

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 8567 submitted by

TIMOTHY AND COLLEEN WINTERS
80653 N. OTT ROAD
HERMISTON, OREGON 97838.

The right to be modified, as evidenced by a PORTION of Certificate 52000, was perfected under Permit G-7357 with a date of priority of JUNE 2, 1977. The right allows the use of A WELL, in the UMATILLA RIVER BASIN, for IRRIGATION OF 3.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the original well; S½ NW¼ SW¼, SECTION 31, T 5 N, R 29 E, W.M.; 1500 FEET NORTH AND 200 FEET EAST FROM SW CORNER, SECTION 31, 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:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.9 ACRES
SECTION 31
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 point of appropriation for the above described lands to:

S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31 T 5 N, R 29 E, W.M.; 820 FEET SOUTH AND 180 FEET EAST FROM W $\frac{1}{4}$ CORNER, SECTION 31

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, 2005.
2. 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.
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.

Certificate 52000 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