

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE
AND 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 8703 submitted by

MICHAEL J. AND BEVERLEY M. BINGAMAN
33225 W. SPEARMAN ROAD
HERMISTON, OREGON 97838.

The right to be modified, as evidenced by a PORTION of Certificate 76507, was perfected under Permit G-1164 with a date of priority of OCTOBER 28, 1958. The right allows the use of A WELL, within the COLD SPRINGS DRAIN DITCH BASIN, for IRRIGATION OF 3.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.043 cubic foot per second, if available at the original well; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, T 5 N, R 29 E, W.M.; 10 $\frac{1}{4}$ CHAINS NORTH AND 24 $\frac{1}{2}$ CHAINS WEST FROM CENTER OF SECTION 28, 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.

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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

	<u>CHANGE IN</u> <u>POU AND POA</u>	<u>CHANGE IN</u> <u>POA</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.22 ACRE	3.11 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		0.07 ACRE

SECTION 28

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:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.22 ACRE
SECTION 28

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

The applicant proposes to change the point of appropriation:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, T 5 N, R 29 E, W.M.; 28 FEET NORTH
AND 1071 FEET WEST OF CENTER CORNER OF SECTION 28.

THESE CHANGES TO AN EXISTING WATER RIGHT 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 appropriation (well), together with that diverted at old point of appropriation, shall not exceed the quantity of water lawfully authorized under this water right.
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 point of appropriation.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificate 76507 is canceled. 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 DECEMBER 22, 2003.



Paul R. Cleary, Director