

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 9366 submitted by

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The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 76930. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 429. The date of priority is 1900.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 78.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.98 cubic foot per second, if available at the authorized point of diversion:

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.

SW¼ NE¼, SECTION 21, T 3 N, R 29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE W¼ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent from MARCH 1 to NOVEMBER 1 and subject to the limitations of paragraph 32 of the Umatilla River Decree for each acre irrigated during the irrigation season of each year.

The SECOND right to be modified, as evidenced by a PORTION of Certificate 61114, was perfected under Permit G-10234 with a date of priority of SEPTEMBER 8, 1983. The right allows the use of A WELL, in the UMATILLA RIVER BASIN, for IRRIGATION OF 78.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.98 cubic foot per second, if available at the original well; NW¼ NE¼, SECTION 12, T 3 N, R 28 E, W.M.; 1300 FEET SOUTH AND 1390 FEET WEST FROM NE CORNER, SECTION 12, 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, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

The authorized place of use is as follows:

CERTIFICATES 76930 & 6114

NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.8 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	30.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.1 ACRES

SECTION 12

TOWNSHIP 3 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 and is subject to all other conditions and limitations contained in said decree.

The THIRD right to be modified, as evidenced by Certificate 54758, was perfected under Permit 35811 with a date of priority of FEBRUARY 5, 1971. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 78.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.45 cubic feet per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE W $\frac{1}{4}$ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source..

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-FORTIETH 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 4.5 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:

CERTIFICATE 54758

SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.8 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.7 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.1 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 ACRE

SECTION 18

TOWNSHIP 3 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 **TEMPORARILY** change the place of use to:

CERTIFICATES 76930 & 6114

SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.8 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.7 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.1 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 ACRE

SECTION 18

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

CERTIFICATE 54758

NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.8 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	30.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.1 ACRES

SECTION 12

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

The applicant further proposes to **TEMPORARILY** change the point of appropriation under Certificate 61114 to:

SE¼ SW¼, SECTION 7, T 3 N, R 29 E, W.M.; PIT WELL - 350 FEET NORTH AND 3130 FEET EAST FROM THE SW CORNER, SECTION 7.

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 point 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 (pit 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 (pit 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.

8. The use of the remaining water right described by Certificates 76930 and 61114 shall continue to be in accordance with the terms and conditions of Certificates 76930 and 61114.

WITNESS the signature of the Water Resources

Director, affixed APR 11 2003.


Paul R. Cleary, Director