

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE,
POINT OF APPROPRIATION AND PARTIAL CANCELLATION
OF A WATER RIGHT

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 8422 submitted by

CHARLES A. BLOODSWORTH
81166 NORTH OTT ROAD
HERMISTON, OREGON 97838.

The FIRST right to be modified, as evidenced by a PORTION of Certificate 76001, was perfected under Permit G-5763 with a date of priority of APRIL 16, 1973. The right allows the use of TWO WELLS, within the COLUMBIA RIVER BASIN, for IRRIGATION OF 30.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.37 cubic foot per second, if available at the original wells; WELL 1 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 19, 700 FEET NORTH AND 510 FEET EAST FROM THE SW CORNER OF SECTION 19, WELL 2 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 30, T 5 N, R 29 E, W.M.; 2080 FEET SOUTH AND 45 FEET EAST FROM THE NW CORNER OF SECTION 30, BOTH WITHIN T 5 N, R 29 E, W.M., or its equivalent in case of rotation, measured at the wells.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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, shall be 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; and shall conform to such reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	27.1 ACRES

SECTION 30

TOWNSHIP 5 NORTH, RANGE 29 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:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.9 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.1 ACRES

SECTION 30

TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

The SECOND right to be modified, as evidenced by a PORTION of Certificate 51997, was perfected under Permit G-4505 with a date of priority of FEBRUARY 10, 1969. The right allows the use of the HALL WELL #1, within the COLUMBIA RIVER BASIN, for IRRIGATION OF 3.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized well; SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 5 N, R 29 E, W.M.; 780 FEET NORTH AND 630 FEET WEST FROM THE SE CORNER OF SECTION 30; or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, shall be 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:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.0 ACRES
SECTION 30
TOWNSHIP 5 NORTH, RANGE 29 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:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.0 ACRES
SECTION 30
TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

The applicant also proposes to CHANGE THE POINT OF APPROPRIATION for the above listed 3.0 acres to:

WILSON WELL - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 30, T 5 N, R 29 E, W.M.;
140 FEET NORTH AND 1300 FEET EAST FROM THE SW CORNER OF THE SE $\frac{1}{4}$
SW $\frac{1}{4}$ OF SECTION 30.

The THIRD right to be modified, as evidenced by a PORTION of Certificate 51996, was perfected under Permit G-2712 with a date of priority of JULY 16, 1964. The right allows the use of WELL, (TWO CLUSTERS OF FIVE DRIVEN POINTS), within the COLUMBIA RIVER BASIN, for IRRIGATION OF 14.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 cubic foot per second, if available at the original points of appropriation; SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 5 N, R 29 E, W.M.; 800 FEET NORTH AND 550 FEET WEST; 780 FEET NORTH AND 630 FEET WEST; BOTH FROM THE SE

CORNER OF SECTION 30, or its equivalent in case of rotation, measured at the wells.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, shall be 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:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.0 ACRES
SECTION 30
TOWNSHIP 5 NORTH, RANGE 29 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 POINT OF APPROPRIATION to:

WILSON WELL - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 30, T 5 N, R 29 E, W.M.;
140 FEET NORTH AND 1300 FEET EAST FROM THE SW CORNER OF THE SE $\frac{1}{4}$
SW $\frac{1}{4}$ OF SECTION 30.

The applicant also proposes to CHANGE THE PLACE OF USE to:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.0 ACRES
SECTION 30
TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

The FOURTH right to be modified, as evidenced by a PORTION of Certificate 51998, was perfected under Permit G-6249 with a date of priority of OCTOBER 28, 1974. The right allows the use of the LEWIS H. WILSON WELL, within the UMATILLA RIVER BASIN, for IRRIGATION OF 23.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.29 cubic foot per second, if

available at the authorized well; SE¼ SW¼, SECTION 30, T 5 N, R 29 E, W.M.; 140 FEET NORTH AND 1300 FEET EAST FROM THE SW CORNER OF THE SE¼ SW¼, SECTION 30; or its equivalent in case of rotation, measured at the wells.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, shall be 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:

SW¼ SE¼ 23.0 ACRES
SECTION 30
TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

The applicant proposes to CHANGE THE PLACE OF USE of the above described 23.0 acres to:

NW¼ SE¼ 14.0 ACRES
SW¼ SE¼ 9.0 ACRES
SECTION 30
TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

CANCELLATION OF A PORTION OF WATER RIGHT CERTIFICATE 51998

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter and order canceling the water right."

On January 20, 2000, the Department received an affidavit which accompanied the transfer application from Charles A. Bloodsworth,

owner of certain lands to which a supplemental water right is appurtenant to. The transfer request, in part, proposes to change the point of appropriation of the underlying primary rights to the same well as this supplemental groundwater right. The Department cannot allow a primary and supplemental right to receive water from the same source, in this case it is the same well. It is requested that a portion of water right Certificate 51998 be canceled.

The portion of water right Certificate 51998 to be canceled is:

A portion of the right described by Certificate 51998, State Record of Water Right Certificates. The right to be canceled is for the use of 0.21 cubic foot per second from the Lewis H. Wilson Well, within the Umatilla River Basin. The date of priority is October 28, 1974. The portion of the right to be canceled is for the supplemental irrigation of 17.0 acres.

A description of the place of use of the portion to be canceled is described as follows:

CERTIFICATE 51998
-- SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17.0 ACRES
SECTION 30
TOWNSHIP 5 NORTH, RANGE 30 EAST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS 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, 2005.
2. The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted at the old point of appropriation, shall not exceed the quantities of water lawfully available from the original points of appropriation.
3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and

plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

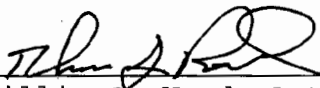
4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. The former places of use shall no longer be irrigated as part of these water rights.

The 17.0 acres of Certificate 51998 requested to be canceled, are canceled.

Certificate 76001, 51997, 51996 and 51998 are canceled. A new certificate will be issued to describe that portion of water right Certificate 76001, NOT involved in this transfer. When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed August 11, 2004.



Phillip C. Ward, Acting Director