

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE
AND POINT OF APPROPRIATION

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 9364 submitted by

WAL-MART DISTRIBUTION CENTER
(COOK TO HALES AND COPPINGER)
P.O. BOX 110
HERMISTON, OREGON 97838.

The FIRST right to be modified, as evidenced by a PORTION of Certificate 79889, was perfected under Permit G-7183 with a date of priority of FEBRUARY 25, 1977. The right allows the use of WELL 4, in the UMATILLA RIVER BASIN, for IRRIGATION OF 29.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.37 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 24, T 4 N, R 28 E, W.M.; WELL 4 - 600 FEET NORTH AND 670 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 24, 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 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:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 29.5 ACRES
SECTION 24
TOWNSHIP 4 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.

The SECOND right to be modified, as evidenced by Certificate 79890, was perfected under Permit G-7183 with a date of priority of FEBRUARY 25, 1977. The right allows the use of WELL 2, in the UMATILLA RIVER BASIN, for IRRIGATION OF 237.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.97 cubic feet per second, if available at the original well; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 24, T 4 N, R 28 E, W.M.; 1230 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER, SECTION 24, 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:

NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.8 ACRES
SECTION 23	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	37.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.6 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	28.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.4 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.6 ACRES

SECTION 24

TOWNSHIP 4 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.

The applicant proposes to **TEMPORARILY** change the place of use to:

CERTIFICATE 79889

SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	12.0 ACRES

SECTION 15

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

CERTIFICATE 79890

NE $\frac{1}{4}$ SE $\frac{1}{4}$	13.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	13.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	20.5 ACRES

SECTION 15

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.9 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 36.6 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.0 ACRES

SECTION 24

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.0 ACRES

SECTION 25

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The applicant further proposes to **TEMPORARILY** change the point of appropriation under to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T 3 N, R 29 E, W.M.; SIEBEL WELL - 380 FEET NORTH AND 3120 FEET WEST FROM THE SE CORNER, SECTION 9.

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

1. These changes are temporary. These changes shall be effective upon issuance of this order.
2. The former places of use shall **not** be irrigated as part of their respective water rights during the 2003 irrigation season.
3. The use shall revert to the authorized places of use and points of appropriation at the end of the 2003 irrigation season.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

5. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully authorized by the water right.
6. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
7. **Prior** to diverting water from the new point of appropriation (Siebel Well), 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 Watermaster prior to beginning construction and shall be installed under the general supervision of the Watermaster.

In addition, the Watermaster **shall** have **unrestricted access** to the new point of appropriation.

8. The use of the remaining water right described by Certificate 79889 shall continue to be in accordance with the terms and conditions of Certificate 79889.

WITNESS the signature of the Water Resources

Director, affixed APR 09 2003.



Paul R. Cleary, Director