

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-9034 submitted by

JOHN BORCHART  
52741 STEPHENS ROAD  
MILTON-FREEWATER, OREGON 97862.

The permit to be modified is Permit G-13766 with a date of priority of NOVEMBER 9, 1998. The permit allows the use of A WELL, in the WALLA WALLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION AND TEMPERATURE CONTROL ON 3.21 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed A MAXIMUM CUMULATIVE TOTAL OF 0.08 CUBIC FOOT PER SECOND (CFS) FOR SUPPLEMENTAL IRRIGATION AND 0.48 CFS FOR TEMPERATURE CONTROL, if available at the original well; NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 3, T 5 N, R 35 E, W.M.; 180 FEET SOUTH AND 40 FEET WEST FROM THE N $\frac{1}{4}$  CORNER OF SECTION 3, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing on the same lands, is limited to a diversion of ONE-FORTIETH 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.

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 temperature control is limited to a diversion of 0.15 cubic foot per second per acre.

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

The authorized place of use is as follows:

SW $\frac{1}{4}$  SW $\frac{1}{4}$  2.34 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  0.87 ACRE  
SECTION 34

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 an additional point of appropriation located:

SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 34, T 6 N, R 35 E, W.M.; 140 FEET NORTH AND 1000 FEET WEST FROM THE N $\frac{1}{4}$  CORNER OF SECTION 3.

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

1. The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same basalt aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-13766, in the name of JOHN BORCHERT is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed MAR 27 2002.

  
for Paul R. Cleary, Director