

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING AN HISTORICAL CHANGE IN POINT OF DIVERSION
AND RESCINDING AN ORDER OF THE WATER RESOURCES DIRECTOR

Pursuant to ORS 540.531 and 540.532 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 7417 submitted by

JEFF REHDER
43464 HEAVENS LANE
PENDLETON, OREGON 97801.

The right to be modified, as evidenced by a portion of Certificate 5100, was perfected under Permit 5996 with a date of priority of AUGUST 16, 1923. The right allows the use of MCKAY CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION OF 2.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.025 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 2 N, R 32 E, WM; 290 FEET NORTH AND 8 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 28, 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 an other right existing for the same lands, 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 ACRES
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the authorized point of diversion to the points historically used, which are two shallow, hydraulically connected wells, located as follows:

SE¼ NE¼, SECTION 28, T 2 N, R 32 E, WM; WELL 1 - 190 FEET NORTH AND 150 FEET WEST; WELL 2 - 140 FEET NORTH AND 150 FEET WEST; BOTH FROM THE E¼ CORNER, SECTION 28.

The applicant has requested a change in point of diversion to reflect historical use of water. The applicant has provided information that the points of diversion have been used for over ten years. The Watermaster has provided evidence that the Department records indicate that there have been no claims of injury.

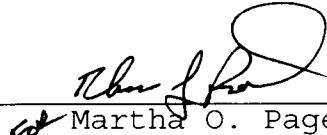
Transfer Application 7417 was approved by an order of the Water Resources Director entered September 4, 1997, at Special Order Volume 51, Page 1061. The applicant has requested that this transfer approval be rescinded and the application be approved as a request for a change in point of diversion to reflect historical use.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
2. When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. When required by the Department, the water user shall operate and maintain the headgates and measuring devices, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.
4. Water shall be acquired from the same surface water source as the original point of diversion.

The order of the Water Resources Director, entered September 4, 1997, at Special Order Volume 51, Page 1061, is RESCINDED. This order is entered in its stead. Certificate 5100 is canceled. A new certificate was issued to confirm that portion of the right NOT involved in this transfer. A new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed JUN 24 1998.


sd Martha O. Pagel, Director