

STATE OF OREGON

COUNTY OF MORROW

ORDER APPROVING A CHANGE IN POINT OF DIVERSION
AND POINT OF APPROPRIATION

Pursuant to ORS 537.705, and ORS 540.510 to 540.530, 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 9081 submitted by

LOUIS L. AND ALICE C. COELHO
55276 PASS CREEK LANE
LONG CREEK, OREGON 97856.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for County as evidenced by a PORTION of Certificate 2649. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1892.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION OF 21.0 ACRES AND STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.42 cubic foot per second, if available at the authorized point of diversion from the source: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, T 1 N, R 27 E, W.M.;, and shall be subject to all other conditions and limitations contained in said decree.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.9 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.8 ACRES

SECTION 23

NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.2 ACRES

SECTION 24

TOWNSHIP 1 NORTH, RANGE 27 EAST, W.M.

This is a final order in other than 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 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.

The applicant proposes to CHANGE THE POINT OF DIVERSION to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 23, TOWNSHIP 1 NORTH, RANGE 27 EAST, W.M.; 1085 FEET NORTH AND 485 FEET WEST FROM SE CORNER OF NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 23.

The SECOND right to be modified, as evidenced by a PORTION of Certificate 34384, was perfected under Permit G-2797 with a date of priority of DECEMBER 17, 1964. The right allows the use of A WELL, within the BIG BUTTER CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 21.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.26 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 23, T 1 N, R 27 E, W.M.; 40 FEET NORTH AND 580 FEET WEST FROM SE CORNER, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 23, 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, 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:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.9 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.8 ACRES
SECTION 23	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.2 ACRES
SECTION 24	
TOWNSHIP 1 NORTH, RANGE 27 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:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, TOWNSHIP 1 NORTH, RANGE 27 EAST, W.M.; 1450 FEET NORTH AND 625 FEET WEST FROM SE CORNER OF NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 23.

THIS TRANSFER IS TO BE PROCESSED SIMULTANEOUSLY WITH WATER RIGHT TRANSFER APPLICATION T-9296, INVOLVING THE SAME CERTIFICATES.

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 point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and 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 surface water source as the original point of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

6. The quantity of water diverted at the new point of appropriation (well), shall not exceed the quantity of water lawfully available from the original point of appropriation.
7. 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.

8. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificates 34384 and 2649 are canceled. New certificates will be issued to confirm that portions of the rights NOT involved in this transfer, and the provisions of an order approving application T-9296. When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

Dated at Salem, Oregon this 14th day of June, 2004.



For Phillip C. Ward
Acting Director

Mailing date: JUN 18 2004