

Source: Umatilla River, a tributary of the Columbia River

Authorized Point of Diversion:

| TWP | RNG | MER | SEC | QTR-QTR | SURVEY COORDINATES |
|-----|------|-----|-----|---------|---|
| 3 N | 29 E | WM | 21 | SW NE | WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W ¹ / ₄ Corner of Section 21 |

Certificate: 75127, issued in the name of Chester and Rosalie Prior (Perfected under permit G-6069)

Use: Supplemental Irrigation (IS) of 496.3 acres

Priority Date: September 5, 1974

Quantity: 5.39 Cubic Feet Per Second, being 2.2 cfs from Well#8 and 3.19 cfs from Well#4

Rate & Duty: ONE-EIGHTIETH 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., provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

Source: Prior Wells # 4 and #8, within the Umatilla River Basin.

Authorized Points of Appropriation:

| TWP | RNG | MER | SEC | QTR-QTR | SURVEY COORDINATES |
|-----|------|-----|-----|---------|--|
| 2 N | 28 E | WM | 1 | SE NW | PRIOR WELL #4 - 2640 Feet South and 630 Feet West from the N ¹ / ₄ Corner of Section 1 |
| 2 N | 28 E | WM | 2 | NE SE | PRIOR WELL #8 - 2800 Feet South and 500 Feet West from the NE Corner of Section 2 |

Certificate: 81815, issued in the name of Chester Prior, Eagle Ranch

Use: Supplemental Irrigation (IS) of 496.3 acres

Priority Date: August 3, 1981

Rate & Duty: ONE-FORTIETH of one cubic foot per second (or its equivalent) and 1.5 acre-feet for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.5 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein be for supplemental irrigation, the right allowed may, in the interest of conserving the ground water supplies, be exercised at times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein. The use of water during the period November 15 to the last day February of each year shall not establish priority of right as against future appropriations for beneficial uses or storage for such beneficial uses, other than similar rights for irrigation from November 15 to the last day of February.

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|-----|------|-----|-----|---------|--|
| 3 N | 29 E | WM | 21 | SW NE | WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner of Section 21 |

Authorized Places of Use:

| IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS) | | | | | | | | | |
|--|------|-----|-----|---------|-----|---------------------|------------|------------|---------------|
| TWP | RNG | MER | SEC | QTR-QTR | TL | CERTIFICATE (ACRES) | | | USER |
| | | | | | | 76050 (IR) | 75127 (IS) | 81815 (IS) | |
| 2 N | 28 E | WM | 1 | SW NW | 200 | 25.5 | 25.5 | 25.5 | CHESTER PRIOR |
| 2 N | 28 E | WM | 1 | NE SW | 200 | 37.1 | 37.1 | 37.1 | CHESTER PRIOR |
| 2 N | 28 E | WM | 1 | NW SW | 200 | 31.0 | 31.0 | 31.0 | CHESTER PRIOR |
| 2 N | 28 E | WM | 1 | SW SW | 200 | 28.8 | 28.8 | 28.8 | CHESTER PRIOR |
| 2 N | 28 E | WM | 1 | SE SW | 200 | 31.2 | 31.2 | 31.2 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | NE NE | 300 | 8.2 | 8.2 | 8.2 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | NW NE | 300 | 36.7 | 36.7 | 36.7 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | SW NE | 300 | 38.2 | 38.2 | 38.2 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | SE NE | 300 | 29.2 | 29.2 | 29.2 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | NE NW | 300 | 33.3 | 33.3 | 33.3 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | NW NW | 300 | 32.2 | 32.2 | 32.2 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | SW NW | 300 | 27.8 | 27.8 | 27.8 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | SE NW | 300 | 30.0 | 30.0 | 30.0 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | NE SE | 500 | 19.1 | 19.1 | 19.1 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | NW SE | 500 | 30.0 | 30.0 | 30.0 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | SW SE | 500 | 35.2 | 35.2 | 35.2 | CHESTER PRIOR |
| 2 N | 28 E | WM | 2 | SE SE | 500 | 22.8 | 22.8 | 22.8 | CHESTER PRIOR |
| TOTAL: | | | | | | 496.3 | 496.3 | 496.3 | |

Application T-10359 proposes to TEMPORARILY diminish the lands under Certificate 76050 from primary irrigation to supplemental irrigation and change the place of use for the above described rights to:

| SUPPLEMENTAL IRRIGATION (IS) | | | | | | | | | |
|------------------------------|------|-----|-----|---------|------|---------------------|------------|------------|---------------|
| TWP | RNG | MER | SEC | QTR-QTR | TL | CERTIFICATE (ACRES) | | | USER |
| | | | | | | 76050 (IS)* | 75127 (IS) | 81815 (IS) | |
| 3 N | 28 E | WM | 20 | NE SE | 6700 | 31.9 | 31.9 | 31.9 | CHESTER PRIOR |
| 3 N | 28 E | WM | 20 | NW SE | 6700 | 31.3 | 31.3 | 31.3 | CHESTER PRIOR |
| 3 N | 28 E | WM | 20 | SW SE | 6700 | 32.7 | 32.7 | 32.7 | CHESTER PRIOR |
| 3 N | 28 E | WM | 20 | SE SE | 6700 | 32.2 | 32.2 | 32.2 | CHESTER PRIOR |
| 3 N | 28 E | WM | 21 | NE SE | 6800 | 29.9 | 29.9 | 29.9 | CHESTER PRIOR |
| 3 N | 28 E | WM | 21 | NW SE | 6900 | 30.6 | 30.6 | 30.6 | CHESTER PRIOR |
| 3 N | 28 E | WM | 21 | SW SE | 6800 | 32.4 | 32.4 | 32.4 | CHESTER PRIOR |
| 3 N | 28 E | WM | 21 | SE SE | 6800 | 31.2 | 31.2 | 31.2 | CHESTER PRIOR |
| 3 N | 28 E | WM | 29 | NE NE | 8100 | 30.7 | 30.7 | 30.7 | CHESTER PRIOR |
| 3 N | 28 E | WM | 29 | NW NE | 8100 | 29.9 | 29.9 | 29.9 | CHESTER PRIOR |

| SUPPLEMENTAL IRRIGATION (IS) | | | | | | | | | |
|------------------------------|------|-----|-----|---------|------|---------------------|------------|------------|---------------|
| TWP | RNG | MER | SEC | QTR-QTR | TL | CERTIFICATE (ACRES) | | | USER |
| | | | | | | 76050 (IS)* | 75127 (IS) | 81815 (IS) | |
| 3 N | 28 E | WM | 29 | SW NE | 8100 | 29.6 | 29.6 | 29.6 | CHESTER PRIOR |
| 3 N | 28 E | WM | 29 | SE NE | 8100 | 30.0 | 30.0 | 30.0 | CHESTER PRIOR |
| 3 N | 28 E | WM | 29 | NE NW | 8100 | 28.7 | 28.7 | 28.7 | CHESTER PRIOR |
| 3 N | 28 E | WM | 29 | NW NW | 8100 | 33.1 | 33.1 | 33.1 | CHESTER PRIOR |
| 3 N | 28 E | WM | 29 | SW NW | 8100 | 33.1 | 33.1 | 33.1 | CHESTER PRIOR |
| 3 N | 28 E | WM | 29 | SE NW | 8100 | 28.5 | 28.5 | 28.5 | CHESTER PRIOR |
| 3 N | 28 E | WM | 30 | NE NE | 8100 | 0.2 | 0.2 | 0.2 | CHESTER PRIOR |
| 3 N | 28 E | WM | 30 | SE NE | 8100 | 0.3 | 0.3 | 0.3 | CHESTER PRIOR |
| TOTAL: | | | | | | 496.3 | 496.3 | 496.3 | |

* NOTE: The applicant has requested to diminish the above described Certificate 76050 (496.3 acres) at the new proposed place of use to supplemental irrigation to existing primary water right Certificates 76050, 76717, 76799 and 76051.

5. The use of water under Certificate 75127 for the 2007 irrigation season is subject to the order dated August 28, 2006, recorded at Special Order Volume 69, page 687, approving an allocation of groundwater within the Stage Gulch Critical Groundwater Area.
6. The diminishment and proposed use of water for supplemental irrigation under Certificate 76050 on the proposed lands together with the same existing water right Certificate 76050 on these "TO" lands is limited to an appropriation of no more than the allowable rate and duty per each acre as described within the certificate during the 2007 season.
7. The district temporary transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed change in place of use would not result in enlargement of the rights.
10. The proposed changes in place of use would not result in injury to other rights.

Conclusions of Law

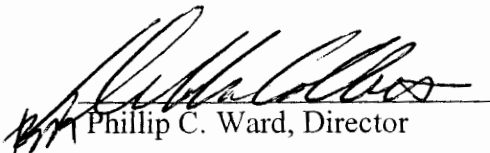
1. The proposed change in place of use in Transfer Application T-10359 satisfies the requirements of ORS 540.574(3) and 540.570.
2. The use of water under Certificate 76050 is restricted to the limitations contained in the certificate as described in Findings of Fact #6.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 76050, 75127 and 81815 are approved.

2. The temporary transfer is effective for the 2007 irrigation season.
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 Certificates 76050, 75127 and 81815 and any related decree.
4. Certificate 75127 is diminished to supplemental irrigation for the 2007 irrigation season, as described in Findings of Fact #4 and #5, and may be used only to make up a deficiency of supply for Certificates 76050, 76051, 76799, and 76717.
5. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
6. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
7. At the end of the 2007 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 31st day of May, 2007.


Phillip C. Ward, Director

JUN 04 2007
Mailing Date: _____

