

UMATILLA COUNTY

IN THE MATTER OF CORRECTION)
OF A DIMINUTION OF A)
WATER RIGHT IN THE NAME OF)
L & L FARMS)

ORDER

An affidavit was received from ROBERT L. LEVY, dba L & L FARMS, and TRUSTEE FOR ROBERT L. LEVY FAMILY TRUST, the owner of certain land and the water rights appurtenant to it. At the time the proposed certificate for permit 25924 was being prepared, the water right records showed two rights as primary on this land. The groundwater right had been requested to be diminished from primary to supplemental. An order to diminish the water right was entered on September 3, 1997, and a new certificate number 75125 was issued.

However, Mr. Levy had also filed a request on May 3, 1993 to transfer 125.2 acres of this water right to another location that was not to be covered by permit 25924 at that time of filing. The new lands, later were covered by permit 25924. The applicant has now amended the transfer request for the 125.2 acres to be moved to new lands. Because the original transfer request was filed in a timely manner to transfer the primary water right, the right should not have been diminished to supplemental as part of the certification of permit 25924.

The water right is a portion of the right described by Certificate 75125, State Record of Water Right Certificates. The water right is for the use of 3.0 cfs from WELL 1 in the SPIKES GULCH BASIN. The date of priority is JULY 19, 1976. The water right to be restored to primary status is for IRRIGATION of 125.2 ACRES.

A description of the place of use of the water right as it was originally perfected is as follows:

NE¹/₄ SE¹/₄ 31.3 ACRES
NW¹/₄ SE¹/₄ 31.3 ACRES
SW¹/₄ SE¹/₄ 31.3 ACRES
SE¹/₄ SE¹/₄ 31.3 ACRES

SECTION 29
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

The owner has asked for the above acres to be restored as a primary water right and to be eligible to transfer under T-6970. It appears that the above acres were incorrectly diminished to supplemental irrigation and should rightly be restored to primary irrigation.

NOW, THEREFORE, it is ORDERED that the water right described above as supplemental irrigation is restored to PRIMARY IRRIGATION and is subject to transfer under application T-6970. It is FURTHER ORDERED that Certificate 75125 is canceled and a new certificate be issued to confirm that portion of the water right NOT modified by this order nor by an order approving Transfer T-6970.

WITNESS the signature of the Water Resources Director, affixed 3/25/98 .



Martha O. Pagel