

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 6590 submitted by

WARREN AND VIVIAN TAYLOR
41095 TAYLOR LANE
PENDLETON, OREGON 97801.

The first right to be modified, as evidenced by Certificate 41264, was perfected under Permit 33050 with a date of priority of NOVEMBER 13, 1967. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 23.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.29 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NW¼ NW¼, SECTION 18, T 2 N, R 32 E, W.M.; 630 FEET SOUTH AND 730 FEET EAST FROM THE NW CORNER OF SECTION 18, 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-FORTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

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:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.7 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.0 ACRES
BOTH AS PROJECTED WITHIN J. WHITNEY DLC 37
LOT 4 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 7.5 ACRES
SECTION 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.8 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.

The second 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 stored water from MCKAY RESERVOIR, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of the above described primary acres authorized under Certificate 41264.

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 the above described rights to a common pumping site located:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, 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 OF SECTION 13.


THIS CHANGE 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.

Certificate 41264 is canceled. 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 DECEMBER 17, 2003.



Paul R. Cleary, Director