

STATE OF OREGON
COUNTY OF UMATILLA

**ORDER APPROVING A CHANGE IN PLACE OF USE
AND DIMINISHMENT OF A WATER RIGHT**

Pursuant to ORS 540.580, 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 8992**, a petition submitted by

WESTLAND IRRIGATION DISTRICT
P.O. BOX 416
STANFIELD, OREGON 97875.

The rights to be modified are evidenced by portions of:

CERTIFICATE or decree	PRIORITY DATE	SOURCE <u>(Primary or supplemental)</u>
76717 Decrees: V. 3, p. 247-249 & V. 16, p. 459-460	July 1907	Umatilla River (Primary Irrigation)
76799	April 12, 1961	Umatilla River and McKay Reservoir (Primary Irrigation)
79439	July 1, 1924	McKay Reservoir (Supplemental Irrigation)

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 District requests to permanently move the rights listed in Table A to locations listed in Table B.

The authorized place of use is located as follows:

TABLE A. - Tabulation/Inventory of the "FROM LANDS"

TWP	RNG	SEC	CERTIFICATE <u>Primary or Supplemental</u>	¼¼	TAX LOT	ACRES	NOTICE #
4N	28E	7	P - 76717 S - 79493	SW NE	400	2.00	1.
4N	28E	7	P - 76717 S - 79493	SW SW	602	0.25	4.
4N	28E	7	P - 76717 S - 79493	SW SW	603	0.25	4.
4N	28E	7	P - 76717 S - 79493	SW SW	604	1.60	4.
4N	28E	8	P - 76717 S - 79493	SW SE	900	0.50	5.
4N	28E	18	P - 76717 S - 79493	NW NW	300	0.20	4.
4N	28E	19	P - 76799	SW SW	3000	10.20	2.
4N	28E	19	P - 76717 S - 79493	SW SW	2904	1.50	6.
4N	28E	19	P - 76717 S - 79493	SW SW	2904	4.00	7.
4N	28E	19	P - 76717 S - 79493	SW SW	2904	2.50	8.
4N	28E	31	P - 76717 S - 79493	NE SW	7000	3.30	3.
Total						26.30	

The proposed place of use is located as follows:

TABLE B. - Tabulation/Inventory of the "TO LANDS"

TWP	RNG	SEC	CERTIFICATE <u>Primary or Supplemental</u>	¼ ¼	TAX LOT	ACRES	NOTICE #
4N	28E	8	P - 76717 S - 79493	SE SE	2800	0.50	5.
4N	28E	17	P - 76717 S - 79493	NE NE	3500	2.30	4.
4N	28E	17	P - 76799	SW NE	3700	9.20	2.

TWP	RNG	SEC	CERTIFICATE Primary or Supplemental	¼ ¼	TAX LOT	ACRES	NOTICE #
4N	28E	17	P - 76717 S - 79493	SW NE	3700	3.20	3.
4N	28E	17	P - 76717 S - 79493	SW NE	3700	2.40	8.
4N	28E	17	P - 76717 S - 79493	NW NW	801	2.00	1.
4N	28E	17	P - 76717 S - 79493	NW NW	808	1.50	6.
4N	28E	17	P - 76717 S - 79493v	SE NW	1901	4.00	7.
4N	28E	17	P - 76799	NW SE	200	1.00	2.
4N	28E	17	P - 76717 S - 79493v	NW SE	200	0.10	3.
4N	28E	17	P - 76717 S - 79493	NW SE	200	0.10	8.
Total						26.30	

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 certificate or decree.

Diminishment of a Water Right

On February 4, 2002, the Department received an affidavit from Norma Quick, owner of certain lands in which an underlying, primary water right is appurtenant to. Surface water right Certificate 55323 has continued to be exercised and is requested to be diminished to supplemental irrigation for those portions of water right certificate 76799 being transferred in under T-8992.

The water right to be diminished to supplemental irrigation is a portion of the right described by Certificate 55323, State Record of Water Right Certificates. The water right to be diminished is for the use of 0.40 cubic foot per second from the Umatilla River, a tributary of the Columbia River for the irrigation of 16.0 acres. The date of priority is August 23, 1979.

A description of the place of use of the right to be diminished is as follows:

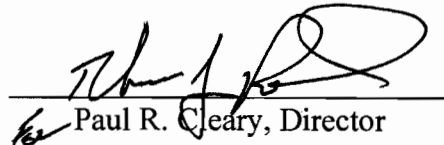
SW¼ NE¼ 14.8 ACRES
 NW¼ SE¼ 1.2 ACRES
 SECTION 17
 TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

THESE CHANGES TO EXISTING DISTRICT WATER RIGHTS 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, 2003.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by WESTLAND IRRIGATION DISTRICT on or before October 1, 2004.
4. Except as modified herein, all other conditions and restrictions of the Umatilla River Decree and Permit 7400 remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

In addition, Certificate 55323 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer (T-8992), and transfers T-8320 and T-8322. 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 APR 22 2002.


Paul R. Cleary, Director