

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING CHANGES IN POINTS OF DIVERSION  
AND PLACE OF USE

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 7293 submitted by

CONRAD L. WYSS  
3045 S.W. JAY  
PENDLETON, OREGON 97801.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County as evidenced by Certificate 2621. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is 1899.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 31.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.39 cubic foot per second, if available at the authorized point of diversion:

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.

BOUGHMAN DITCH - NW¼ SE¼, SECTION 7, 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 authorized place of use is located as follows:

SE¼ SW¼	14.0 ACRES (POD)
NW¼ SE¼	9.6 ACRES (POU & POD)
NW¼ SE¼	5.4 ACRES (POD)
SW¼ SE¼	2.0 ACRES (POD)

SECTION 7

TOWNSHIP 2 NORTH, RANGE 32 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 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 51218. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is 1905.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 12.0 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, if available at the authorized point of diversion: BOUGHMAN DITCH - NW¼ SE¼, SECTION 7, 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 authorized place of use is located as follows:

SE¼ SW¼	12.0 ACRES (POD)
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SECTION 7

TOWNSHIP 2 NORTH, RANGE 32 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 of 9.6 acres of Certificate 2621 as described above to:

NW¼ SE¼            9.6 ACRES  
SECTION 7  
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

The applicant further proposes to change the point of diversion from Boughman Ditch to a pumping site downstream on the Umatilla River located:

SE¼ SW¼, SECTION 7, T 2 N, R 32 E, W.M.; 300 FEET NORTH  
AND 2820 FEET EAST FROM THE SW CORNER, SECTION 7.

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

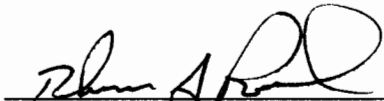
1. The proposed changes shall be completed on or before October 1, 2005.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. **Prior** to diverting water from the new point of diversion, the water 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. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

Certificates 2621 and 51218 is canceled. A new certificate will be issued to confirm that portion of Certificate 51218 NOT involved in this transfer. When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed JAN 12 2004.

  
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Paul R. Cleary, Director