

**STATE OF OREGON**

**COUNTY OF UMATILLA**

**ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE**

Pursuant to ORS 540.523, a final order was issued on July 22, 2002 at Special Order Volume 56, Page 696 rejecting temporary transfer 9077. The rejection was based upon ORS 540.523 not allowing a change of character of use from primary irrigation to supplemental irrigation. On August 1, 2002, the applicant requested, in writing, that the Director reconsider the decision to reject. The applicant also submitted an amended transfer application in which they would not change the character of use from primary irrigation to supplemental irrigation.

Upon reconsideration of the amended application and after notice was given no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 9077 submitted by

J. R. SIMPLOT CO. (Sparks to L & L Farms)  
P.O. BOX 27  
BOISE, ID 83707.

The first right to be modified, as evidenced by Certificate 76263, was perfected under Permit G-5812 with a date of priority of JUNE 12, 1972. The right allows the use of A WELL in the UMATILLA RIVER BASIN, for IRRIGATION of 226.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.83 cubic feet per second or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW¼ SE¼, Section 34, Township 3 North, Range 28 East, W.M.; 1,300 feet North and 60 feet West from the SE Corner, NW¼ SE¼, Section 34.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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 authorized place of use is located as follows:

|         |            |
|---------|------------|
| SW¼ NE¼ | 30.0 ACRES |
| SE¼ NE¼ | 24.4 ACRES |
| NW¼ NW¼ | 11.3 ACRES |
| SW¼ NW¼ | 31.5 ACRES |
| SE¼ NW¼ | 10.0 ACRES |
| NE¼ SW¼ | 8.0 ACRES  |
| NW¼ SW¼ | 30.1 ACRES |
| SW¼ SW¼ | 2.4 ACRES  |
| NE¼ SE¼ | 33.6 ACRES |
| NW¼ SE¼ | 38.0 ACRES |
| SW¼ SE¼ | 4.2 ACRES  |
| SE¼ SE¼ | 2.6 ACRES  |

SECTION 34

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

The second right to be modified, as evidenced by a PORTION of the right for which proof to the satisfaction of the Director has been accomplished under T-7197, was perfected under Permit G-5812 with a date of priority of JUNE 12, 1972. The right allows the use of A WELL in the UMATILLA RIVER BASIN, for IRRIGATION of 15.5 ACRES AND INDUSTRIAL USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.05 cubic feet per second; being 1.86 cfs for industrial use, and 0.19 cfs for irrigation if available at the original well, or its equivalent in case of rotation, measured at the original point of appropriation (Sparks Well).

The well (Sparks Well) is located as follows:

NW¼ SE¼, Section 34, Township 3 North, Range 28 East, W.M.; 1,300 feet North and 60 feet West from the SE Corner, NW¼ SE¼, Section 34.

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 authorized place of use is located as follows:

|         |           |
|---------|-----------|
| NW¼ NW¼ | 0.1 ACRE  |
| SW¼ NW¼ | 7.9 ACRES |
| SE¼ NW¼ | 0.2 ACRES |
| NW¼ SW¼ | 7.3 ACRE  |

SECTION 34

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

The applicant proposes to TEMPORARILY change the places of use to:

PERMIT G-5812, CERTIFICATE 76263

|         |          |
|---------|----------|
| SW¼ SE¼ | 0.4 ACRE |
| SE¼ SE¼ | 0.2 ACRE |

SECTION 23

|         |            |
|---------|------------|
| NE¼ NE¼ | 28.7 ACRES |
| NW¼ NE¼ | 34.2 ACRES |
| SW¼ NE¼ | 33.7 ACRES |
| SE¼ NE¼ | 11.1 ACRES |
| NE¼ NW¼ | 2.0 ACRES  |
| SE¼ NW¼ | 1.9 ACRES  |

SECTION 26

|         |            |
|---------|------------|
| NE¼ SE¼ | 28.7 ACRES |
| NW¼ SE¼ | 29.5 ACRES |
| SW¼ SE¼ | 32.6 ACRES |
| SE¼ SE¼ | 22.7 ACRES |

SECTION 28

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

PERMIT G-5812, T-7197

|         |            |
|---------|------------|
| SE¼ NE¼ | 15.5 ACRES |
|---------|------------|

SECTION 26

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

The applicant also proposes to use the following additional points of appropriation to facilitate the temporary change in place of use of water:

WELL #1 - SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, Township 3 North, Range 28 East, W.M.; 960 feet North from the S  $\frac{1}{4}$  Corner, Section 23.

WELL #2 - NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 3 North, Range 28 East, W.M.; 930 feet South from the N  $\frac{1}{4}$  Corner, Section 26.

WELL #3 - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23, Township 3 North, Range 28 East, W.M.; 60 feet South and 820 feet East from the NW Corner, Section 23.

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

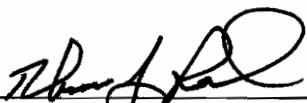
The wells shall be maintained in accordance with the General Standard for the Construction and Maintenance of Water Wells in Oregon.

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

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

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2002 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2002 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

WITNESS the signature of the Water Resources Director, affixed SEP 24 2002.

  
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Paul R. Cleary, Director