

STATE OF OREGON

COUNTY OF MORROW

ORDER APPROVING A CHANGE IN PLACE OF
USE AND ADDITIONAL 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 9159 submitted by

DONALD KEY
76992 COUNTY LINE ROAD
HERMISTON, OREGON 97838.

The FIRST right to be modified, as evidenced by a portion of Certificate 51739, was perfected under permit G-4878 with a date of priority of MARCH 31, 1970. The right allows the use of water from WELLS 1 and 2, within the UMATILLA RIVER BASIN, for the IRRIGATION OF 7.1 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.06 CUBIC FOOT PER SECOND (CFS), being 0.03 cfs from each well, if available at the original wells, or its equivalent in case of rotation measured at the wells.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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.

The wells are located as follows:

WELL 1 - SE¼ SE¼, SECTION 30, T 4 N, R 27 E, W.M.; 290 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30;

WELL 2 - SE¼ SE¼, SECTION 30, T 4 N, R 27 E, W.M.; 100 FEET NORTH AND 40 FEET WEST FROM THE SE CORNER, SECTION 30.

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 (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the completed wells shall not exceed 175 feet in depth, nor appropriate water from an aquifer below that depth.

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

The SECOND right to be modified, was perfected under Permit G-10836 with a date of priority of FEBRUARY 15, 1978. The right allows the use of water from WELLS 3 and 4, within the UMATILLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 7.1 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.08 CUBIC FOOT PER SECOND, if available at the original wells, or its equivalent in case of rotation measured at the wells.

The wells are located as follows: (same as Wells #1 & 2 above)

WELL 3 - SE¼ SE¼, SECTION 30, T 4 N, R 27 E, W.M.; 290 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30;

WELL 4 - SE¼ SE¼, SECTION 30, T 4 N, R 27 E, W.M.; 100 FEET NORTH AND 40 FEET WEST FROM THE SE CORNER, SECTION 30.

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 (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated

during the irrigation season of March 10 to October 15 for each calendar year; provided the use does not alter the Ordinance Critical Ground Water Area Order.

The authorized place of use for the above listed rights (Certificate 51739 and Permit G-10836) are as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.80 ACRES (LOT 3)
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.70 ACRES (LOT 4)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.80 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.80 ACRES

SECTION 4

TOWNSHIP 3 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 change the PLACE OF USE for the above listed rights to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
(LOT 1) NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.70 ACRE	0.70 ACRE
(LOT 2) NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.40 ACRE	0.40 ACRE
SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.60 ACRE	0.60 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.70 ACRE	0.70 ACRE
(LOT 3) NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.10 ACRE	0.10 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.10 ACRE	0.10 ACRE
SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.50 ACRES	4.50 ACRES

SECTION 4

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

The THIRD right to be modified, as evidenced by a portion of Certificate 51738, was perfected under permit G-2823 with a date of priority of APRIL 27, 1965. The right allows the use of water from WELLS 1, 2, and 3, within the UMATILLA RIVER BASIN, for the IRRIGATION OF 4.5 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.03 CUBIC FOOT PER SECOND, if available at the original wells, or its equivalent in case of rotation measured at the wells.

The wells are located as follows:

WELL 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 4 N, R 27 E, W.M.; 290 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30;

WELL 2 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 4 N, R 27 E, W.M.; 100 FEET NORTH AND 40 FEET WEST FROM THE SE CORNER, SECTION 30;

WELL 3 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 4, T 3 N, R 27 E, W.M.; 1970 FEET SOUTH AND 790 FEET WEST FROM THE NE CORNER, SECTION 4.

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 (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The FOURTH right to be modified, again, as evidenced by a portion of Certificate 51739, was perfected under permit G-4878 with a date of priority of MARCH 31, 1970. The right allows the use of water from WELLS 1 and 2, within the UMATILLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 4.5 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.04 CUBIC FOOT PER SECOND (CFS), being 0.02 cfs from each well, if available at the original wells, or its equivalent in case of rotation measured at the wells.

The wells are located as follows:

WELL 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 4 N, R 27 E, W.M.; 290 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30;

WELL 2 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 4 N, R 27 E, W.M.; 100 FEET NORTH AND 40 FEET WEST FROM THE SE CORNER, SECTION 30.

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 (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that

the completed wells shall not exceed 175 feet in depth, nor appropriate water from an aquifer below that depth.

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

The FIFTH right to be modified, again, as perfected under Permit G-10836 with a date of priority of FEBRUARY 15, 1978. The right allows the use of water from WELLS 3 and 4, within the UMATILLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 4.5 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.05 CUBIC FOOT PER SECOND, if available at the original wells, or its equivalent in case of rotation measured at the wells.

The wells are located as follows: (same as Wells #1 & 2 above)

WELL 3 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 4 N, R 27 E, W.M.; 290 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30;

WELL 4 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 4 N, R 27 E, W.M.; 100 FEET NORTH AND 40 FEET WEST FROM THE SE CORNER, SECTION 30.

The authorized place of use for the above listed rights (Certificates 51738, 5173 and Permit G-10836) are as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.50 ACRES
SECTION 4
TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

The applicant proposes to change the PLACE OF USE for the above listed rights to:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.50 ACRES
SECTION 4
TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

The applicant further proposes to add an ADDITIONAL POINT OF APPROPRIATION to Certificate 51738 **only** for the above listed 4.5 acres to a point located:

SE¼ NE¼, SECTION 4, T 3 N, R 27 E, W.M.; 700 FEET NORTH AND 40 FEET WEST FROM THE E¼ CORNER, SECTION 4.

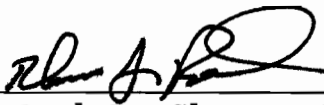
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available from the original points of appropriation.
3. **Prior** to diverting water from the new point of appropriation (well) 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 new proposed well has been determined to develop water from the same groundwater bearing zone as Well #3. Any modification or alterations to the new proposed well located within the SE¼ NE¼, Section 4, must be approved by the Watermaster. Wells #1 and 2 located within section 30 are authorized for supplemental use only on the lands described in this transfer order.
5. The use of water for supplemental irrigation on the newly authorized 4.5 acres located within the SE¼ NE¼, Section 4, may only be made provided such pipe system is installed for delivery of water from Wells #1 and 2 to the new place of use for the 4.5 acres within the SE¼ NE¼, Section 4 .

Certificates 51738 an 51739 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes under this transfer are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 20 2003.



For Paul R. Cleary, Director