

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING CHANGES IN PLACE OF USE,
POINT OF APPROPRIATION, AND DIMINISHING A WATER RIGHT

Pursuant to ORS 537.705 and ORS 540.510 to 540.530, 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, TRANSFERS 7339 AND 7340 submitted by

THOMAS C. AND PEGGY D. SALLEE
2480 SOUTH WALNUT
MILTON-FREEWATER, OREGON 97862.

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 Certificate 13061. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1894.

The right allows the use of the WALLA WALLA RIVER, a tributary of the SNAKE RIVER, for IRRIGATION of 4.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE-HALF MINER'S INCHES PER ACRE, if available at the authorized point of diversion: MILTON DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3.37 ACRES
SECTION 12

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.13 ACRES
SECTION 13

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.
being Block or Tract No. 4, Nichols Second Addition
to Milton City, Umatilla County, Oregon, containing
about 5 acres, more or less.

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 the decree.

The second right to be modified, as evidenced by Certificate 12227, was perfected under Permit U-93 with a date of priority of AUGUST 13, 1935. The right allows the use of a WELL, in the WALLA WALLA RIVER BASIN, for IRRIGATION of 4.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T 5 N, R 35 E, WM, 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-THIRTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3.7 ACRES
SECTION 12

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.8 ACRE
SECTION 13
TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

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

It is clear from the water right record that both rights are for use of water for irrigation of 4.5 acres on the same land, Block 4, Nichols Second Addition to Milton. The rights shall be transferred together.

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.3 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.2 ACRES
SECTION 13

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

The applicant proposes to change the point of appropriation for the ground water right to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T 5 N, R 35 E, WM; 740 FEET SOUTH AND 210 FEET WEST FROM THE NE CORNER, SECTION 13.

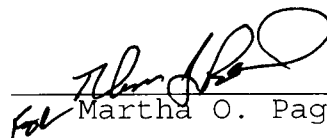
The applicant requests the ground water right be diminished to supplemental irrigation.

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, 2000.
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. The use of water for irrigation from both sources shall not exceed one and one-half miner's inches per acre.
4. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water appropriated from the well. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. The former place of use shall no longer be irrigated as a part of these water rights.

Certificates 13061 and 12227 are canceled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,
affixed **MAR 19 1999** .



Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.