

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN USE

Pursuant to ORS 537.705, 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 7696 submitted by

DAVID BORK
85633 BORK LANE
MILTON-FREEWATER, OREGON 97862.

The right to be modified, as evidenced by a PORTION of Certificate 27120, was perfected under Permit G-1360 with a date of priority of MAY 28, 1959. The right allows the use of the BORK WELL, in the GRANDVIEW SPRING BASIN, for SUPPLEMENTAL IRRIGATION of 14.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.18 cubic foot per second, if available at the original well; NW¼ SW¼, SECTION 13, T 6 N, R 35 E, WM; 36.4 CHAINS NORTH AND 4.0 CHAINS EAST FROM THE SW CORNER, SECTION 13, or its equivalent in case of rotation, measured at the well.

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 690-01005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH 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 3.0 acre-feet per acre 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 as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 9.6 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 ACRES

SECTION 13

TOWNSHIP 6 NORTH, RANGE 35 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.

The applicant proposes to change the USE to PRIMARY IRRIGATION of 14.6 ACRES.

Affidavits were received from Herbert C. Bork and Wanda Esposito, owners of certain land and the water rights appurtenant to it. The surface water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 50537, State Record of Water Right Certificates. The abandoned water right is for the use of 0.18 cubic foot per second of water from the a Spring Branch, a tributary of the Walla Walla River. The date of priority is July 16, 1909. The abandoned right is for the irrigation of 14.6 acres.

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

SW¼ NW¼ 9.6 ACRES

NW¼ NW¼ 5.0 ACRES

SECTION 13

TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

ORS 640.621 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 the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

THIS CHANGE 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.

The portion of the water right requested to be canceled is canceled. Certificates 27120 and 50537 are canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this cancellation. 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 MAR 15 2000.



Fa Martha C. Pagel, Director