

STATE OF OREGON

COUNTY OF MALHEUR

ORDER APPROVING A CHANGE IN PLACE OF USE

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-8616 submitted by

GUM CREEK FARMS, INC.  
WILLIAM HEID  
5070 SOUTH ROAD K  
VALE, OREGON 97918.

The permit to be modified is Permit G-13533 with a date of priority of FEBRUARY 18, 1997. The permit allows the use of FIVE WELLS, in the MALHEUR RIVER BASIN, for PRIMARY IRRIGATION OF 351.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 73.2 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 5.31 CUBIC FEET PER SECOND (CFS), BEING 4.39 CFS FOR PRIMARY IRRIGATION AND 0.92 CFS FOR SUPPLEMENTAL IRRIGATION; FURTHER LIMITED TO NOT MORE THAN 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19, AND 2.11 CFS FROM WELL 20, if available at the original wells; NW¼ NW¼, SW¼ NW¼, NW¼ SW¼, SECTION 7, T 16 S, R 43 E, W.M.; WELL 18 - 769 FEET SOUTH AND 32 FEET EAST; WELL 19 - 2286 FEET SOUTH AND 24 FEET EAST; WELL 20 - 1588 FEET SOUTH AND 50 FEET EAST; WELL 15 - 2655 FEET SOUTH AND 116 FEET EAST; WELL 17 - 2828 FEET SOUTH AND 1097 FEET EAST; ALL FROM THE NW CORNER OF SECTION 7, or its equivalent in case of rotation, measured at the well.

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

The authorized place of use is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 ACRE	
SE $\frac{1}{4}$ SE $\frac{1}{4}$		5.0 ACRES
SECTION 6		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE	26.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.4 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	15.9 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$		1.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.2 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.0 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.1 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.0 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.1 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.6 ACRES	
SECTION 7		
SW $\frac{1}{4}$ NE $\frac{1}{4}$		1.6 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		6.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		11.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		12.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 ACRES	9.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.5 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 ACRES	
SECTION 8		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW¼ NW¼	3.0 ACRES	
SW¼ NW¼	4.2 ACRES	
NE¼ SW¼	19.5 ACRES	
NW¼ SW¼	40.0 ACRES	
SW¼ SW¼	38.5 ACRES	
SE¼ SW¼	36.7 ACRES	
NE¼ SE¼	1.0 ACRE	
SW¼ SE¼	4.4 ACRES	
SE¼ SE¼	4.3 ACRES	
SECTION 17		

NE¼ SE¼	18.3 ACRES
SE¼ SE¼	14.4 ACRES
SECTION 18	

TOWNSHIP 16 SOUTH, RANGE 43 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 place of use to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW¼ SE¼	0.4 ACRE	
SE¼ SE¼		5.0 ACRES
SECTION 6		
NE¼ NE¼	1.0 ACRE	26.2 ACRES
NW¼ NE¼	11.4 ACRES	
SW¼ NE¼	15.9 ACRES	
SE¼ NE¼		1.2 ACRES
NE¼ NW¼	12.2 ACRES	
*SE¼ NW¼	4.8 ACRES	
SECTION 7		
SW¼ NE¼		1.6 ACRES
NE¼ NW¼		6.8 ACRES
NW¼ NW¼		11.2 ACRES
SW¼ NW¼		12.2 ACRES
SE¼ NW¼	2.0 ACRES	9.0 ACRES
SECTION 8		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
*NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.0 ACRES	
*NW $\frac{1}{4}$ SW $\frac{1}{4}$	27.1 ACRES	
*SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.0 ACRES	
*NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.5 ACRES	
*SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.8 ACRES	
SECTION 9		

*NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.8 ACRES
*NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
*SW $\frac{1}{4}$ NE $\frac{1}{4}$	19.6 ACRES
*SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.2 ACRES
*NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.6 ACRES
*NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.3 ACRES
*SW $\frac{1}{4}$ NW $\frac{1}{4}$	28.8 ACRES
*SE $\frac{1}{4}$ NW $\frac{1}{4}$	15.5 ACRES
SECTION 16	

*NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.3 ACRES
*SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.6 ACRE
*NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.9 ACRES
*SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 ACRE
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.4 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.3 ACRES
SECTION 17	

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

\* = PLACE OF USE INVOLVED IN THE CHANGE

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

1. The former place of use shall no longer be irrigated as a part of this water right.
2. All other terms and conditions of the permit remain the same.

Permit G-13533, in the name of GUM CREEK FARMS, INC., is amended as described herein.

WITNESS the signature of the Water Resources

Director, affixed DEC 05 2001.

  
Paul R. Cleary, Director