



- 2) OAR 690-507-0770 states in pertinent part that the use of water from the basalt groundwater reservoir within the Stage Gulch Critical Groundwater Area shall be limited to the sustainable annual yield. Water from the basalt groundwater reservoir in the Stage Gulch Critical Groundwater Area shall be used for irrigation only during the irrigation season. The irrigation season shall begin on the 1st of March and end on the 30th of November. The Department shall not accept any new applications for appropriation of water from the basalt groundwater reservoir within the Stage Gulch Critical Groundwater Area.
- 3) OAR 690-507-0780 states in pertinent part that appropriation of groundwater from the Stage Gulch Critical Groundwater Area is prohibited unless the water user meets certain requirements. A water user authorized by OAR 690-507-0810 to pump water from the basalt groundwater reservoir shall satisfy the following conditions:
- Wells shall have an access port with a minimum diameter of 3/4 inch. The access shall be adequate to determine the water level at any time;
  - A water user may install a functioning airline with a pressure gage in addition to the access port.
  - A water user shall install and maintain a totalizing flow meter on each well authorized by OAR 690-507-0810 except wells authorized for irrigation of ten acres or less. The meter shall meet the requirements of OAR 690-507-0785.
- 4) OAR 690-507-0810 states in pertinent part that the method for distributing the sustainable annual yield from the basalt groundwater reservoir within each managed subarea in the Stage Gulch Critical Groundwater Area is as follows:
- A water user who intends to pump water for any authorized use except municipal use during any year shall make a request to the Department in Salem by July 1st of the preceding year on forms provided by the Department;
  - The Department shall assume that municipal water users intend to pump a quantity of water equivalent to the average pumped for the previous three (3) years, unless the municipal water user informs the Department otherwise by July 1st;
  - The distribution of groundwater for any authorized use except municipal use shall be based on the priority dates of the water rights within the individual subarea;
  - In determining the amount of groundwater each water user is allocated to pump during the next calendar year or irrigation season, the Department may consider:
    - ◆ Requests for allocations received;
    - ◆ The sustainable annual yield;
    - ◆ The limits of the groundwater rights;
    - ◆ The relative dates of priority, with preference given without regard to priority date for municipal use;

- ◆ Historical usage;
  - ◆ Whether or not a water user is physically capable of pumping and putting to a beneficial use the quantity requested; and
  - ◆ Any other factors deemed appropriate by the Department.
- If pumpage for a particular year exceeds the sustainable annual yield for a subarea, the total subarea allocation for the second year after that occurrence shall be reduced by that volume.
  - If any water user requests more water than has been historically used, the Department may allocate less water than requested if, upon investigation, it appears unlikely the user will pump the volume requested.
  - If any water user requests less water than has been historically used, the Department may allocate more water than requested if, upon investigation, it appears likely that the user will pump more than the volume requested.

#### **FINDINGS OF FACT**

- 1) Hale Farms is a senior water right holder in Subarea D.
- 2) Water Right Certificate 80851 and Order Approving Transfer T-6787 are perfected under Permit G-4969, having a priority date of June 8, 1971, and authorize irrigation of 1290.2 acres.
- 3) The sustainable annual yield for Subarea D is 3250 acre-feet.
- 4) In 2006, 3250 acre-feet of water was allocated in Subarea D.
- 5) Flow meter and power meter data collected by Department staff indicate that 2282 acre-feet of water was pumped from permitted wells in Subarea D in 2006.
- 6) The Subarea D allocation for 2008 is 3250 acre-feet, the sustainable annual yield.
- 7) On May 31, 2007, the Department sent letters requesting water users within the Stage Gulch Critical Ground Water Area to submit their 2008 requests for the volume of water needed.
- 8) Hale Farms filed a request for water use from well 2 and well 4 in 2008, Stage Gulch Critical Ground Water Area, Subarea D, authorized under Water Right Certificate 80851 and Order Approving Transfer T-6787.
- 9) Hale Farms requested 4078.9 acre-feet for 2008 under Water Right Certificate 80851 and Order Approving Transfer T-6787.

- 10) Flow meter and power meter records indicate that annual pumpage from the permitted wells has varied. Less water was pumped in 2006 than in prior years. Therefore, the 2008 allocation is for 1500 acre-feet.
- 11) The use of water is limited to the place of use described in attached Water Right Certificate 80851 and Order Approving Transfer T-6787.

### **DISCUSSION**

Hale Farms is a senior water right holder in Subarea D. The sustainable annual yield for Subarea D is 3250 acre-feet. Flow meter and power meter records indicate that the permitted wells pumped 2282 acre-feet of water in 2006. The allocation for Hale Farms does not exceed the limits of the water right or the sustainable annual yield for Subarea D. Therefore, the 2008 allocation is for 1500 acre-feet. This is consistent with OAR 690-507-0810.


### **CONCLUSIONS OF LAW**

The allocation of ground water for the State Gulch Critical Ground Water Area for the year 2008 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and Oregon Administrative Rules Chapter 690, Division 507.

### **ORDER**

Now, THEREFORE, it is ORDERED that 1500 acre-feet is allocated to Hale Farms for the year 2008 under Water Right Certificate 80851 and Order Approving Transfer T-6787 for Subarea D of the Stage Gulch Critical Ground Water Area.

Dated at Salem, Oregon this 10<sup>TH</sup> day of August, 2007.

  
\_\_\_\_\_  
Jerry S. Rodgers, Administrator  
Technical Services Division

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT C., RICK L., AND DOUGLAS L. HALE  
P.O. BOX 110  
HERMISTON, OR 97838

confirms the right to use the waters of WELLS #1, #2, #3, #4, #6, and #7 in the STAGE GULCH BASIN for IRRIGATION of 879.31 acres and SUPPLEMENTAL IRRIGATION of 410.89 acres.

This right was perfected under Permit G-4969. The date of priority is JUNE 8, 1971. This right is limited to 12.0 CUBIC FEET PER SECOND (cfs); being 6.0 cfs from WELLS #1, #2, #4, #6, and #7, and 6.0 cfs from WELL #3 if available at the original wells (WELL #2 -NW¼ SW¼, Section 6; and WELL #3 - SW¼ SW¼, Section 7), or the equivalent in case of rotation, measured at the well.

The point of appropriation is located as follows:

TWP	RNG	MER	SEC	1/4	1/4	LOT	DLC	LOCATION
3	N	29	E	WM	2	SE	NE	WELL #4 - 180 FEET NORTH & 260 FEET WEST FROM E1/4 CORNER, SECTION 2
3	N	29	E	WM	11	SW	NE	WELL #6 - 132 FEET NORTH & 2190 FEET WEST FROM E1/4 CORNER, SECTION 11
3	N	29	E	WM	12	NW	NW	WELL #7 - 1010 FEET SOUTH & 40 FEET EAST FROM NW CORNER, SECTION 12
3	N	30	E	WM	6	NW	SW	WELL #2 - 2010 FEET NORTH & 1330 FEET EAST FROM SW CORNER, SECTION 6
3	N	30	E	WM	7	NW	NW	WELL #1 - 4340 FEET NORTH & 1830 FEET WEST FROM S1/4 CORNER, SECTION 7
3	N	30	E	WM	7	SW	SW	WELL #3 - 1420 FEET SOUTH & 40 FEET EAST FROM W1/4 CORNER, SECTION 7

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or the equivalent for each acre irrigated, and is further limited to a total diversion not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

IRRIGATION									
Legal Description									
TWP	RNG	MER	SEC	1/4	1/4	LOT	DLC	ACRES	
3	N	29	E	WM	1	NE	NE		40.00
3	N	29	E	WM	1	NW	NE		36.00
3	N	29	E	WM	1	SW	NE		40.00
3	N	29	E	WM	1	SE	NW		40.00
3	N	29	E	WM	1	NE	SE		39.50
3	N	29	E	WM	1	NW	SE		40.00
3	N	29	E	WM	1	SW	SE		40.00
3	N	29	E	WM	1	SE	SE		39.00
3	N	29	E	WM	12	NE	NE		39.00
3	N	29	E	WM	12	NW	NE		40.00
3	N	29	E	WM	12	SW	NE		40.00
3	N	29	E	WM	12	SE	NE		39.00
3	N	29	E	WM	12	NE	SE		39.11
3	N	29	E	WM	12	NW	SE		40.00
3	N	29	E	WM	12	SW	SE		12.80
3	N	29	E	WM	12	SE	SE		22.00
3	N	30	E	WM	6	NE	NW		32.80
3	N	30	E	WM	6	NW	NW		53.80
3	N	30	E	WM	6	SW	NW		54.40
3	N	30	E	WM	6	SE	NW		40.00
3	N	30	E	WM	6	NE	SW		23.40
3	N	30	E	WM	6	NW	SW		32.60
3	N	30	E	WM	7	NE	SW		6.80
3	N	30	E	WM	7	NW	SW		9.50
3	N	30	E	WM	7	SW	SW		39.60
									879.31

SUPPLEMENTAL IRRIGATION									
Legal Description									
TWP	RNG	MER	SEC	1/4	1/4	LOT	DLC	ACRES	
3	N	29	E	WM	1	NE	SE		0.50
3	N	29	E	WM	1	SE	SE		1.00
3	N	29	E	WM	12	NE	NE		1.00
3	N	29	E	WM	12	SE	NE		1.00
3	N	29	E	WM	12	NE	SE		0.89
3	N	30	E	WM	6	NE	SW		16.60
3	N	30	E	WM	6	NW	SW		23.80
3	N	30	E	WM	6	SW	SW		57.40
3	N	30	E	WM	6	SE	SW		40.00
3	N	30	E	WM	7	NE	NW		40.00

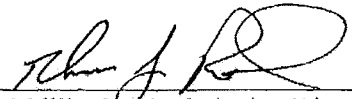
SUPPLEMENTAL IRRIGATION									
Legal Description									
TWP	RNG	MER	SEC	1/4	1/4	LOT	DLC	ACRES	
3	N	30	E	WM	7	NW	NW		58.40
3	N	30	E	WM	7	SW	NW		50.70
3	N	30	E	WM	7	SE	NW		38.00
3	N	30	E	WM	7	NE	SW		33.20
3	N	30	E	WM	7	NW	SW		48.40
									410.89

This certificate is issued in accordance with OAR 690-380-6010(6) to confirm the water right for a non-completed change in point of appropriation approved by an order of the Water Resources Director entered May 31, 2003, at Special Order Volume 57, Page 902, approving Transfer 6775. This certificate supercedes Water Right Certificate 74897.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

Issued:           JUL 26 2004          

  
 Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80851.

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE  
AND ADDITIONAL POINTS OF APPROPRIATION

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 6787 submitted by

RICK L. HALE, DOUGLAS L. HALE,  
AND ROBERT C. HALE  
P.O. BOX 110  
HERMISTON, OREGON 97838.

The FIRST right to be modified, as evidenced by a portion of Certificate 74896, was perfected under Permit G-2415 with a date of priority of APRIL 8, 1963. The right allow the use of water from WELLS 1, 2, 4, 6 and 7, within the STAGE GULCH BASIN, for the IRRIGATION OF 349.59 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 2.08 CUBIC FEET PER SECOND, if available at the original well; NW¼ SW¼, SECTION 7, T 3 N, R 30 E, W.M., or its equivalent in case of rotation, measured at the well.

**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 wells are located as follows:

WELL 1 - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, T 3 N, R 30 E, W.M.; 4340 FEET NORTH AND 1830 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 7;

WELL 2 - NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 6, T 3 N, R 30 E, W.M.; 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER, SECTION 6;

WELL 4 - SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 2, T 3 N, R 29 E, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 2;

WELL 6 - SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 11, T 3 N, R 29 E, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 11;

WELL 7 - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 12, T 3 N, R 29 E, W.M.; 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER, SECTION 12.

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 (or its equivalent) and 3.0 acre-feet per acre 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: (ATTACHMENT "D")

PERMIT G-2415

NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.50 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.20 ACRE
SECTION 1	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.00 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.89 ACRE
SECTION 12	
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.	

NE $\frac{1}{4}$  SW $\frac{1}{4}$  16.60 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  23.80 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  36.40 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  29.50 ACRES

SECTION 6

NE $\frac{1}{4}$  NW $\frac{1}{4}$  40.00 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  39.80 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  41.30 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  38.00 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  33.20 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  48.40 ACRES

SECTION 7

TOWNSHIP 3 NORTH, RANGE 30 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 AN ADDITIONAL POINT OF APPROPRIATION to existing Permit G-2415 located:

HALE WELL 5 - SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11, T 3 N, R 29 E, W.M.;  
60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER, SECTION 11.

The SECOND right to be modified, again, as evidenced by a portion of Certificate 74896, was perfected under Permit G-2415 with a date of priority of APRIL 8, 1963. The right allow the use of water from WELLS 1, 2, 4, 6 and 7, within the STAGE GULCH BASIN, for the IRRIGATION OF 61.3 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.37 CUBIC FOOT PER SECOND, if available at the original well; NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 7, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL 1 - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, T 3 N, R 30 E, W.M.; 4340 FEET  
NORTH AND 1830 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 7;

WELL 2 - NW¼ SW¼, SECTION 6, T 3 N, R 30 E, W.M.; 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER, SECTION 6;

WELL 4 - SE¼ NE¼, SECTION 2, T 3 N, R 29 E, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E¼ CORNER, SECTION 2;

WELL 6 - SW¼ NE¼, SECTION 11, T 3 N, R 29 E, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E¼ CORNER, SECTION 11;

WELL 7 - NW¼ NW¼, SECTION 12, T 3 N, R 29 E, W.M.; 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER, SECTION 12.

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 (or its equivalent) and 3.0 acre-feet per acre 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 third right to be modified, as evidenced by a portion of Certificate 74897, was perfected under Permit G-4969 with a date of priority of JUNE 8, 1971. The right allow the use of water from WELLS 1, 2, 3, 4, 6 and 7, within the STAGE GULCH BASIN, for SUPPLEMENTAL IRRIGATION OF 61.3 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.57 CUBIC FOOT PER SECOND, if available at the original wells; NW¼ SW¼, SECTION 6 (WELL 2) and SW¼ SW¼, SECTION 7 (WELL 3), or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

WELL 1 - NW¼ NW¼, Section 7, T 3 N, R 30 E, W.M.; 4340 FEET FEET NORTH AND 1830 FEET WEST FROM THE S¼ CORNER, SECTION 7;

WELL 2 - NW¼ SW¼, SECTION 6, T 3 N, R 30 E, W.M.; 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER, SECTION 6;

WELL 3 - SW¼ SW¼, SECTION 7, T 3 N, R 30 E, W.M.; 1420 FEET SOUTH AND 40 FEET EAST FROM THE W¼ CORNER, SECTION 7;

WELL 4 - SE¼ NE¼, SECTION 2, T 3 N, R 29 E, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E¼ CORNER, SECTION 2;

WELL 6 - SW¼ NE¼, SECTION 11, T 3 N, R 29 E, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E¼ CORNER, SECTION 11;

WELL 7 - NW¼ NW¼, SECTION 12, T 3 N, R 29 E, W.M.; 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER, SECTION 12.

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 (or its equivalent) and 3.0 acre-feet per acre 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: (ATTACHMENT "D")

**PERMITS G-2415 (primary) & G-4969 (supplemental)**

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE¼ SE¼ SECTION 1	0.80 ACRE	0.80 ACRE
SE¼ NE¼ SECTION 12	1.00 ACRE	1.00 ACRE

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW¼ SW¼	21.00 ACRES	21.00 ACRES
SE¼ SW¼	10.50 ACRES	10.50 ACRES

SECTION 6

NW¼ NW¼	18.60 ACRES	18.60 ACRES
SW¼ NW¼	9.40 ACRES	9.40 ACRES

SECTION 7

TOWNSHIP 3 NORTH, RANGE 30 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 AN ADDITIONAL POINT OF APPROPRIATION to each existing permit located:

HALE WELL 5 - SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 11, T 3 N, R 29 E, W.M.; 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER, SECTION 11.

The applicant also proposes to CHANGE THE PLACE OF USE to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.50 ACRE	8.50 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.00 ACRE	5.00 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.40 ACRE	33.40 ACRE
SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.40 ACRE	14.40 ACRE

SECTION 10

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The FOURTH right to be modified, again, as evidenced by a portion of Certificate 74897, was perfected under Permit G-4969 with a date of priority of JUNE 8, 1971. The right allows the use of HALE WELLS: WELL #1, WELL #2, WELL #3, WELL #4, WELL #6 and WELL #7, all located within the STAGE GULCH BASIN, for IRRIGATION of 208.7 ACRES. The right is limited to 1.94 CUBIC FEET PER SECOND, if available at the original wells; NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 6 (WELL #2), SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 7 (WELL 3), or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Well 1 - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, Township 3 North, Range 30 East, W.M.; 4340 Feet North and 1830 Feet West from the S $\frac{1}{4}$  Corner, Section 7;

Well 2 - NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6, Township 3 North, Range 30 East, W.M.; 2010 Feet North and 1330 Feet East from the SW Corner, Section 6;

WELL 3 - SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 7, T 3 N, R 30 E, W.M.; 1420 FEET SOUTH AND 40 FEET EAST FROM THE W $\frac{1}{4}$  CORNER, SECTION 7;

Well 4 - SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 2, Township 3 North, Range 29 East, W.M.; 180 Feet North and 260 Feet West from the E $\frac{1}{4}$  Corner, Section 2;

Well 6 - SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 3 North, Range 29 East, W.M.; 132 Feet North and 2190 Feet West from the E $\frac{1}{4}$  Corner, Section 11;

Well 7 - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 12, Township 3 North, Range 29 East, W.M.; 1010 Feet South and 40 Feet East from the Northwest Corner, Section 12.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 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 as follows: (ATTACHMENT "F")

Permit G-4969

NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.70 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.90 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.40 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	25.70 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.90 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.20 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.50 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	28.60 ACRES

SECTION 1

SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.00 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.60 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.80 ACRES

SECTION 12  
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

NW¼ NW¼	7.70 ACRES
SW¼ NW¼	5.20 ACRES
NE¼ SW¼	2.50 ACRES

SECTION 6  
TOWNSHIP 3 NORTH, RANGE 30 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 AN ADDITIONAL POINT OF APPROPRIATION to existing Permit G-4969 located:

WELL 5 - SE¼ SE¼, SECTION 11, T 3 N, R 29 E, W.M.; 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER, SECTION 11.

The applicant also proposes to CHANGE THE PLACE OF USE to:

SW¼ NW¼	0.30 ACRE
SE¼ NW¼	15.80 ACRES
NE¼ SW¼	35.00 ACRES
NW¼ SW¼	9.10 ACRES
SW¼ SW¼	1.10 ACRES
SE¼ SW¼	22.40 ACRES

SECTION 10

SW¼ NE¼	18.30 ACRES
SW¼ NW¼	3.40 ACRES
SE¼ NW¼	32.50 ACRES
NE¼ SW¼	38.00 ACRES
NW¼ SW¼	5.50 ACRES
SE¼ SW¼	1.70 ACRES
NW¼ SE¼	25.10 ACRES
SW¼ SE¼	0.50 ACRE

SECTION 15  
TOWNSHIP 3 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, 2004.
2. The combined quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully authorized by the water right.
3. **Prior** to diverting water from the new points of appropriation (wells), 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.

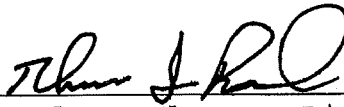
The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.

4. Water shall be acquired from the same aquifer as the original points of appropriation.

Certificates 74896 and 74897 are canceled. When satisfactory proof of the completed changes under this transfer and transfer application T-6775 are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed     MAY 31, 2003    .

  
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Paul R. Cleary, Director