

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
FRED W. AND BARBARA ANDREWS FOR) ORDER APPROVING
APPROVAL OF A CHANGE IN PLACE OF) TRANSFER 5763
USE OF WATER)

On March 10, 1986, an application was filed in the office of the Water Resources Director by Fred W. and Barbara Andrews for approval of a change in place of use of water from Umatilla River under an existing right of record, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, entered September 9, 1916, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right was tabulated at page 246, Volume 3, in the name of Western Land and Irrigation Company, for irrigation of, among other lands, a certain:

35.0 acres SW 1/4 NW 1/4
20.0 acres NW 1/4 SW 1/4

Section 2
Township 3 North, Range 28 East, WM

with a date of priority of March 14, 1903.

By a Supplemental Decree of the Circuit Court for Umatilla County, entered September 1, 1961, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right was tabulated at page 425, Volume 15, in the name of Andrews Brothers, for irrigation of, among other lands, a certain:

30.0 acres NE 1/4 NW 1/4
17.8 acres SE 1/4 NW 1/4
4.7 acres NE 1/4 SW 1/4

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with a date of priority of March 14, 1903.

By Decree of the Circuit Court for Umatilla County, entered September 9, 1916, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right was tabulated at page 229, Volume 3, in the name of Will Moore, for irrigation of, among other lands, a certain:

10.0 acres SW 1/4 NE 1/4
20.0 acres SE 1/4 NE 1/4
20.0 acres NE 1/4 SE 1/4
22.0 acres SE 1/4 SE 1/4

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with a date of priority of January 9, 1900.

Parts of these lands also have a supplemental right under Permit 7400 to the use of water stored in McKay Reservoir with a date of priority of July 1, 1924.

The applicants herein, owners of the lands above described, propose to transfer the water rights with a date of priority of March 14, 1903 to irrigation of:

3.9 acres SW 1/4 NE 1/4
11.1 acres NE 1/4 NW 1/4
7.1 acres NW 1/4 NW 1/4
26.6 acres SW 1/4 NW 1/4
40.0 acres SE 1/4 NW 1/4
12.0 acres NE 1/4 SW 1/4
6.8 acres NW 1/4 SW 1/4

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and to transfer the water right with a date of priority of January 9, 1900 to irrigation of:

2.9 acres SW 1/4 NW 1/4
1.4 acres SE 1/4 NW 1/4
32.4 acres NE 1/4 SW 1/4
17.4 acres NW 1/4 SW 1/4

Section 2

0.4 acre NW 1/4 NE 1/4
3.5 acres SW 1/4 NE 1/4
3.0 acres NE 1/4 NW 1/4
2.5 acres NW 1/4 NW 1/4
3.4 acres SW 1/4 NW 1/4
3.0 acres NE 1/4 SW 1/4
2.0 acres NW 1/4 SW 1/4
0.1 acre NW 1/4 SE 1/4

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Water for said lands is delivered through the Westland Canal.

The lands involved herein are within the boundaries of the Courtney Ditch Company and the Board of Directors of said Company approved the proposed change in place of use of water at a regular meeting.

Michael F. Ladd, Watermaster, has filed a statement to the effect that there is a question of validity of the water right involved in this proposed transfer.

However, no objections having been filed and it appearing otherwise that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

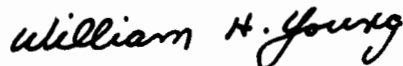
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in paragraph 2 above and shall be beneficially used as authorized by this order on or before October 1, 1989.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change in place of use shall be considered perfected, and at a later date a certificate of water right shall be issued to Courtney Ditch Company confirming this and other changes within the District, at the time certificates are issued confirming rights allowed in the Umatilla River Adjudication proceedings.

Dated at Salem, Oregon, this 10th day of September, 1987.


WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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