

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION
AND PARTIAL DIMINISHMENT OF A CERTAIN WATER RIGHT

Pursuant to ORS 537.705, 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 8855 submitted by

SAM LEFORE, JR.
54103 LEFORE ROAD
MILTON-FREEWATER, OREGON 97862

The right to be modified, as evidenced by a PORTION of Certificate 12242, was perfected under Permit U-82 with a date of priority of SEPTEMBER 27, 1934. The right allows the use of the A WELL, within the WALLA WALLA RIVER BASIN, for PRIMARY IRRIGATION OF 49.2 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 original well; NW¼ SE¼ SE¼, SECTION 36, T 6 N, R 35 E, W.M., 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-THIRTIETH 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 as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$	34.7 ACRES (TAXLOT 100)
N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.5 ACRES (TAXLOT 100)

SECTION 36
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

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

The applicant proposes to change the POINT OF APPROPRIATION for the above listed lands to:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 36, T 6 N, R 35 E, W.M.; 650 FEET NORTH AND 1675 FEET WEST FROM THE SE CORNER, SECTION 36.

DIMINISHMENT OF A PORTION OF WATER RIGHT CERTIFICATE 12242

Initial review of this transfer revealed a conflict with two existing surface water rights on the authorized lands under the subject right to be modified.

On April 15, 2003, the Pendleton office received a copy of a signed affidavit hand delivered by an agent (SCM Consultants) acting on behalf of the applicant. The affidavit states that Mr. Sam LeFore Jr., is the owner of the land in which a portion of the right is appurtenant to as described above.

The land owner requests that this groundwater right for primary irrigation under Permit U-82 be diminished to supplemental

irrigation for the 49.2 acres, located within the NE¼ SE¼ and the N¼ of the SE¼ SE¼ in section 36, T 6 N, R 35 E, W.M..

The portion of Certificate 12242 that is to be diminished is described as follows:

The portion of the right to the use of 1.62 cubic feet per second from A WELL, perfected under Permit U-82, for the irrigation of 49.2 acres located:

NE¼ SE¼ 34.7 ACRES (TAX LOT 100)
SE¼ SE¼ 14.5 ACRES (TAX LOT 100)

SECTION 36

TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

It is hereby ordered that the lands in the amount of 49.2 acres as described above, requested to be diminished are now permitted for supplemental irrigation rights, and to be made part of the record in the above referenced permit.

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

1. The proposed change shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. **Prior** to diverting water from the new point of appropriation (new well), 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.

Certificate 12242 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 May 31, 2003.



for Paul R. Cleary, Director