

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING ADDITIONAL POINTS 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 8507 submitted by

HALE BROTHERS FARMS
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The FIRST right to be modified, as perfected under Permit G-434, with a date of priority of January 21, 1957, allows the use of WELLS #1 and #2, located within the BUTTER CREEK BASIN, for the IRRIGATION of 96.75 acres and SUPPLEMENTAL IRRIGATION of 322.59 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.0 cubic feet per second, measured at the original points of appropriation; WELL #1 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1, T 2 N, R 27 E, W.M.; 10 FEET NORTH AND 2400 FEET EAST, WELL #2 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 2, T 2 N, R 27 E, W.M.; 100 FEET SOUTH AND 130 FEET WEST, BOTH FROM THE E $\frac{1}{4}$ CORNER, SECTION 2, or its equivalent in case of rotation.

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.

This is a final order in other than 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 place of use is as follows:

PRIMARY IRRIGATION (FROM WELLS 1 & 2)

NE¹/₄ NE¹/₄ 11.22 ACRES
NW¹/₄ NE¹/₄ 0.11 ACRE
SW¹/₄ NE¹/₄ 0.81 ACRE
SE¹/₄ NE¹/₄ 7.39 ACRES
NE¹/₄ SE¹/₄ 0.30 ACRE
NW¹/₄ SE¹/₄ 17.22 ACRES

SECTION 1

SW¹/₄ NE¹/₄ 6.70 ACRES
SE¹/₄ NE¹/₄ 34.20 ACRES
NE¹/₄ SE¹/₄ 1.20 ACRES
NW¹/₄ SE¹/₄ 17.60 ACRES

SECTION 2

TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

SUPPLEMENTAL IRRIGATION (FROM WELL 2)

NE¹/₄ NE¹/₄ 18.00 ACRES
NW¹/₄ NE¹/₄ 40.00 ACRES
SW¹/₄ NE¹/₄ 39.00 ACRES
SE¹/₄ NE¹/₄ 5.00 ACRES
SW¹/₄ NW¹/₄ 40.00 ACRES
SE¹/₄ NW¹/₄ 39.82 ACRES
NE¹/₄ SW¹/₄ 38.42 ACRES
NW¹/₄ SW¹/₄ 38.35 ACRES
NW¹/₄ SE¹/₄ 17.00 ACRES

SECTION 1

SE¹/₄ NE¹/₄ 5.00 ACRES
NE¹/₄ SE¹/₄ 36.00 ACRES
NW¹/₄ SE¹/₄ 6.00 ACRES

SECTION 2

TOWNSHIP 2 NORTH, RANGE 27 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 ADD TWO NEW ADDITIONAL POINTS OF APPROPRIATION located:

HALE SR. WELL - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 7, T 2 N, R 28 E, W.M.; 1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER, SECTION 7; HANSON WELL #1 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, T 2 N, R 27 E, W.M.; 10 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER, SECTION 12.

The SECOND right to be modified, as perfected under Permit G-1227, with a date of priority of January 21, 1959, allows the use of A WELL, located within the UMATILLA RIVER BASIN, for the IRRIGATION of 54.5 acres and SUPPLEMENTAL IRRIGATION of 274.0 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.5 cubic feet per second, measured at the original point of appropriation; NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, T 2 N, R 27 E, W.M.; or its equivalent in case of rotation.

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:

PRIMARY IRRIGATION
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.50 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.50 ACRES
SECTION 1

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.00 ACRES
SECTION 2

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.50 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 27.00 ACRES
SECTION 12
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

SUPPLEMENTAL IRRIGATION

SW¹/₄ SW¹/₄ 40.00 ACRES

SE¹/₄ SW¹/₄ 37.50 ACRES

SW¹/₄ SE¹/₄ 2.50 ACRES

SECTION 1

SW¹/₄ SE¹/₄ 28.00 ACRES

SE¹/₄ SE¹/₄ 39.00 ACRES

SECTION 2

NE¹/₄ NE¹/₄ 40.00 ACRES

NW¹/₄ NE¹/₄ 37.00 ACRES

SECTION 11

NE¹/₄ NW¹/₄ 10.00 ACRES

NW¹/₄ NW¹/₄ 40.00 ACRES

SECTION 12

TOWNSHIP 2 NORTH, RANGE 27 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 ADD THREE NEW ADDITIONAL POINTS OF APPROPRIATION located:

HALE SR. WELL - NE¹/₄ NE¹/₄, SECTION 7, T 2 N, R 28 E, W.M.; 1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER, SECTION 7; AMMON WELL #1 - SE¹/₄ NW¹/₄, SECTION 1, T 2 N, R 27 E, W.M.; 10 FEET NORTH AND 2400 FEET EAST FROM THE E¹/₄ CORNER, SECTION 2; AMMON WELL #2 - NE¹/₄ SE¹/₄, SECTION 2, T 2 N, R 27 E, W.M.; 100 FEET SOUTH AND 130 FEET WEST FROM THE E¹/₄ CORNER, SECTION 2.

THESE CHANGES TO EXISTING WATER RIGHTS 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 points of appropriation (wells), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.
3. The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used at each of the new points of appropriation. If flowmeters are already installed on these wells as per compliance with any other conditions contained in a permit or previously approved transfer request, the water user shall comply with this condition by identifying such at time of proof and will be made a part of the Claim of Beneficial Use site report. 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(s) as the original points of appropriation.

Certificates 53658 and 30742 are canceled. When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

Dated at Salem, Oregon this 11th day of October, 2004.


Fu Phillip C. Ward
Acting Director

Mailing date: OCT 21 2004