

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Stage Gulch)	PROPOSED ORDER APPROVING
2008 Annual Allocation of Ground Water,)	ALLOCATION OF GROUND WATER
Under Water Right Certificate 80850 and)	AND OPPORTUNITY FOR HEARING
Order Approving Transfer T-6775,)	
Umatilla County, Oregon		

Hale Farms
P. O. Box 110
Hermiston, OR 97838

ORS 537.730 and 537.735 establish the process by which the Water Resources Commission may designate an area of the state as a critical ground water area. OAR Chapter 690, Division 507 implements the statutes and provides the Department procedures and criteria for the purpose of managing the ground water resource and evaluating requests for allocation of ground water.

OPPORTUNITY FOR HEARING

You are entitled to a hearing on this matter as provided by the Administrative Procedures Act (Chapter 183, Oregon Revised Statutes). If you want a hearing, you must file a written request for hearing directed to Ms. Juno Pandian, Manager, Well Construction and Compliance Section, Water Resources Department, 725 Summer Street NE, Suite A, Salem, Oregon 97301-1271. The request for hearing must state your grounds for disagreement with proposed action and must be received by the Department by 5:00 P.M. on September __, 2007 (within 30 days of the date of service of this notice). You will be notified of the date set for hearing if a hearing is requested.

Failure to request a hearing by September __, 2007, shall waive the right to hearing under ORS Chapter 183. You may choose not to request a hearing. If no request for hearing is received within the time set out above, or upon failure to appear at a hearing where one has been set, the existing agency file will be designated as the record in this case and the Department will issue a Final Order.

AUTHORITY

- 1) Oregon Administrative Rules (OAR) 690-507-0750 states in pertinent part that the Director issued an order on May 15, 1991, declaring the Stage Gulch Critical Groundwater Area. The order described the exterior boundaries and divided the area with eight subareas for the purposes of managing the groundwater resource. The response of ground-water levels to pumpage in each subarea is largely independent of pumpage within other subareas.

- 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 80850 and Order Approving Transfer T-6775 are perfected under Permit G-5215, having a priority date of February 16, 1973, and authorize irrigation of 1044.4 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 4, well 5 and well 7, in 2008, Stage Gulch Critical Ground Water Area, Subarea D, authorized under Water Right Certificate 80850 and Order Approving Transfer T-6775.
- 9) Hale Farms requested 3122.3 acre-feet for 2008 under Water Right Certificate 80850 and Order Approving Transfer T-6775.

- 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 1750 acre-feet.
- 11) The use of water is limited to the place of use described in attached Water Right Certificate 80850 and Order Approving Transfer T-6775.

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 1750 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 1750 acre-feet is allocated to Hale Farms for the year 2008 under Water Right Certificate 80850 and Order Approving Transfer T-6775 for Subarea D of the Stage Gulch Critical Ground Water Area.

Dated at Salem, Oregon this 10TH 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

H - 4 FARMS, INC.
RICK HALE, PRESIDENT
200 GOLF COURSE ROAD
ECHO, OR 97826

confirms the right to use the waters of TWO WELLS in the UMATILLA RIVER BASIN for IRRIGATION of 786.8 acres.

This right was perfected under Permit G-5215. The date of priority is FEBRUARY 16, 1973. This right is limited to 5.94 CUBIC FEET PER SECOND; being 2.90 cfs from WELL #5 and 3.04 cfs from WELL #8, 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	11	SE	SE	WELL #5 - 60 FEET NORTH & 590 FEET WEST FROM SE CORNER, SECTION 11
3	N	29	E	WM	14	SW	NW	WELL #8 - 1350 FEET SOUTH & 50 FEET WEST FROM NE CORNER, NWNW, SECTION 14

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	11	NE	SW		21.20
3	N	29	E	WM	11	NW	SW		25.80
3	N	29	E	WM	11	SW	SW		30.50
3	N	29	E	WM	11	SE	SW		30.70

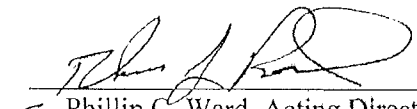
IRRIGATION										
Legal Description										
TWP		RNG		MER	SEC	1/4	1/4	LOT	DLC	ACRES
3	N	29	E	WM	11	NE	SE			6.20
3	N	29	E	WM	11	NW	SE			16.00
3	N	29	E	WM	11	SW	SE			38.60
3	N	29	E	WM	11	SE	SE			38.60
3	N	29	E	WM	12	NW	SW			0.10
3	N	29	E	WM	12	SW	SW			29.80
3	N	29	E	WM	12	SE	SW			24.40
3	N	29	E	WM	13	NE	NW			30.80
3	N	29	E	WM	13	NW	NW			31.60
3	N	29	E	WM	13	SW	NW			32.80
3	N	29	E	WM	13	SE	NW			30.40
3	N	29	E	WM	14	NE	NE			30.40
3	N	29	E	WM	14	NW	NE			40.00
3	N	29	E	WM	14	SW	NE			40.00
3	N	29	E	WM	14	SE	NE			38.00
3	N	29	E	WM	14	NE	NW			39.80
3	N	29	E	WM	14	NW	NW			33.60
3	N	29	E	WM	14	SW	NW			33.50
3	N	29	E	WM	14	SE	NW			39.00
3	N	29	E	WM	14	NE	SW			31.70
3	N	29	E	WM	14	NW	SW			26.90
3	N	29	E	WM	14	SW	SW			20.40
3	N	29	E	WM	14	SE	SW			26.00
										786.80

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 65485.

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 80850.
 Page 2 of 2

G5998-revert-T6775-c65485-rr.GLN

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING 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 6775 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 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 the IRRIGATION OF 670.61 ACRES and SUPPLEMENTAL IRRIGATION OF 349.59 ACRES.

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 to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 9.49 CUBIC FEET PER SECOND, BEING 4.745 CFS FROM WELLS 1, 2, 4, 6 and 7, and 4.745 CFS FROM WELL 3, if available at the original wells NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 6 (WELL 2) and SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 7 (WELL 3), both located within T 3 N, R 30 E, W.M., or its equivalent in case of rotation, measured at the wells.

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 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, 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:

PERMIT G-4969 (ATTACHMENT "A")

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	14.30 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	25.10 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	26.60 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	14.30 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.60 ACRES	0.50 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.80 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	18.50 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.40 ACRES	0.20 ACRE

SECTION 1

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.00 ACRES	1.00 ACRE
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.00 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.40 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.11 ACRES	0.89 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	12.80 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	15.20 ACRES	

SECTION 12

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

NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.80 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	46.10 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	49.20 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.90 ACRES	16.60 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.60 ACRES	23.80 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		36.40 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		29.50 ACRES

SECTION 6

NE¼ NW¼		40.00 ACRES
NW¼ NW¼		39.80 ACRES
SW¼ NW¼		41.30 ACRES
SE¼ NW¼		38.00 ACRES
NE¼ SW¼	6.80 ACRES	33.20 ACRES
NW¼ SW¼	9.50 ACRES	48.40 ACRES
SW¼ SW¼	39.60 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 SIX ADDITIONAL POINTS OF APPROPRIATION located:

HALE 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;

COPPINGER WELL 1 - SW¼ NE¼, SECTION 24, T 3 N, R 29 E, W.M.; 20 FEET NORTH AND 1570 FEET WEST FROM THE E¼ CORNER, SECTION 24;

COPPINGER WELL 2 - SE¼ NE¼, SECTION 24, T 3 N, R 29 E, W.M.; 960 FEET NORTH AND 30 FEET WEST FROM E¼ CORNER, SECTION 24;

COPPINGER WELL 3 - NE¼ NE¼, SECTION 23, T 3 N, R 29 E, W.M.; 3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER, SECTION 23;

BROGOITTI WELL 1 - NE¼ SW¼, SECTION 30, T 3 N, R 30 E, W.M.; 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER, SECTION 30;

BROGOITTI WELL 2 - SW¼ SW¼, SECTION 20, T 3 N, R 30 E, W.M.; 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER, SECTION 20.

The SECOND right to be modified, as evidenced by Certificate 74898, was perfected under Permit G-5215 with a date of priority of FEBRUARY 16, 1973. The right allows the use of HALE WELLS:

T-6775.KDD

Page 4 of 10 Special Order Volume 57, Page 905.

WELL #1, WELL #2, WELL #4, WELL #6 and WELL #7, all located within the STAGE GULCH BASIN, for IRRIGATION of 837.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 206.6 ACRES. The right is limited to 9.30 CUBIC FEET PER SECOND, if available at the original wells; SE¼ NE¼, SECTION 2 (WELL #4), NW¼ NW¼, SECTION 12 (WELL 7), T 3 N, R 29 E, W.M., or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Well 1 - NW¼ NW¼, SECTION 7, TOWNSHIP 3 NORTH, RANGE 30 EAST, W.M.; 4340 FEET NORTH AND 1830 FEET WEST FROM THE S¼ CORNER, SECTION 7;

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

WELL 4 - SE¼ NE¼, SECTION 2, TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E¼ CORNER, SECTION 2;

WELL 6 - SW¼ NE¼, SECTION 11, TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E¼ CORNER, SECTION 11;

WELL 7 - NW¼ NW¼, SECTION 12, TOWNSHIP 3 NORTH, RANGE 29 EAST, 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:

Permit G-5215 (ATTACHMENT "B")

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE¼ NW¼	35.80 ACRES	
NW¼ NW¼	38.70 ACRES	
SW¼ NW¼	37.20 ACRES	
SE¼ NW¼	33.40 ACRES	
NE¼ SW¼	39.00 ACRES	
NW¼ SW¼	40.00 ACRES	
SW¼ SW¼	38.70 ACRES	1.3 ACRES
SE¼ SW¼	40.00 ACRES	
SECTION 1		
NE¼ NE¼	29.30 ACRES	
NW¼ NE¼	34.00 ACRES	
SW¼ NE¼	29.30 ACRES	
SE¼ NE¼	40.00 ACRES	
NE¼ SE¼	40.00 ACRES	
NW¼ SE¼	38.10 ACRES	
SW¼ SE¼	26.90 ACRES	0.20 ACRE
SE¼ SE¼	39.10 ACRES	0.90 ACRE
SECTION 2		
NE¼ NE¼		40.00 ACRES
NW¼ NE¼		36.40 ACRES
SW¼ NE¼		24.40 ACRES
SE¼ NE¼		39.00 ACRES
NE¼ NW¼	30.70 ACRES	
NW¼ NW¼	30.70 ACRES	
SW¼ NW¼	27.20 ACRES	
SE¼ NW¼	26.00 ACRES	
NE¼ SE¼	14.40 ACRES	2.00 ACRES
NW¼ SE¼	1.00 ACRE	0.10 ACRE
SECTION 11		

NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.60 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.10 ACRES	27.60 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.10 ACRES	32.80 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	36.70 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.30 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	23.50 ACRES	1.90 ACRES

SECTION 12

TOWNSHIP 3 NORTH, RANGE 29 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 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 THIRD right to be modified, as evidenced by Certificate 65485, was perfected under Permit G-5215 with a date of priority of February 16, 1973. The right allows the use of TWO WELLS within the UMATILLA RIVER BASIN, for IRRIGATION of 786.8 ACRES. The right is limited to 5.94 CUBIC FEET PER SECOND (CFS); BEING 2.90 CFS FROM WELL 5 AND 3.04 CFS FROM WELL 8, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 14, T 3 N, R 29 E, W.M.; WELL 5 - 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER, SECTION 11; WELL 8 - 1350 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 14.

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:

PERMIT G-5215 (ATTACHMENT "C")

NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	25.8 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	30.7 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.6 ACRES

SECTION 11

NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.1 ACRE
SW $\frac{1}{4}$ SW $\frac{1}{4}$	29.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	24.4 ACRES

SECTION 12

NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.4 ACRES

SECTION 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	31.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	26.9 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	26.0 ACRES

SECTION 14

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

The applicant proposes SIX ADDITIONAL POINTS OF APPROPRIATION located:

HALE 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;

COPPINGER WELL 1 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 24, T 3 N, R 29 E, W.M.; 20 FEET NORTH AND 1570 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 24;

COPPINGER WELL 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 24, T 3 N, R 29 E, W.M.; 960 FEET NORTH AND 30 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 24;

COPPINGER WELL 3 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, T 3 N, R 29 E, W.M.; 3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER, SECTION 23;

BROGOITTI WELL 1 - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 30, T 3 N, R 30 E, W.M.; 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER, SECTION 30;

BROGOITTI WELL 2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 20, T 3 N, R 30 E, W.M.; 100 FEET NORTH AND 80 FEET EAST FROM SW CORNER, SECTION 20.

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

1. The proposed changed 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.

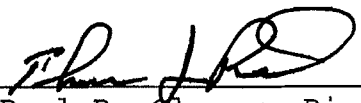
The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.

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

Certificates 74897, 74898 and 65485 are canceled. When satisfactory proof of the completed changes under this transfer and transfer application T-6787 are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 31, 2008.


for Paul R. Cleary, Director