

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING CHANGES IN USE AND PLACE OF USE

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 6930 submitted by

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
P.O. BOX 638
PENDLETON, OREGON 97801.

The first right to be modified, as evidenced by Certificate 37478, was perfected under Permit 22091 with a date of priority of MARCH 12, 1953. The right allows the use of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 784.0 ACRES and STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.80 cubic foot per second, being 7.78 cfs for irrigation and 0.02 cfs for stock, if available at the authorized point of diversion: NW¼ SE¼, SECTION 7, T 5 N, R 29 E, WM; 1870 FEET NORTH AND 2760 FEET EAST FROM THE SW CORNER, SECTION 7, 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 and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The second right to be modified, as evidenced by a portion of Certificate 44659, was perfected under Permit 34557 with a date of priority of JULY 28, 1969. The right allows the use of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION of 365.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.21 cubic foot per second, if available at the authorized point of diversion: LOT 2 (NW¼ SE¼), SECTION 7, T 5 N, R 29 E, WM; 1930 FEET NORTH AND 2720 FEET EAST FROM THE SW CORNER, SECTION 7, 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-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 4½ acre-feet 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:

CERTIFICATE
37478

44659

NE¼ NE¼	40.0 ACRES
NW¼ NE¼	40.3 ACRES
SW¼ NE¼	40.3 ACRES
SE¼ NE¼	40.0 ACRES
NE¼ NW¼	40.5 ACRES
NW¼ NW¼	40.7 ACRES
SW¼ NW¼	40.7 ACRES
SE¼ NW¼	40.5 ACRES
NE¼ SW¼	39.8 ACRES
NW¼ SW¼	35.9 ACRES
SW¼ SW¼	38.5 ACRES
SE¼ SW¼	35.6 ACRES
NE¼ SE¼	13.6 ACRES
NW¼ SE¼	39.5 ACRES
SW¼ SE¼	31.2 ACRES

SECTION 13

NE¼ NE¼	38.3 ACRES
NW¼ NE¼	26.8 ACRES
SW¼ NE¼	30.6 ACRES
SE¼ NE¼	0.3 ACRE
NE¼ NW¼	36.0 ACRES
NW¼ NW¼	38.2 ACRES
SW¼ NW¼	36.0 ACRES
SE¼ NW¼	38.4 ACRES

SECTION 23

NE¼ NE¼	2.2 ACRES
NW¼ NE¼	34.6 ACRES
SE¼ NE¼	39.3 ACRES
NE¼ NW¼	39.6 ACRES
NW¼ NW¼	39.6 ACRES

SECTION 24

TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.4 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.6 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.6 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 17.0 ACRES
 SECTION 7

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 27.2 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23.0 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 ACRE
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 36.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34.4 ACRES

SECTION 19
 TOWNSHIP 5 NORTH, RANGE 29 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's certified Water Right Examiner has provided information that the correct location for the authorized point of diversion is as follows:

LOT 2 (NW $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION 7, T 5 N, R 29 E, WM; 1900 FEET NORTH AND 2730 FEET EAST FROM THE SW CORNER, SECTION 7.

The applicant proposes to change the use of the irrigation portion of the rights to WILDLIFE AND WETLANDS MAINTENANCE. The applicant proposes to change only the place of use of the stock use portion of the right.

The applicant proposes to change the place of use to:

S $\frac{1}{2}$ N $\frac{1}{2}$
 S $\frac{1}{2}$
 SECTION 13

N $\frac{1}{2}$
 SECTION 23

N $\frac{1}{2}$ N $\frac{1}{2}$
 SE $\frac{1}{4}$ NE $\frac{1}{4}$
 SECTION 24
 TOWNSHIP 5 NORTH,
 RANGE 28 EAST, W.M.

W $\frac{1}{2}$
TAX LOT 203 ONLY
SECTION 16

E $\frac{1}{2}$
E $\frac{1}{2}$ W $\frac{1}{2}$
TAX LOT 203 ONLY
SECTION 17

S $\frac{1}{2}$ N $\frac{1}{2}$
S $\frac{1}{2}$
SECTION 18

N $\frac{1}{2}$
SECTION 19

N $\frac{1}{2}$ N $\frac{1}{2}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 20

NW $\frac{1}{4}$
NORTH OF US HIGHWAY 730
SECTION 21
TOWNSHIP 5 NORTH,
RANGE 29 EAST, W.M.

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

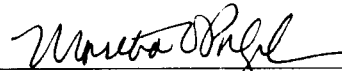
1. The proposed changes shall be completed on or before October 1, 1999.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. The water user shall operate and maintain the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
4. The former place of use shall no longer be irrigated as a part of this water right.

5. The amount of water used for wildlife and wetland maintenance is limited to an amount actually beneficially used and shall not exceed 7.78 cubic feet per second, being further limited to a diversion of not exceed 1960.0 acre-feet, with date of priority of March 12, 1953; and 8.21 cubic feet per second, being further limited to a diversion of not to exceed 1644.3 acre-feet, with date of priority of July 28, 1969, during the irrigation season of each year.
6. The amount of water used for stock use is limited to an amount actually beneficially used and shall not exceed 0.02 cubic foot per second, with date of priority of March 12, 1953, at any time during the year.
7. If the water user can not prevent water from being applied to the N½ N½, Section 13, T 5 N, R 28 E, WM, by changing the location of turnouts from the ditches, the water user shall construct a berm to prevent water from being applied to the N½ N½, Section 13, under these rights.

Certificates 37478 and 44659 are 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, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed 9/24/98.



Martha O. Pagel, Director