

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN 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 6416 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 61850, was perfected under Permit G-7077 with a date of priority of DECEMBER 2, 1975. The right allows the use of WELL 2, a tributary of UMATILLA RIVER BASIN, for FOOD PROCESSING, PRIMARY IRRIGATION OF 37.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 88.5 ACRES. The right is limited to 0.85 cubic foot per second, PROVIDED THAT THE PRIMARY SOURCE OF WATER FOR IRRIGATION SHALL BE FROM WASTE WATER FROM FOOD PROCESSING AND LIMITED TO 0.55 CFS, AND DIRECT APPROPRIATION FROM THE WELL FOR IRRIGATION SHALL BE LIMITED TO THE PERIODS AND IN QUANTITIES REQUIRED TO MAKE UP AN DEFICIENCY IN THE AVAILABLE SUPPLY FROM WASTE WATER PROVIDED THE TOTAL QUANTITY APPROPRIATED FOR ALL USES SHALL NOT EXCEED 0.85 CFS if available at the original well; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, 1030 FEET NORTH AND 360 FEET EAST FROM THE SW CORNER OF SECTION 27, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation under this right is limited to a diversion of 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 WELL SHALL BE COMPLETED IN THE ALLUVIUM ESTIMATED TO BE 200 FEET IN DEPTH AND RESTRICTED TO APPROPRIATION OF WATER FROM THE ALLUVIUM AQUIFER AND SHALL NOT PENETRATE THE UNDERLYING BASALT ESTIMATED TO BE 200 FEET BELOW LAND SURFACE.

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 $\frac{1}{4}$ SW $\frac{1}{4}$ | 0.4 ACRE SECTION 26 | 7.3 ACRES |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 5.8 ACRES AND FOOD PROCESSING 15.3 ACRES 8.3 ACRES 4.4 ACRES SECTION 27 | 2.8 ACRES 13.3 ACRES 11.2 ACRES |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 0.3 ACRE 2.5 ACRES SECTION 34 | 2.7 ACRES 8.0 ACRES 15.2 ACRES 18.0 ACRES |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 0.9 ACRE SECTION 35 | 10.0 ACRES |
| TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M. | | |

The applicant proposes to change the point of appropriation to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33 or NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T 4 N, R 28 E, W.M.

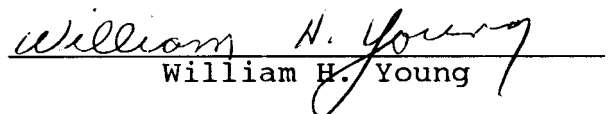
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

1. The proposed change shall be completed on or before October 1, 1993., *Extended to 10-1-95 on 11-5-94 (V45 P347)*
2. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water available from the original point of appropriation.
3. 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 point of appropriation.

Certificate 61850 is cancelled. 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
MAY 4, 1992.


William H. Young