

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN USE AND
CANCELLATION OF A PORTION OF CERTAIN WATER RIGHTS

Pursuant to ORS 537.705 and ORS 540.670, 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 8734 submitted by

WILLIE RAND
C/O GENE A. HUFFMAN
4208 SOUTH ELM STREET
KENNEWICK, WASHINGTON 99337.

The right to be modified, as evidenced by a portion of Certificate 26535, was perfected under Permit G-762 with a date of priority of JANUARY 27, 1958. The right allows the use of A WELL, within the EAST BRANCH MUD CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 28.29 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.358 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 16, T 6 N, R 35 E, W.M.; 50 FEET NORTH AND 625 FEET WEST FROM THE S $\frac{1}{4}$ CORNER, SECTION 16, or its equivalent in case of rotation, measured at the well.

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 amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH 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 3.0 acre-feet per acre 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 of that portion proposed to be changed is located as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 27.89 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.40 ACRE
SECTION 16
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

The right to use water for any purpose is restricted to the lands or place of use herein described.

The applicant proposes to change the USE from SUPPLEMENTAL IRRIGATION to PRIMARY IRRIGATION for the 28.29 ACRES listed above.

Based on ORS 540.670, a supplemental water right may be changed to a primary water right upon cancellation of the underlying water rights.

On March 28, 2001 and on December 20, 2001, the Department received affidavits from Ethel M. Huffman, Edith M. Kralman, and Anna M. Donahue, owners of certain lands to which the underlying primary water rights are appurtenant to. According to the affidavits, these surface water rights or portions thereof have been abandoned and are requested to be canceled. The water rights in question are portions of Certificates 30, 26535, 53663, and the entire water right Certificate 8814.

The abandoned water rights or portions of water rights are further described as follows:

A portion of the right described by Certificate 30, State Record of Water Right Certificates. The abandoned water right is for the use of 0.24 cubic foot per second from East Branch of Mud Creek, a tributary of the Walla Walla River. The date of priority is 1895. The abandoned portion of this right is for the irrigation of 18.89 acres.

SE¼ SW¼ 18.89 ACRES
SECTION 16
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

A right described by Certificate 8814, State Record of Water Right Certificates. The abandoned water right is for the use of 0.11 cubic foot per second from East Branch of Mud Creek, a tributary of the Walla Walla River. The date of priority is June 17, 1921. The abandoned right is for the irrigation of 9.0 acres.

SE¼ SW¼ 9.0 ACRES
SECTION 16
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

A portion of the right described by Certificate 26535, State Record of Water Right Certificates. The abandoned water right is for the use of 0.013 cubic foot per second from a well, within the East Branch of Mud Creek Basin. The date of priority is January 27, 1958. The abandoned portion of this right is for the irrigation of 1.0 acre.

SE¼ SW¼ 1.0 ACRE
SECTION 16
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

A portion of the right described by Certificate 53663, State Record of Water Right Certificates. The abandoned water right is for the use of 0.007 cubic foot per second from East Branch of Mud Creek, a tributary of the Walla Walla River. The date of priority is 1870. The abandoned portion of this right is for the irrigation of 0.4 acre.

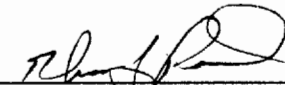
SW¼ SE¼ 0.4 ACRE
SECTION 16
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

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

1. The proposed changes shall be completed on or before October 1, 2003.
2. The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

It is hereby ordered that the water right evidenced by Certificate 8814 is canceled and portions of Certificates 30, 26535 and 53663 described above are canceled. New certificates will be issued describing those portions of the rights NOT involved in this transfer and cancellation order. When satisfactory proof of the completed change from supplemental irrigation to primary irrigation of a portion of Certificate 26535 is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed **FEB 27 2002**_____.



Paul R. Cleary, Director