

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN USE, PLACE OF USE,
AND POINT 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 7531 submitted by

C & B LIVESTOCK, INC.
P.O. BOX 109
HERMISTON, OREGON 97838.

The right to be modified, as evidenced by a PORTION of Certificate 38288, was perfected under Permit G-4027 with a date of priority of MARCH 14, 1968. The right allows the use of WELL 3, in the UMATILLA RIVER BASIN, for IRRIGATION OF 32.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.41 cubic foot per second, if available at the original well; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 22, T 4 N, R 28 E, WM; 2480 FEET NORTH AND 2680 FEET EAST FROM THE SW CORNER, SECTION 22, 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 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:

| | |
|---------------------------------------|------------|
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 5.8 ACRES |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 27.8 ACRES |
| SECTION 22 | |
| TOWNSHIP 4 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.

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The applicant proposes to change the use to INDUSTRIAL USE.

The applicant proposes to change the place of use to:

NW¼ NE¼
SECTION 27
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

And, the applicant proposes to change the point of appropriation to:

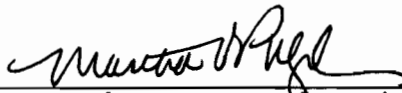
NW¼ NE¼, SECTION 27, T 4 N, R 28 E, WM; 600 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER, SECTION 27.

THESE CHANGES TO AN EXISTING WATER RIGHT 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, 1998.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point 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. 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 as the original point of appropriation. The well shall be a Basalt well.
5. The former place of use shall no longer be irrigated as part of this water right.
6. The water user may not appropriate water until all required land use approvals are obtained.
7. Water may be used year round. The rate of appropriation shall not exceed 0.41 cubic foot per second. The volume of water appropriated shall not exceed 98.4 acre-feet per year.

Certificate 38288 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed May 22, 1997.



Martha O. Pagel, Director