

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and objections having been resolved, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 7991 submitted by

ELKHORN RESOURCES, LLC
78804 OLSON ROAD
BOARDMAN, OREGON 97818.

The first right to be modified, as evidenced by a portion of Certificate 68323, was perfected under Permit 33883 with a date of priority of SEPTEMBER 12, 1968. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 256.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 6.41 cubic feet per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 28, T 5 N, R 28 E, WM; 1100 FEET NORTH AND 520 FEET EAST FROM THE SW CORNER, SECTION 28, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by an order of the Water Resources Director entered July 23, 1993, at Special Order Volume 47, Page 249, was perfected under Permit 33883 with a date of priority of SEPTEMBER 12, 1968. The right allows the use of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN, for SUPPLEMENTAL IRRIGATION of 256.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.74 cubic feet per second, if available at the original point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 17, T 5 N, R 28 E, WM; 1900 FEET NORTH AND 150 EAST FROM THE SW CORNER, SECTION 17, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized points of diversion are located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 17, T 5 N, R 28 E, WM; 1900 FEET NORTH AND 150 EAST FROM THE SW CORNER, SECTION 17;

NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T 5 N, R 28 E, WM; 2150 FEET NORTH AND 3500 FEET EAST FROM THE SW CORNER, SECTION 10.

The amount of water used for irrigation, together with the amount secured under an other right existing for 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 4½ acre-feet 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 located as follows:

NW¼ NE¼	25.0 ACRES	NE¼ NE¼	34.0 ACRES
SW¼ NE¼	12.0 ACRES	NW¼ NE¼	7.6 ACRES
NE¼ NW¼	36.0 ACRES	SW¼ NE¼	20.2 ACRES
NW¼ NW¼	22.0 ACRES	SE¼ NE¼	18.7 ACRES
SW¼ NW¼	37.0 ACRES		SECTION 4
SE¼ NW¼	38.8 ACRES		

SECTION 3

TOWNSHIP 4 NORTH, RANGE 26 EAST, W.M.

SE¼ SE¼ 5.2 ACRES

SECTION 33

TOWNSHIP 5 NORTH, RANGE 26 EAST, W.M.

The right to use the 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:

NE¼ SW¼	36.0 ACRES
NW¼ SW¼	34.4 ACRES
SW¼ SW¼	36.0 ACRES
SE¼ SW¼	36.1 ACRES
NE¼ SE¼	26.1 ACRES
NW¼ SE¼	18.8 ACRES
SW¼ SE¼	32.7 ACRES
SE¼ SE¼	36.4 ACRES

SECTION 23

TOWNSHIP 4 NORTH, RANGE 24 EAST, W.M.

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

1. The change is temporary. The change shall be effective upon issuance of this order.

2. The former place of use shall not be irrigated as part of this water right during the 1998 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 1998 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. If the Department finds the change causes injury, the Department shall contact West Extension Irrigation District and West Extension Irrigation District shall immediately cease delivery of this water, including turning off the water user's pump.
6. This temporary transfer shall be subject to a Memorandum of Understanding between West Extension Irrigation District, Elkhorn Resources, LLC, and H4 Farms, Inc., adopted by the district at a special meeting of the Board of Director's, April 28, 1998, and by reference made a part hereto.
7. In accordance with the Memorandum of Understanding, the water rights involved in this temporary transfer shall be subordinate to all other water rights served by the West Extension Irrigation District main canal.
8. Prior to use of water under Permit G-13244, the water user shall request revocation of this temporary transfer.
9. If this order is revoked, these water rights shall not be used in the authorized place of use during the 1998 irrigation season.
10. The use of the remaining water rights perfected under Permit 33883 shall continue to be in accordance with the terms and conditions of Certificate 68323 and the order of the Water Resources Director entered July 23, 1993, at Special Order Volume 47, Page 249, approving Transfer Application 6959.

WITNESS the signature of the Water Resources Director,

affixed MAY 05 1998 .



Martha O. Pagel, Director