

**UMATILLA COUNTY**

IN THE MATTER OF DIMINUTION )  
AND CORRECTION )  
OF A WATER RIGHT IN THE NAME OF )  
L & L FARMS )

**ORDER**

An affidavit was received from ROBERT L. LEVY, dba L & L FARMS, and TRUSTEE FOR ROBERT L. LEVY FAMILY TRUST, the owner of certain land and the water rights appurtenant to it. The water right records show two rights as primary on this land. The groundwater right has been requested to be diminished from primary to supplemental.

The water right is a portion of the right described by Certificate 72395, State Record of Water Right Certificates. The water right is for the use of 3.0 cubic feet per second from WELL 2, tributary of SPIKES GULCH. The date of priority is JULY 19, 1976. The water right to be diminished is for IRRIGATION of 259.0 ACRES.

A description of the place of use of the water right is as follows:

SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	3.8 ACRES
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	5.4 ACRES
SECTION 28	
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	31.3 ACRES
NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	31.3 ACRES
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	31.0 ACRES
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	31.0 ACRES
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	31.3 ACRES
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	31.3 ACRES
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	31.3 ACRES
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	31.3 ACRES

SECTION 33

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

OAR 690-330-040(2) states: "Diminution of a water right: A primary right may, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right application from a more dependable source of water."

Certificate 72395 incorrectly described the location of the well. The correct location is in the NW ¼ NE ¼ SECTION 26, T 3 N, R 28 E, W.M.; 930 FEET SOUTH FROM THE N 1/4 CORNER OF SECTION 26.

NOW, THEREFORE, it is ORDERED that the water right described herein is diminished to SUPPLEMENTAL IRRIGATION. It is FURTHER ORDERED that Certificate 72395 is canceled and a new certificate be issued to correctly identify the location of the well and to confirm this order.

WITNESS the signature of the Water Resources Director, affixed September 3, 1997.

  
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Martha O. Page