

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN USE, PLACE OF USE,
AND 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 7627 submitted by

BONNEVILLE POWER ADMINISTRATION
P.O. BOX 3621 - TTRB
PORTLAND, OREGON 97208.

The right to be modified, as evidenced by a portion of Certificate 34390, was perfected under Permit 29084 with a date of priority of AUGUST 14, 1963, and shall be subordinate and inferior to all future appropriations on the Umatilla River for municipal, domestic, and irrigation purposes. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, during the period of September 15 to July 15 of each year, for OPERATION OF FISHWAY AND TRAP. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 13.4 cubic foot per second, if available at the authorized point of diversion: SW¼ SW¼, SECTION 28, T 5 N, R 28 E, WM; NORTH 26° 27' EAST, 1194.0 FEET FROM THE

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.

SW CORNER, SECTION 28, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 28
TOWNSHIP 5 NORTH, RANGE 28 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 purpose to USE IN HOLDING AND SPAWNING FACILITIES.

The applicant proposes to change the place of use to the RIGHT BANK of the river located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 28
TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

The applicant also proposes to change the point of diversion to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 28, T 5 N, R 28 E, W.M.;
NORTH 51° 44' 44" EAST, 1633.03 FEET FROM THE SW CORNER,
SECTION 28.

THESE CHANGES TO AN EXISTING WATER RIGHT 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, 2002.

2. Permit 29084 shall be subordinate and inferior to all future appropriations on the Umatilla River filed after August 14, 1963 for municipal, domestic and irrigations purposes.
3. The quantity of water diverted at the new point 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.
4. When required by the Department, 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. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 34390 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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 **AUG 06 2001** .



Paul R. Cleary, Director