

STATE OF OREGON

COUNTY OF HOOD RIVER

ORDER APPROVING A CHANGE IN USE AND CANCELLING 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 7554 submitted by

RICHARD STRACHAN  
4051 FIR MOUNTAIN ROAD  
HOOD RIVER, OREGON 97031.

The right to be modified, as evidenced by a portion of Certificate 1210, was perfected under Permit 2157 with a date of priority of JULY 17, 1914. The right allows the use of THREE UNNAMED SPRINGS in the SW¼ SW¼, SECTION 32, T 2 N, R 11 E, WM, for IRRIGATION of 12.2 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, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per 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 located as follows:

SE $\frac{1}{4}$  SE $\frac{1}{4}$  12.2 ACRES  
SECTION 31  
TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the USE to storage and maintenance of a reservoir, constructed under Permit R-12068, for wildlife habitat and fire protection. The pond is located as follows:

SE $\frac{1}{4}$  SE $\frac{1}{4}$   
SECTION 31  
TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

An affidavit was received from Richard Strachan, the owner of certain land and the water rights appurtenant to it. The water rights have been abandoned and are requested to be cancelled.

An affidavit was received from Hood River County, the owner of certain land and the water rights appurtenant to it. The water rights have been abandoned are requested to be cancelled.

The first abandoned water right is a portion of the right described by Certificate 1210, State Record of Water Right Certificates. The abandoned right is for irrigation of 7.8 acres and domestic use of up to 0.20 cubic feet per second from three unnamed springs in the SW¼ SW¼, Section 32, T 2 N, R 11 E, WM. The date of priority is July 17, 1914.

The second abandoned water right is the right described by Certificate 7802, State Record of Water Right Certificates. The abandoned right is for the irrigation of 12.0 acres by the use of up to 0.15 cubic foot per second from an Unnamed Spring, tributary of Neal Creek. The date of priority is June 28, 1926.

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

CERTIFICATE		
	<u>1210</u>	<u>7802</u>
SE¼ SE¼	7.8 ACRES	12.0 ACRES
	SECTION 31	
	TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.	

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certified 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 an order cancelling the water right."

Mr. Strachan and Hood River County own all of the SE¼ SE¼, Section 31, between them. They are requesting that all of the water rights appurtenant to that land be cancelled; except for the portion of the water right evidenced by Certificate 1210 requested to be transferred by this transfer application.

THIS CHANGE TO AN EXISTING WATER RIGHT 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, 2001.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. The quantity of water stored for wildlife habitat and fire protection shall not exceed 12.0 acre feet during the irrigation season of each year. The quantity of water stored from October 1 to October 1 of each year shall not exceed 12.0 acre feet under this water right and the water right perfected under Permit R-12068.
4. The amount of water used for maintenance of the reservoir for wildlife habitat and fire protection is limited to 0.15 cubic feet per second during the irrigation season.

The portion of the water right evidenced by Certificate 1210 and the water right evidenced by Certificate 7802 requested to be cancelled are cancelled.

Certificates 1210 and 7802 are cancelled. When satisfactory proof of the completed change approved by the transfer order is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,

affixed           **MAY 24 2000**          .

  
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Martha O. Pagel, Director  
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