

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE 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 9519 submitted by

JB LAND, LLC
C/O TROY BETZ
P.O. BOX 130
HERMISTON, OREGON 97838.

The right to be modified, as evidenced by a PORTION of Certificate 80611, was perfected under Permit G-4027 with a date of priority of March 14, 1968. The right allows the use of Well No. 5, in the Umatilla River Basin, for Industrial Use. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.134 cubic foot per second (60.0 gallons per minute) not to exceed 32.16 acre-feet per year if available at the original point of appropriation described as Well No. 3 located within the NW¼ SE¼, SECTION 22, T 4 N, R 28 E, W.M.; 2480 FEET NORTH AND 2680 FEET EAST FROM THE SW CORNER, SECTION 22, or its equivalent in case of rotation, measured at the well.

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 authorized well is located as follows:

WELL NO. 5 - NW¼ NE¼, SECTION 27, T 4 N, R 28 E, W.M.;
730 FEET SOUTH AND 150 FEET EAST FROM THE N¼ CORNER, SECTION 27.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NW¼ NE¼
SECTION 27
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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 **temporarily** change the place of use to:

NW¼ NE¼ (TAX LOT 4400)
NW¼ NE¼ (TAX LOT 4400)
SW¼ NE¼ (TAX LOT 4400)
SW¼ NE¼ (TAX LOT 4400)
SECTION 28
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

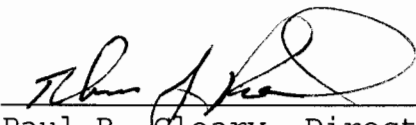
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective upon issuance of this order.

2. Water shall not be used on the former place of use as part of this water right during 2004, 2005, 2006, 2007 and 2008.
3. The use shall revert to the authorized place of use at the end of 2008.
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.
5. The use of the remaining water right described by Certificate 80611 shall continue to be used in accordance with the terms and conditions of Certificate 80611.
6. **Prior** to diverting water for the new place of use, 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.

WITNESS the signature of the Water Resources

Director, affixed MAR 22 2004.


Paul R. Cleary, Director