

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 8465 submitted by

HALE BROTHERS FARMS
P.O. BOX 110
HERMISTON, OREGON 97838.

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 63802. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priorities are 1866 for 0.045 cubic foot per second (cfs), 1870 for 0.09 cfs, 1884 for 0.045 cfs, and 1896 for 1.12 cfs.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 67.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.30 cubic foot per second, if available at the authorized points of diversion: SW¼ NE¼, SE¼ SW¼, SECTION 11, T 2 N, R 27 E, W.M.; 1330 FEET

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.

SOUTH AND 270 FEET EAST FROM THE N¼ CORNER, SECTION 11; 970 FEET NORTH AND 450 FEET WEST FROM THE S¼ CORNER, SECTION 11, 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 for the same lands, shall be limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

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 a PORTION of Certificate 53658, was perfected under Permit G-434 with a date of priority of JANUARY 21, 1957. The right allows the use of WELLS 1 AND 2, in the BUTTER CREEK BASIN, for IRRIGATION OF 96.64 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.92 cubic foot per second, if available at the original wells; SE¼ NW¼, SECTION 1, NE¼ SE¼, SECTION 2, T 2 N, R 27 E, W.M.; WELL 1 - 10 FEET NORTH AND 2400 FEET EAST; WELL 2 - 100 FEET SOUTH AND 130 FEET WEST; BOTH FROM THE E¼ CORNER, SECTION 2, or its equivalent in case of rotation, measured at the well.

The third right to be modified, as evidenced by a PORTION of Certificate 30742, was perfected under Permit G-1227 with a date of priority of JANUARY 21, 1959. The right allows the use of A WELL, in the UMATILLA RIVER BASIN, for IRRIGATION OF 36.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 27.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.79 cubic foot per second, if available at the original well; NW¼ NW, SECTION 12, T 2 N, R 27 E, W.M., 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 fourth right to be modified, as evidenced by Permit 46499 with a date of priority of OCTOBER 16, 1978. The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of 67.0 ACRES. The use allowed herein may be made at any time between September 2 and December 30 of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.34 cubic feet per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 2 N, R 27 E, W.M.; DIVERSION J - 1400 FEET SOUTH AND 300 FEET EAST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 11, 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 an other right existing for the same lands, is limited to ONE-FIFTIETH of one cubic foot per second per acre, from direct flow, and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre for each acre irrigated during the period from September 2 to December 30, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.0 acre-feet for each acre irrigated in any one year. The use of water authorized herein shall not establish priority of right as against future appropriations of surface water for beneficial uses or for storage for such beneficial uses, other than similar right for irrigation from September 2 to December 30.

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

The authorized places of use are located as follows:

CERTIFICATE 63802

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.30 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.50 ACRES

SECTION 1

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17.20 ACRES

SECTION 2

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.00 ACRES

SECTION 11

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

PERMIT G-434

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.22 ACRES

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.81 ACRE

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.39 ACRES

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.30 ACRE

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 17.22 ACRES

SECTION 1

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.70 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34.20 ACRES

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.20 ACRES

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 17.60 ACRES

SECTION 2

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

PERMIT G-1227

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.50 ACRES	7.30 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.50 ACRES	2.50 ACRES
	SECTION 1	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00 ACRES	17.20 ACRES
	SECTION 2	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.50 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.50 ACRES	
	SECTION 12	

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

PERMIT 46499

SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.30 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.50 ACRES
	SECTION 1
SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.20 ACRES
	SECTION 2
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 ACRES
	SECTION 11

TOWNSHIP 2 NORTH, RANGE 27 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:

CERTIFICATE 63802

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.60 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.00 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.60 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.80 ACRES
SECTION 31

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.80 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.20 ACRES
SECTION 2

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

PERMIT G-434

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28.74 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.80 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.40 ACRE
SECTION 31

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34.30 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.90 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.60 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.90 ACRES
SECTION 7

TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

PERMIT G-1227

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$		5.60 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.80 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	28.00 ACRES	6.00 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		7.60 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.20 ACRE	7.80 ACRES

SECTION 31

TOWNSHIP ~~2~~³ NORTH, RANGE ~~27~~²⁸ EAST, W.M.

PERMIT 46499

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.60 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.00 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.60 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.80 ACRES

SECTION 31

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.80 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.20 ACRES

SECTION 2

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

The applicant proposes to TEMPORARILY change the point of appropriation of Permit G-434 to:

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.

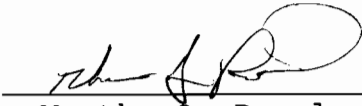
THESE TEMPORARY CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water right during the 2000 irrigation season.
3. The portion of Permit G-4049, Certificate 44654, appurtenant to the proposed temporary place of use in the NE¼, Section 7, T 2 N, R 28 E, W.M., shall be diminished to supplemental irrigation during the term of this order.
4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. The use shall revert to the authorized place of use at the end of the 2000 irrigation season.
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. The use of the remaining water rights described by Certificates 63802, 53658, 30742, and Permit 46499 shall continue to be in accordance with the terms and conditions of Certificate 63802, 53658, 30742, and Permit 46499.

WITNESS the signature of the Water Resources

JUN 19 2000

Director, affixed _____.



for Martha O. Pagel, Director