

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 7704 submitted by

BARBARA ANDREWS
by LESSEE JEFF SPIKE
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The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as tabulated for the ALLEN DITCH COMPANY, in the name of Geo. Higginbotham. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is 1870.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 65.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.81 cubic foot per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree, if available at the authorized point of diversion: ALLEN DITCH (Westland Canal), SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as tabulated in the name of the ALLEN DITCH COMPANY. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 378. The date of priority is 1900.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 54.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.68 cubic foot per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree, if available at the authorized point of diversion: ALLEN DITCH (Westland Canal), SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified is a portion of Permit 7400 with a date of priority of JULY 1, 1924. The right allows the use of MCKAY RESERVOIR, a tributary of MCKAY CREEK, for SUPPLEMENTAL IRRIGATION OF 119.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.49 cubic foot per second, if available at the authorized point of diversion: MCKAY DAM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent including water heretofore appropriated, for each acre irrigated and shall be further limited to the appropriation of water stored in McKay Reservoir, constructed under Permit R-584, for irrigation of lands already having a partial water right.

The authorized place of use is located as follows:

| | <u>PRIORITY 1870</u> | <u>PRIORITY 1900</u> |
|---------|---------------------------------------|----------------------|
| NW¼ NW¼ | 7.0 ACRES | |
| | SECTION 17 | |
| NE¼ NE¼ | 38.0 ACRES | |
| NW¼ NE¼ | 20.0 ACRES | 13.5 ACRES |
| SW¼ NE¼ | | 3.8 ACRES |
| NE¼ NW¼ | | 23.5 ACRES |
| SE¼ NW¼ | | 13.5 ACRES |
| | SECTION 18 | |
| | TOWNSHIP 3 NORTH, RANGE 29 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 TEMPORARILY change the place of use to:

| | <u>PRIORITY 1870</u> | <u>PRIORITY 1900</u> |
|---------|---------------------------------------|----------------------|
| NW¼ NW¼ | | 7.0 ACRES |
| | SECTION 17 | |
| NE¼ NE¼ | | 38.0 ACRES |
| NW¼ NE¼ | 12.1 ACRES | 9.3 ACRES |
| SW¼ NE¼ | 3.8 ACRES | |
| NE¼ NW¼ | 35.0 ACRES | |
| SE¼ NW¼ | 14.1 ACRES | |
| | SECTION 18 | |
| | TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M. | |

The applicant also proposes that the temporary transfer remain in effect until Transfer Application 7703, in the name Barbara Andrews, by Lessee Jeff Spike, is approved. Transfer Application 7703 is before the Department awaiting examination and consideration.

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

1. The changes are Temporary. The changes shall be effective upon approval of this order. The use shall revert to the authorized places of use at the end of the 2001 irrigation season; or approval of Transfer Application 7703, in the name of Barbara Andrews, covering the same lands; which ever comes first.
2. The former places of use shall no longer be irrigated as part of these water rights during the term of this order, except as described herein.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

The lands from which the water rights and permit are being removed shall receive no water under these rights and permit until after the end of the 2001 irrigation season, November 1, 2001; approval of Transfer Application 7703, in the name of Barbara Andrews; or revocation of this order; which ever occurs first. The use of the remaining water rights described by the decrees of the Circuit Court described herein and permit 7400 shall continue to be in accordance with the terms and conditions of the decrees and permit.

WITNESS the signature of the Water Resources Director, affixed March 19, 1997.



Martha O. Pagel, Director