

ONE-EIGHTIETH of one cubic foot per second, and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: March 1 through October 31

Source: WELL 1 within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	31 E	WM	16	NW SE	910 FEET SOUTH AND 450 FEET EAST FROM THE C1/4 CORNER OF SECTION 16

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	31 E	WM	15	NW SW	11.00
2 N	31 E	WM	15	SW SW	7.10
2 N	31 E	WM	16	NE SE	23.78
2 N	31 E	WM	16	NW SE	16.90
2 N	31 E	WM	16	SW SE	0.20
2 N	31 E	WM	16	SE SE	1.60
Total					60.58

- The listing of acreage in the NE SE and NW SE of Section 16 is in error, based on the application map. The footprint of the place of use is consistent with that of the primary water rights, which are described as 24.08 acres in the NE SE and 16.6 acres in the NW SE.
- The first primary surface water right to be used as a supplemental right under the substitution with Permit G-15796 is as follows:

Certificate: 83163 in the name of STEPHEN AND LAIDEE ANN WOLFE (confirmed by Umatilla River Decree, Volume 3, Page 127)

Use: IRRIGATION of 36 ACRES

Priority Date: DECEMBER 26, 1904

Rate: 0.45 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.45 CUBIC FOOT PER SECOND, subject to the provisions of paragraph 33 of said decree, (IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION, BEING LOCATED NORTH 52 DEGREES EAST 2110 FEET FROM THE SW CORNER OF SECTION 2, T2N, R30E, W.M.), or its equivalent in case of rotation, measured at the point of diversion from the source, subject to the provisions of paragraph 33 of said decreed and all other conditions and limitations contained in said decree.

Source: UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	31 E	WM	15	NW SW	DIVERSION 3: 1000 FEET SOUTH AND 690 FEET EAST FROM THE W1/4 CORNER OF SECTION 15

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	31 E	WM	15	NW SW	11.00
2 N	31 E	WM	15	SW SW	7.10
2 N	31 E	WM	16	NE SE	16.30
2 N	31 E	WM	16	SE SE	1.60
Total					36.00

5. The second primary surface water right to be used as a supplemental right under the substitution with Permit G-15796 is as follows:

Certificate: 83270 in the name of STEPHEN AND LAIDEE ANN WOLFE (perfected under Permit S-20389)

Use: IRRIGATION of 17.48 ACRES

Priority Date: JUNE 18, 1951

Rate: 0.437 CUBIC FOOT PER SECOND (IF LAWFULLY AVAILABLE AT THE ORIGINAL POINT OF DIVERSION BEING LOCATED IN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 16, TOWNSHIP 2 NORTH, RANGE 31 EAST, W.M.)

Limit/Duty: 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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	31 E	WM	16	NW SE	680 FEET SOUTH AND 470 FEET EAST FROM THE C1/4 CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	31 E	WM	16	NE SE	7.48
2 N	31 E	WM	16	NW SE	10.00
Total					17.48

6. The third primary surface water right to be used as a supplemental right under the substitution with Permit G-15796 is as follows:

Certificate: 83269 in the name of STEPHEN AND LAIDEE ANN WOLFE (perfected under Permit S-22288)
Use: IRRIGATION of 7.1 ACRES
Priority Date: MAY 25, 1953
Rate: 0.09 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION BEING LOCATED IN THE NE ¼ SE ¼ OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 31 EAST, W.M.), or its equivalent in case of rotation, measured at the point of diversion from the stream.
Limit/Duty: 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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a diversion of not to exceed 0.09 cubic foot per second.
Source: UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	31 E	WM	16	NW SE	680 FEET SOUTH AND 470 FEET EAST FROM THE C1/4 CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	31 E	WM	16	NE SE	0.30
2 N	31 E	WM	16	NW SE	6.60
2 N	31 E	WM	16	SW SE	0.20
Total					7.10

7. Notice of the substitution was published on September 9, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. Substitution Application T-10678 originally indicated a supplemental surface water irrigation use under Permit S-7400 was included in the substitution, however, it is not clear from the Department's water right records whether Permit S-7400 is appurtenant to these lands. Because Permit S-7400 is a supplemental use from a surface water source, it is outside the statutory definition of a substitution. Presence of a second supplemental right from surface water on the lands will not affect the substitution of a groundwater supplemental right for the surface water primary right on the land.

9. Water has been used within the five years prior to filing of the application according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. Pumps, pipelines, and a sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Substitution Application T-10678.
11. The proposed change would not result in enlargement of the rights, provided the use of water from both surface water and groundwater sources does not exceed the duty under the groundwater right, being 3.0 acre-feet per acre.
12. As conditioned, the proposed change would not result in injury to other water rights.

Conclusions of Law

The substitution of a supplemental ground water right for primary surface water rights proposed in application T-10678, is consistent with the requirements of 540.524, OAR 690-380-2300 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The substitution of a portion of a supplemental ground water right for primary surface water rights proposed in application T-10678 is approved and shall be effective upon issuance of this order.
2. Total annual duty of water used on the lands from groundwater and surface water sources shall not exceed the duty of the groundwater right, being 3.0 acre-feet per acre.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Permit G-15796, Certificates 83163, 83270, 83269 and any related decree.
4. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
5. The substitution of a supplemental ground water right for a primary surface water right may be terminated upon a request by the water right holder or by order of the Director if the Director determines the use of the ground water as the primary water right causes injury to other water rights. Upon termination, the substituted primary and supplemental water rights shall revert to their original status.

Dated at Salem, Oregon this 30th day of December 2009.

Phillip C. Ward
 Phillip C. Ward, Director

Mailing date: JAN 04 2010