

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN USE
AND CANCELLATION OF PORTIONS OF CERTAIN WATER RIGHTS

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 8904 submitted by

KEVIN AND SARAH GRIFFITH
52086 SUNQUIST ROAD
MILTON-FREEWATER, OREGON 97862.

The right to be modified, as evidenced by a PORTION of Certificate 31283, was perfected under Permit G-1217 with a date of priority of FEBRUARY 11, 1959. The right allows the use of the HOODENPYLE WELL, within the MIDDLE BRANCH MUD CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 9.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the original well; SE¼ NE¼, SECTION 20, T 6 N, R 35 E, W.M.; 412 FEET SOUTH AND 301 FEET WEST FROM THE NE CORNER, SE¼ NE¼, SECTION 20, or its equivalent in case of rotation, measured at the well.

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 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:

SE¼ NE¼ 9.7 ACRES (TAXLOT 201)
SECTION 20
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 CHARACTER OF USE from SUPPLEMENTAL IRRIGATION to PRIMARY IRRIGATION for the 9.7 ACRES listed above.

CANCELLATION OF PORTIONS OF CERTAIN WATER RIGHTS

On October 5, 2001, the Department received affidavits from Kevin and Sarah Griffith, owners of certain lands to which the underlying primary water rights are appurtenant to. These surface water rights have been abandoned and are requested that portions of water right Certificates 3501, 1747 and 11061 be canceled.

The abandoned water rights are:

- 1) A portion of the right described by Certificate 3501, State Record of Water Right Certificates. The abandoned water right is for the use of 0.02 cubic foot per second from Middle Branch of Mud Creek and the Little Walla Walla

River, tributaries to the Walla Walla River. The date of priority is August 21, 1918. The abandoned portion of this right is for the irrigation of 1.69 acres.

2) A portion of the right described by Certificate 1747, State Record of Water Right Certificates. The abandoned water right is for the use of 0.038 cubic foot per second from Middle Branch of Mud Creek, a tributary of East Branch Mud Creek. The date of priority is 1905. The abandoned portion of this right is for the irrigation of 3.11 acres.

3) A portion of the right described by Certificate 11061, State Record of Water Right Certificates. The abandoned water right is for the use of 0.039 cubic foot per second from East Branch of Ford Branch of the Little Walla Walla River, a tributary of the Walla Walla River. The date of priority is February 23, 1928. The abandoned portion of this water right is for supplemental irrigation of 3.11 acres.

On May 10, 2002, the Department received an additional affidavit from Kevin and Sarah Griffith, owners of certain lands in which an existing supplemental water right is appurtenant to. This surface water right has been abandoned and is requested that a portion of water right Certificate 41036 also be canceled.

The abandoned water right is:

A portion of the right described by Certificate 41036, State Record of Water Right Certificates. The abandoned water right is for the use of 0.064 cubic foot per second from Ford Branch of the Little Walla Walla River, tributary to the Walla Walla River. The date of priority is March 19, 1968. The abandoned portion of this right is for the supplemental irrigation of 5.10 acres.

A description of the place of use of the abandoned rights are as follows:

CERTIFICATES 1747 & 11061

SE¼ NE¼ 3.11 ACRES

SECTION 20

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

CERTIFICATE 3501

SE¼ NE¼ 1.69 ACRES

SECTION 20

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

CERTIFICATE 41036

SE¼ NE¼ 5.10 ACRES

SECTION 20

TOWNSHIP 6 NORTH, RANGE 35 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 and order canceling the water right."


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, 2004.
2. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.

Certificates 31283, 3501, 1747, 11061 and 41036 are canceled. 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, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed DECEMBER 17, 2002.



Paul R. Cleary, Director