

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

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 6588 submitted by

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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 evidenced by Certificate 2618. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is October, 1902.

The right allows the use of BIRCH CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION OF 65.0 ACRES, DOMESTIC AND STOCK USE. 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.

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 authorized place of use is located as follows:

NW¼ NW¼ 19.0 ACRES
SW¼ NW¼ 25.0 ACRES
SE¼ NW¼ 11.0 ACRES
SECTION 13

NE¼ NE¼ 7.0 ACRES
SE¼ NE¼ 3.0 ACRES
SECTION 14

TOWNSHIP 2 NORTH, RANGE 31 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 second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 2619. The decree is recorded in the Order Record of the Water Resources Director in Volume 3 at Page 127. The date of priority is 1892.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, and BIRCH CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION OF 12.5 ACRES, DOMESTIC AND STOCK USE. 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, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree. The authorized point of diversion on the Umatilla River is located: NW¼ NW¼, SECTION 18, T 2 N, R 32 E, W.M.. There is no record of the authorized POD for Birch Creek on this and aforementioned rights.

The authorized place of use is located as follows:

NW¼ SE¼ 10.7 ACRES
SE¼ SE¼ 1.8 ACRES
SECTION 13

TOWNSHIP 2 NORTH, RANGE 31 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 third right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by Certificate 2934. The decree is recorded in the Order Record of the Water Resources Director in Volume 3 at Page 127. The date of priority is MAY, 1909.

The right allows the use of BIRCH CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION OF 2.0 ACRES, DOMESTIC AND STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 CUBIC FOOT PER SECOND, measured at the point of diversion.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 ACRES
SECTION 13

TOWNSHIP 2 NORTH, RANGE 31 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 fourth right to be modified was perfected under a portion of Permit 7400 with a date of priority of JULY 7, 1924. The right allows the use of stored water from MCKAY RESERVOIR, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of all the above described primary acres authorized under Certificates 2618, 2619, and 2934.

This right is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season of each year, if available at the authorized point of diversion: MCKAY RESERVOIR - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34, T 2 N, R 32 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The applicant proposes to change the point of diversion of all the above described rights to a common pumping site located:

SW¼ NE¼, SECTION 13, T 2 N, R 31 E, W.M.; BIRCH CREEK AND UMATILLA RIVER CONFLUENCE - 1600 FEET SOUTH AND 2600 FEET WEST FROM THE NE CORNER, SECTION 13.

THESE CHANGES TO EXISTING 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, 2005.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
3. Water shall be acquired from the same surface water source as the original points of diversion.
4. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

Certificates 2618, 2619 and 2934 are canceled. A new certificate will be issued to confirm that portion of Certificate 2619, NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources
Director, affixed DECEMBER 17, 2003.


Paul R. Cleary, Director