

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 8393 submitted by

L&L FARMS  
P.O. BOX 63  
ECHO, OREGON 97826.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, as tabulated under COURTNEY IRRIGATION COMPANY, in the name of C.J. SMITH. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is JANUARY 9, 1900.

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 date 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 right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 36.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.918 cubic foot per second, subject to the provisions of Paragraph 33 of the decree, if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 N, R 29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE W¼ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, as tabulated under COURTNEY IRRIGATION COMPANY, in the name of FRANK J. CORREA, JR and J.M. KELSO. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 378. The date of priority is 1900.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 79.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.985 cubic feet per second, subject to the provisions of Paragraph 33 of the original decree, if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 N, R 29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE W¼ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The applicant proposes to TEMPORARILY change the places of use to:

SMITH

NE $\frac{1}{4}$  SW $\frac{1}{4}$  9.7 ACRES\*  
SECTION 4  
TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

SW $\frac{1}{4}$  SE $\frac{1}{4}$  5.5 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  21.5 ACRES  
SECTION 23  
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

CORREA AND KELSO

NE $\frac{1}{4}$  SE $\frac{1}{4}$  30.3 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  31.3 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  17.8 ACRES  
SECTION 23  
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

\*The applicant has requested that the 9.7 acres tabulated in the name of C.J. Smith be diminished to supplemental irrigation. Permit 48968 is appurtenant to the lands to which the water is being temporarily transferred, and is the primary water right.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2000 irrigation season.

The authorized places of use are located as follows:

SMITH

NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.2 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.5 ACRE

SECTION 12

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

CORREA AND KELSO

NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	6.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.7 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	11.5 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.2 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.7 ACRES

SECTION 12

TOWNSHIP 3 NORTH, RANGE 28 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 and is subject to all other conditions and limitations contained in the decree.

3. The uses shall revert to the authorized places of use at the end of the 2000 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right, upon request of the applicant, or upon approval of a permanent transfer for substantially the same changes.
5. The use of the remaining water rights described by Umatilla River Decree, Volume 3, Page 127 and Umatilla River Decree, Volume 15, Page 378 shall continue to be in accordance with the terms and conditions of Umatilla River Decree, Volume 3, Page 127 and Umatilla River Decree, Volume 15, Page 378.

WITNESS the signature of the Water Resources Director,

affixed APR 20 2000.

  
For Martha O. Pagel, Director