

UMATILLA COUNTY

IN THE MATTER OF DIMINUTION)
OF A PORTION OF A WATER RIGHT) ORDER
IN THE NAME OF ZABRANSKY AND SONS, INC.)

An affidavit was received from DAVID DITCHEN, the owner of certain land and the water rights appurtenant to it. The water right records show two rights as primary on this land. The groundwater right has been requested to be diminished from primary to supplemental.

The water right is a portion of the right described by Certificate 54740, State Record of Water Right Certificates. The water right is for the use of 6.9 cubic foot per second from ZABRANSKY WELLS 1, 2, AND 3; in the STAGE GULCH BASIN. The date of priority is FEBRUARY 27, 1978. The water right is for IRRIGATION of 651.3 ACRES.

The place of use of the water right was surveyed by the Department staff in 1989 in conjunction with the primary water right under permit 30789. The actual place of use was determined to be:

Table listing acreage for various quarter sections: NE 1/4 SW 1/4 (33.4 ACRES), NW 1/4 SW 1/4 (33.9 ACRES), SW 1/4 SW 1/4 (31.8 ACRES), SE 1/4 SW 1/4 (32.6 ACRES), NE 1/4 SE 1/4 (33.0 ACRES), NW 1/4 SE 1/4 (33.3 ACRES), SW 1/4 SE 1/4 (31.6 ACRES), SE 1/4 SE 1/4 (33.4 ACRES).

SECTION 24

Table listing acreage for various quarter sections in Section 24: NE 1/4 NE 1/4 (28.2 ACRES), NW 1/4 NE 1/4 (40.0 ACRES), SW 1/4 NE 1/4 (38.5 ACRES), SE 1/4 NE 1/4 (33.6 ACRES), NE 1/4 SE 1/4 (22.2 ACRES), NW 1/4 SE 1/4 (14.5 ACRES), SW 1/4 SE 1/4 (14.6 ACRES), SE 1/4 SE 1/4 (8.2 ACRES).

SECTION 25

Table listing acreage for various quarter sections in Section 25: NE 1/4 NE 1/4 (23.5 ACRES), NW 1/4 NE 1/4 (34.0 ACRES), SW 1/4 NE 1/4 (34.7 ACRES), SE 1/4 NE 1/4 (27.2 ACRES), NE 1/4 NW 1/4 (38.3 ACRES), NW 1/4 NW 1/4 (30.8 ACRES).

SECTION 36

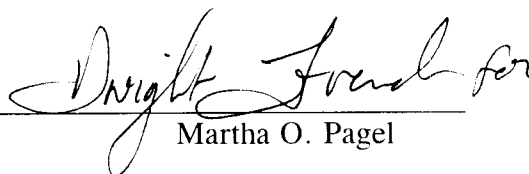
TOWNSHIP 4 NORTH, RANGE 29 EAST, W.M.

Recorded in Special Order Volume 53, Page 536.

OAR 690-330-040(2) states: "Diminution of a water right: A primary right may, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right application from a more dependable source of water."

NOW, THEREFORE, it is ORDERED that the water right described herein is diminished to SUPPLEMENTAL IRRIGATION. It is FURTHER ORDERED that Certificate 54740 is canceled and a new certificate be issued to confirm this order and to correctly describe the place of use.

WITNESS the signature of the Water Resources Director, affixed June 11, 1999.


Martha O. Pagel