

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING CHANGES IN PLACE OF USE, POINT OF DIVERSION,  
AND CANCELING A WATER RIGHT

Pursuant to ORS 540.510 to 540.530, 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 7550 submitted by

JOE J. FLINK  
P.O. BOX 1171  
HERMISTON, OREGON 97838.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as modified by re: Water of Umatilla River, 88 OR 376, and tabulated in the name of the United States of America. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The dates of priority are FEBRUARY 25, 1904 for DIRECT FLOW and SEPTEMBER 6, 1905 for STORED WATER FROM COLD SPRINGS RESERVOIR.

This is an order in other than a contest 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.

T-7550.LHN

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The right allows the use of the UMATILLA RIVER and COLD SPRINGS RESERVOIR, a tributary of the COLUMBIA RIVER, for IRRIGATION and SUPPLEMENTAL IRRIGATION of 11.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second from direct flow, and 35.7 Acre Feet from stored water, subject to the provisions of Paragraph 33 of the Decree, if available at the authorized point of diversion: MAXWELL CANAL - NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 28, T 4 N, R 28 E, WM; and COLD SPRINGS DAM - SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 3, T 4 N, R 29 E, WM, 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:

NE $\frac{1}{4}$  NE $\frac{1}{4}$             11.9 ACRES  
SECTION 9  
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

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.

The applicant proposes to change the place of use to:

SE $\frac{1}{4}$  SW $\frac{1}{4}$             0.8 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$             11.1 ACRES  
SECTION 33  
TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 33, T 5 N, R 28 E, WM; 550 FEET NORTH AND 240 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 33.

The receiving landowner for 2.7 acres is:

VIRGINIA RANDOLF  
P.O. BOX 1067  
UMATILLA, OREGON 97882

An affidavit was received from Joe J. and Jo Anne Flink, the owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is the right described by Certificate 55006, State Record of Water Right Certificates. The abandoned water right is for the use of 0.23 cubic foot per second of water from the Umatilla River, a tributary of the Columbia River. The date of priority is October 1, 1980. The abandoned water right is for irrigation of 9.2 acres.

A description of the place of use of the abandoned right is as follows:

SE $\frac{1}{4}$  SW $\frac{1}{4}$             0.8 ACRE  
SW $\frac{1}{4}$  SE $\frac{1}{4}$             8.4 ACRES

SECTION 33

TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

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

1. The proposed change shall be completed on or before October 1, 2001.

2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Prior to delivery of stored water, the irrigation district shall install and maintain a headgate and measuring device, as needed, at the point the stored water is discharged into the Umatilla River for delivery to the water user, in accordance with an agreement between the irrigation district and Watermaster. The irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The former place of use shall no longer be irrigated as a part of this water right.
7. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

The water right requested to be canceled is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,

affixed DEC 28 1999.

  
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Martha O. Pagel, Director