STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN USE, PLACE OF USE, AND POINT 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 7197 submitted by

J.R. SIMPLOT COMPANY P.O. BOX 27 BOISE, IDAHO 83707.

The right to be modified, as evidenced by a PORTION of Certificate 51295, was perfected under Permit G-5812 with a date of priority of JUNE 12, 1972. The right allows the use of ONE WELL, in the UMATILLA RIVER BASIN, for IRRIGATION OF 164.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.05 cubic foot per second, if available at the original well; NW¼ SE¼, SECTION 34, T 3 N, R 28 E, WM; 1300 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER, NW¼ SE¼, SECTION 34, or its equivalent in case of rotation, measured at the well.

NOTICE: Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

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 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:

NE¼	NW⅓	31.4	ACRES
NW⅓	$NW\frac{1}{4}$	21.0	ACRES
SE¼	$NW\frac{1}{4}$	22.8	ACRES
NE¼	SW¼	26.2	ACRES
$NW\frac{1}{4}$	SW¼	2.3	ACRES
SW¼	SW¼	29.2	ACRES
SE¼	SW¼	31.2	ACRES

SECTION 34

TOWNSHIP 3 NORTH, RANGE 28 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 to change the use of 148.6 acres of irrigation to year round INDUSTRIAL USE.

The applicant proposes to change the place of use of the Industrial Use to:

SW¼ SW¼ SECTION 27 TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M. The applicant proposes to change the point of appropriation for the Industrial Use to:

SW¼ SE¼, SECTION 26, T 4 N, R 28 E, WM; WELL 4 - 600 FEET NORTH AND 220 FEET EAST; WELL 6 - 400 FEET NORTH AND 200 FEET EAST, BOTH FROM THE S¼ CORNER, SECTION 26.

The applicant also proposes to change the place of use of 15.5 acres of irrigation to:

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

SECTION 34

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

15.5 acres in the NW¼ NW¼, Section 34 has been temporarily transferred to another place of use under Temporary Transfer 8186. That portion of the water right will not revert to the authorized place of use until the end of the 1999 irrigation season.

THESE CHANGES TO AN EXISTING WATER RIGHT 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, 2000.
- 2. The quantity of water diverted at the new points of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

- 3. The water user shall install in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
- 4. Water shall be acquired from the same aquifer as the original point of appropriation.
- 5. The former place of use shall no longer be irrigated as part of this water right.
- 6. The amount of water used for industrial use is limited to an amount beneficially used and shall not exceed 1.86 cubic feet per second, or its equivalent, and shall be further limited to a diversion of not to exceed 445.8 acre-feet for year round use.
- 7. The use of water for irrigation of the 15.5 acres in the proposed place of use shall not occur until the year 2000 irrigation season.

Certificate 51295 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed AUG - 2 1999

Martha O. Pagel, Director