

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 8794 submitted by

WEST EXTENSION IRRIGATION DISTRICT
P.O. BOX 100
IRRIGON, OREGON 97844.

The rights to be modified are evidenced by portions of:

<u>CERTIFICATE OR DECREE</u>	<u>PRIORITY DATE</u>	<u>SOURCE (Primary and/or supplemental)</u>
Vol. 3 Page 213	April 14, 1893	Umatilla River (Primary Irrigation)
Vol. 15 Page 436	1906	Umatilla River (Primary Irrigation)
10142	March 28, 1909	Umatilla River (Primary Irrigation)
68323	Sept 12, 1968	Umatilla River (Primary Irrigation)
T-6959	Sept 12, 1968	Columbia River (Supplemental Irrigation)

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, as tabulated under OREGON LAND & WATER COMPANY. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 213. The date of priority is APRIL 14, 1893.

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 right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 47.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.19 cubic foot per second, subject to the provisions of Paragraph 33 of the decree, if available at the authorized point of diversion: SW¼ SW¼, Section 28, Township 5 North, Range 28 East, W.M.; 1100 feet north and 520 feet east from the SW corner of section 28, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, as tabulated under WEST EXTENSION IRRIGATION DISTRICT. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 436. The date of priority is 1906.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 0.5 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.0125 cubic foot per second, subject to the provisions of Paragraph 33 of the decree, if available at the authorized point of diversion: SW¼ SW¼, Section 28, Township 5 North, Range 28 East, W.M.; 1100 feet north and 520 feet east from the SW corner of section 28, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified, was perfected under a portion of Certificate 10142, with a date of priority of MARCH 28, 1909. The right allows the use of water from the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 12.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and is limited to not exceed 2.0 acre-feet per acre in any one 30 day period and not to exceed 10 acre-feet per acre throughout the irrigation season, if available at the authorized point of diversion: SW¼ SW¼, Section 28, Township 5 North, Range 28 East, W.M.; 1100 feet north and 520 feet east from the SW corner of section 28, or its equivalent in case of rotation, measured at the point of diversion from the source.

The fourth right to be modified, was perfected under a portion of Certificate 68323, with a date of priority of SEPTEMBER 12, 1968. The right allows the use of water from the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 4.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.108 cubic foot per second, if available at the authorized point of diversion: SW¼ SW¼, Section 28, Township 5 North, Range 28 East, W.M.; 1100 feet north and 520 feet east from the SW corner of section 28, or its equivalent in case of rotation, measured at the point of diversion from the source.

The fifth right to be modified, was authorized under Transfer Application T-6959, with a date of priority of SEPTEMBER 12, 1968. The right allows the use of water from the COLUMBIA

RIVER, for SUPPLEMENTAL IRRIGATION of 64.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.62 cubic feet per second, if available at the authorized points of diversion: NW¼ SW¼, Section 17, Township 5 North, Range 28 East, W.M.; 1900 feet north and 150 feet east from the SW corner of section 17, or NW¼ SE¼, Section 10, Township 5 North, Range 28 East, W. M.: 2150 feet North and 3500 feet East from the SW corner of Section 10, or the equivalents 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.

The authorized place of use for all five rights identified above are located as follows:

TABLE A

TWP	RNG	SEC	1/4 1/4	Tax Lot	Vol. 3 p. 213 1893 Primary	Vol. 15 p. 436 1906 Primary	C-10142 1909 Primary	C-68323 1968 Primary	T-6959 1968 Supplemental
4N	25	14	NE SW				1.60		1.60
4N	25	14	SE SW				1.00		1.00
Sub-Total					0.00	0.00	2.60	0.00	2.60
4N	25	15	SW SE	1406			0.20		0.20
Sub-Total					0.00	0.00	0.20	0.00	0.20
4N	25	17	NW SW	0700			8.70		8.70
4N	25	17	SW SW	1003			1.00		1.00
Sub-Total					0.00	0.00	9.70	0.00	9.70
5N	26	24	SE SE	1801	0.40				0.40
5N	26	24	SE SE	1900	0.30				0.30
5N	26	24	SE SE	1901	0.30				0.30
Sub-Total					1.00	0.00	0.00	0.00	1.00
5N	26	25	NE NE	0100				2.00	2.00
5N	26	25	NW NE	0600	0.30				0.30
5N	26	25	NW NE	0603	0.30				0.30
5N	26	25	NW NE	0604	0.25				0.25
5N	26	25	NW NE	0605	0.25				0.25

TWP	RNG	SEC	1/4 1/4	Tax Lot	Vol. 3 p. 213	Vol. 15 p. 436	C-10142	C-68323	T-6959
					1893	1906	1909	1968	1968
					Primary	Primary	Primary	Primary	Supplemental
5N	26	25	NW NE	0701	0.80				0.80
5N	26	25	NW NE	0702	0.90				0.90
5N	26	25	NW NE	0800	0.70				0.70
5N	26	25	NW NE	0900	2.30			1.60	3.90
5N	26	25	NW NE	1300	4.40				4.40
5N	26	25	NW NE	1500	2.40				2.40
5N	26	25	SW NE	2100	0.20				0.20
5N	26	25	SW NE	2101	2.90				2.90
5N	26	25	SW NE	2102	5.00				5.00
5N	26	25	SW NE	2500	1.00				1.00
5N	26	25	NE NW	0201	4.60				4.60
5N	26	25	NE NW	1500	4.30				4.30
Sub-Total					30.60	0.00	0.00	3.60	34.20
5N	27	19	NW SW	3601				0.20	0.20
5N	27	19	NW SW	3700				0.10	0.10
5N	27	19	NW SW	4500				0.40	0.40
5N	27	19	SW SW	1900		0.50			0.50
5N	27	19	SW SW	2601	0.10				0.10
5N	27	19	SW SW	2602	3.40				3.40
5N	27	19	SE SW	2606	0.20				0.20
5N	27	19	SE SW	2613	0.10				0.10
5N	27	19	SE SW	2640	0.50				0.50
5N	27	19	SE SW	0100	0.20				0.20
5N	27	19	SE SW	0800	1.00				1.00
5N	27	19	SE SW	0803	0.60				0.60
Sub-Total					6.10	0.50	0.00	0.70	7.30
5N	28	18	NW SE	0300	9.80				9.80
Sub-Total					9.80	0.00	0.00	0.00	9.80
TOTAL					47.50	0.50	12.50	4.30	64.80
TOTAL ACREAGE OF AUTHORIZED PLACE OF USE:									64.80

The District requests to **TEMPORARILY** change the place of use of the rights listed in Table A to the locations listed in Table B.

TABLE B

Legal Description Twp Rng Sec	Tax Lot	1/4 1/4	Water Right Acres	Vol. 3 p. 213 1893 Primary	Vol. 15 p. 436 1906 Primary	C-10142 1909 Primary	C-68323 1968 Primary	T-6959 1968 Supp.
5N 28 18	600	SW NW	0.20	0.20				0.20
5N 28 18	600	SE NW	3.60	3.60				3.60
5N 28 18	600	NE SW	1.10	1.10				1.10
5N 28 18	600	NW SW	6.60	6.60				6.60
5N 28 18	100	NE SE	0.30		0.30			0.30
Sub-Total			11.80	11.50	0.30	0.00	0.00	11.80
5N 27 13	104	NE SE	0.60	0.60				0.60
5N 27 13	203	NE SE	0.20		0.20			0.20
Sub-Total			0.80	0.60	0.20	0.00	0.00	0.80
5N 27 19	2201	SW SE	2.00				2.00	2.00
Sub-Total			2.00	0.00	0.00	0.00	2.00	2.00
5N 27 30	900	NW NW	0.10				0.10	0.10
5N 27 30	1000	NW NW	0.20				0.20	0.20
5N 27 30	1200	NW NW	0.10				0.10	0.10
5N 27 30	1300	NW NW	0.10				0.10	0.10
5N 27 30	1400	NW NW	0.10				0.10	0.10
5N 27 30	1700	NW NW	0.10				0.10	0.10
5N 27 30	1800	NW NW	0.10				0.10	0.10
5N 27 30	2000	NW NW	0.20				0.20	0.20
5N 27 30	2100	NW NW	0.20				0.20	0.20
5N 27 30	2300	NW NW	0.10				0.10	0.10
5N 27 30	2500	NW NW	0.20				0.20	0.20
5N 27 30	2600	NW NW	0.20				0.20	0.20
5N 27 30	2800	NW NW	0.10				0.10	0.10
Sub-Total			1.80	0.00	0.00	0.00	1.80	1.80
5N 27 30	100	SW NW	0.80	0.80				0.80
5N 27 30	200	SW NW	0.80	0.80				0.80
5N 27 30	300	SW NW	0.80	0.80				0.80
5N 27 30	400	SW NW	0.80	0.80				0.80
5N 27 30	500	SW NW	0.80	0.80				0.80
5N 27 30	600	SW NW	0.80	0.80				0.80
5N 27 30	700	SW NW	0.80	0.80				0.80
5N 27 30	900	SW NW	0.70	0.70				0.70
5N 27 30	1000	SW NW	0.70	0.70				0.70
5N 27 30	1100	SW NW	0.80	0.80				0.80

Legal Description	Tax Lot	1/4 1/4	Water Right Acres	Vol. 3 p. 213 1893 Primary	Vol. 15 p. 436 1906 Primary	C-10142 1909 Primary	C-68323 1968 Primary	T-6959 1968 Supp.
5N 27 30	1200	SW NW	0.80	0.80				0.80
5N 27 30	1300	SW NW	0.80	0.80				0.80
5N 27 30	1400	SW NW	0.80	0.80				0.80
5N 27 30	1500	SW NW	0.70	0.70				0.70
5N 27 30	1600	SW NW	0.70	0.70				0.70
5N 27 30	1700	SW NW	0.70	0.70				0.70
5N 27 30	1800	SW NW	0.70	0.70				0.70
5N 27 30	1900	SW NW	0.70	0.70				0.70
5N 27 30	2000	SW NW	0.70	0.70				0.70
5N 27 30	2500	SW NW	0.90	0.90				0.90
Sub-Total			15.30	15.30	0.00	0.00	0.00	15.30
5N 27 30	100	SE NW	0.80	0.80				0.80
5N 27 30	102	SE NW	0.80	0.80				0.80
5N 27 30	103	SE NW	0.80	0.80				0.80
5N 27 30	104	SE NW	0.80	0.80				0.80
5N 27 30	105	SE NW	0.80	0.80				0.80
5N 27 30	106	SE NW	0.80	0.80				0.80
5N 27 30	107	SE NW	0.80	0.80				0.80
5N 27 30	108	SE NW	0.80	0.80				0.80
5N 27 30	109	SE NW	0.80	0.80				0.80
5N 27 30	110	SE NW	0.80	0.80				0.80
5N 27 30	111	SE NW	0.80	0.80				0.80
5N 27 30	112	SE NW	0.80	0.80				0.80
5N 27 30	113	SE NW	0.80	0.80				0.80
5N 27 30	114	SE NW	0.80			0.80		0.80
5N 27 30	115	SE NW	0.80			0.80		0.80
5N 27 30	116	SE NW	0.70			0.70		0.70
5N 27 30	900	SE NW	2.50			2.50		2.50
Sub-Total			15.20	10.40	0.00	4.80	0.00	15.20
5N 27 31	201	NW SW	1.00	1.00				1.00
5N 27 31	202	NW SW	3.50	3.50				3.50
Sub-Total			4.50	4.50	0.00	0.00	0.00	4.50
4N 26 01	301	NE SW	0.50				0.50	0.50
Sub-Total			0.50	0.00	0.00	0.00	0.50	0.50

Legal Description	Tax Lot	1/4 1/4	Water Right Acres	Vol. 3 p. 213 1893 Primary	Vol. 15 p. 436 1906 Primary	C-10142 1909 Primary	C-68323 1968 Primary	T-6959 1968 Supp.
4N 25 14	1100	SW SW	2.20	2.20				2.20
4N 25 14	2000	SW SW	3.00	3.00				3.00
Sub-Total			5.20	5.20	0.00	0.00	0.00	5.20
4N 25 20	1200	SE NE	1.00			1.00	0.00	1.00
4N 25 20	7400	SW NE	1.70			1.70		1.70
4N 25 20	7403	SW NE	1.50			1.50		1.50
4N 25 20	7404	SW NE	2.00			2.00		2.00
4N 25 20	7405	SW NE	1.50			1.50		1.50
Sub-Total			7.70	0.00	0.00	7.70	0.00	7.70
TOTAL			64.80	47.50	0.50	12.50	4.30	64.80
TOTAL ACREAGE OF TEMPORARY CHANGE IN PLACE OF USE								64.80

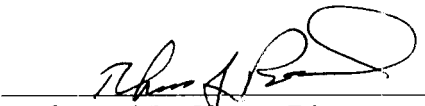
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The changes are temporary for a five-year period. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2001, 2002, 2003, 2004, and 2005 irrigation seasons.
3. The uses shall revert to the authorized places of use at the end of the 2005 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water rights described by Umatilla River Decree, Volume 3, Page 213 and Umatilla River Decree, Volume 15, Page 436 shall continue to be exercised in accordance with the terms and conditions of the Umatilla River Decree.

6. Landowners on property located within the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$, Township 5 North, Range 28 East, section 18, of Tax lot 600, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Township 5 North, Range 27 East, section 13 of Tax lot 104, are prohibited from using any water diverted from the Umatilla and Columbia River authorized for primary irrigation use by: the Umatilla River Decree - Volume 3, Page 213; the Umatilla River Decree - Volume 15, Page 436; Certificate 10142; and Certificate 68323 for the duration of this temporary transfer.

WITNESS the signature of the Water Resources Director, affixed JUN 13 2001



For Paul R. Cleary, Director
Oregon Water Resources Department