE SW CORNER OF SECTION 16, 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 any other right for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent from MARCH 1 to NOVEMBER 1 and subject to the limitations of paragraph 32 of the Umatilla River Decree for each acre irrigated during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The authorized place of use is located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.3 ACRES
SECTION 16
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.7 ACRES

SECTION 17

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The District proposes to change the place of use of the water rights described above to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.4 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 ACRES

SECTION 16

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.9 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 29.4 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.8 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.6 ACRES

SECTION 17

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

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

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County as evidenced by a portion of Certificate 2554. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is 1910.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 25.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.32 cubic foot per second, subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 16, T 4 N, R 28 E, W.M.; or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.3 ACRES
SECTION 16
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The District proposes to change the place of use of the water rights described above to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.4 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 ACRES
SECTION 16
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

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

The third right to be modified, is evidenced by a PORTION of certificate 79439, with a date of priority of JULY 1, 1924. The right allows the use the waters of MCKAY RESERVOIR, perfected under Permit 7400, a tributary of MCKAY CREEK, for SUPPLEMENTAL IRRIGATION OF 101.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.26 cubic feet per second, if available at the authorized point of diversion: MCKAY DAM - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34, T 2 N, R 32 E, W.M., 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 any other right for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent), provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

The authorized place of use is located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.3 ACRES
SECTION 16

SW¹/₄ NW¹/₄ 33.0 ACRES
SE¹/₄ NW¹/₄ 20.0 ACRES
NW¹/₄ SW¹/₄ 22.7 ACRES

SECTION 17

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The District proposes to change the place of use of the water rights described above to:

NE¹/₄ SW¹/₄ 14.4 ACRES
NW¹/₄ SW¹/₄ 5.4 ACRES
SW¹/₄ SW¹/₄ 1.7 ACRES
SE¹/₄ SW¹/₄ 4.0 ACRES

SECTION 16

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

SW¹/₄ NE¹/₄ 1.9 ACRES
SE¹/₄ NE¹/₄ 29.4 ACRES
NE¹/₄ SE¹/₄ 30.8 ACRES
NW¹/₄ SE¹/₄ 13.6 ACRES

SECTION 17

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

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

Diminishment of Water Rights

Transfer application T-8320 was submitted with a request to diminish portions of Certificates 2554 (Decree V.3, P. 127) and 55323 (Permit 44614) to supplemental irrigation to resolve water right conflicts for the lands described by the proposed change in place of use .

The first water right to be diminished to supplemental irrigation is a portion of the right described by Certificate 55323 (Permit 44614), State Record of Water Right Certificates. The water right to be diminished is for the use of 2.25 cubic foot per second from the Umatilla River, a tributary of the Columbia River for the irrigation of 90.2 acres. The date of priority is August 23, 1979.

A description of the place of use of the right to be diminished is as follows:

SW¼ NE¼ 1.9 ACRES
SE¼ NE¼ 29.4 ACRES
NE¼ SE¼ 30.8 ACRES
NW¼ SE¼ 13.6 ACRES

SECTION 17

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

In addition to the acreage described above involved with the transfer application, the applicant requested to diminish acreage not involved in this application. The additional acreage the applicant requested to be diminished to supplemental irrigation is located as follows:

NW¼ SE¼ 14.5 ACRES

SECTION 17

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The second water right to be diminished to supplemental irrigation is a portion of the right described by Certificate 2554, State Record of Water Right Certificates. The water right to be diminished is for the use of 0.35 cubic foot per second from the Umatilla River, a tributary of the Columbia River for the irrigation of 28.2 acres. The date of priority is 1910.

A description of the place of use of the right to be diminished is as follows:

NW¼ SW¼ 4.2 ACRES

SW¼ SW¼ 21.3 ACRES

SECTION 16

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

In addition to the acreage described above involved with the transfer application, the applicant requested to diminish acreage not involved in this application. The additional acreage the applicant requested to be diminished to supplemental irrigation is located as follows:

SW¼ SW¼ 2.7 ACRES

SECTION 16

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

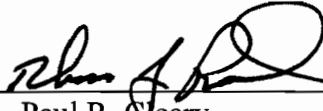
IT IS ORDERED, THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The proposed changes shall be completed on or before October 1, 2004.
2. The former places of use shall no longer be irrigated as a part of these water rights.

3. The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used at the point of diversion on the Umatilla River located within the SW¼ of the SW¼, of section 16, T 4 N, R 28 E, W.M. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by WESTLAND IRRIGATION DISTRICT on or before October 1, 2005.
5. The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree governing the use of water. Except as modified herein, all other conditions and restrictions of Volume 15, at Page 440; and Volume 3, at Pages 127 and 247-249, and, as modified by subsequent orders of the Director remain in effect. In addition, except as modified herein, all other conditions and restrictions of Certificate 79439 remain in effect.
6. When the Director determines that it is necessary, or to facilitate records keeping, a new certificate will be issued to confirm all completed changes for which satisfactory proof has been made for Certificate 79439, and to confirm that portion of the right not modified by this or any other order.

Certificate 76718 is canceled. This order, together with the order approving Transfer Application T-8322, also cancels Certificates 2554 and 55323. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed AUG 07 2003.



For Paul R. Cleary