

STATE OF OREGON

COUNTY OF MALHEUR

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

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 9409 submitted by

LARSON SKYLINE FARMS  
4395 HEINZ BLVD  
ONTAIRO, OREGON 97914.

The FIRST right to be modified, as evidenced by a PORTION of Certificate 75566, was perfected under Permit 31231 with a date of priority of JUNE 27, 1966. The right allows the use of SNAKE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 416.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.52 cubic feet per second, if available at the authorized point of diversion: LOT 1 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), SECTION 21, T 17 S, R 47 E, W.M.; 350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 amount of water used for irrigation, together with the amount secured under any 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 4.0 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:

NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	18.5 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.4 ACRES

SECTION 2

NW $\frac{1}{4}$ NE $\frac{1}{4}$	19.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	23.0 ACRES

SECTION 11

SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.6 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.6 ACRES

SECTION 12

NE $\frac{1}{4}$ SW $\frac{1}{4}$	38.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.4 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.4 ACRES

SECTION 16

TOWNSHIP 17 SOUTH, RANGE 46 EAST, W.M.

SE¼ NW¼ 1.2 ACRES

NE¼ SW¼ 1.4 ACRES

SECTION 21

TOWNSHIP 17 SOUTH, RANGE 46 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The SECOND right to be modified, as evidenced by a PORTION of Certificate 94023, was perfected under Permit 33944 with a date of priority of OCTOBER 25, 1968. The right allows the use of SNAKE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 97.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.43 cubic feet per second, if available at the authorized point of diversion: LOT 1 (NE¼ NW¼), SECTION 21, T 17 S, R 47 E, W.M.; 350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER, SECTION 21, 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 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 4.0 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:

NE $\frac{1}{4}$  SE $\frac{1}{4}$  14.7 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  3.4 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  5.1 ACRES

SECTION 10

NW $\frac{1}{4}$  NW $\frac{1}{4}$  4.9 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  9.6 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  20.8 ACRES

SECTION 11

SW $\frac{1}{4}$  NW $\frac{1}{4}$  9.2 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  29.6 ACRES

SECTION 21

TOWNSHIP 17 SOUTH, RANGE 46 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The THIRD right to be modified, as evidenced by a PORTION of Certificate 76944, was perfected under Permit 31231 with a date of priority of JUNE 27, 1966. The right allows the use of SNAKE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 70.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.45 cubic feet per second, if available at the authorized point of diversion: LOT 1 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), SECTION 21, T 17 S, R 47 E, W.M.; 350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER, SECTION 21, 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 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 4.0 acre-feet for each acre irrigated during the irrigation season of each year. The irrigation season under this right is limited to March 1 to October 31 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:

<del>SWSW</del> <del>NE¼</del> <del>SE¼</del>	39.6 ACRES
SWSW NW¼ SE¼	30.3 ACRES
SW¼ SE¼	0.8 ACRE

SECTION 23

TOWNSHIP 17 SOUTH, RANGE 46 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The FOURTH right to be modified, as evidenced by a PORTION of Certificate 76948, was perfected under Permit 339441 with a date of priority of OCTOBER 25, 1968. The right allows the use of SNAKE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 324.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.1 cubic feet per second, if available at the authorized point of diversion: LOT 1 (NE¼ NW¼), SECTION 21, T 17 S, R 47 E, W.M.; 350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER, SECTION 21, 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 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 4.0 acre-feet for each acre irrigated during the irrigation season of each year. The irrigation season under this right is limited to March 1 to October 31 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:

SE $\frac{1}{4}$  SE $\frac{1}{4}$  8.3 ACRES  
SECTION 20

SW $\frac{1}{4}$  SW $\frac{1}{4}$  18.4 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  36.5 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  19.8 ACRES  
SECTION 21

NE $\frac{1}{4}$  NE $\frac{1}{4}$  13.8 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  12.0 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  29.4 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  18.4 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  32.2 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  39.6 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  34.6 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  23.7 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  17.1 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  20.2 ACRES

SECTION 28

TOWNSHIP 17 SOUTH, RANGE 46 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The FIFTH right to be modified, as evidenced by a PORTION of Certificate 74021, was perfected under Permit 33946 with a date of priority of OCTOBER 25, 1968. The right allows the use of the MALHEUR RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 40.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.02 cubic feet per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 10, T 18 S, R 46 E, W.M.; 510 FEET SOUTH AND 600 FEET WEST FROM THE NE CORNER, SECTION 10, 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 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 3.0 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:

NE $\frac{1}{4}$  SW $\frac{1}{4}$         25.2 ACRES

NW $\frac{1}{4}$  SE $\frac{1}{4}$         15.4 ACRES

SECTION 26

TOWNSHIP 17 SOUTH, RANGE 46 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The SIXTH right to be modified, as evidenced by a PORTION of Certificate 74022, was perfected under Permit 33945 with a date of priority of OCTOBER 25, 1968. The right allows the use of the

SNAKE RIVER, a tributary of the COLUMBIA RIVER, for SUPPLEMENTAL IRRIGATION OF 40.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.69 cubic foot per second, if available at the authorized point of diversion: LOT 1 (NE¼ NW¼), SECTION 21, T 17 S, R 47 E, W.M.; 350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER, SECTION 21, 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 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 4.0 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:

NE¼ SW¼        25.2 ACRES  
NW¼ SE¼        15.4 ACRES  
SECTION 26  
TOWNSHIP 17 SOUTH, RANGE 46 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The applicant proposes to **temporarily** change the place of use to:

CERTIFICATE 75566  
SW¼ SW¼        13.1 ACRES  
SECTION 1  
TOWNSHIP 17 SOUTH, RANGE 46 EAST, W.M.



SE $\frac{1}{4}$  SE $\frac{1}{4}$  12.3 ACRES  
SECTION 2

NE $\frac{1}{4}$  NW $\frac{1}{4}$  6.4 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  19.4 ACRES  
SECTION 12

NE $\frac{1}{4}$  NE $\frac{1}{4}$  19.1 ACRES  
SECTION 20

NW $\frac{1}{4}$  SW $\frac{1}{4}$  39.0 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  0.8 ACRE  
SECTION 26

NE $\frac{1}{4}$  SW $\frac{1}{4}$  26.8 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  27.4 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  39.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  29.2 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  25.4 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  28.0 ACRES  
SECTION 27

NE $\frac{1}{4}$  NE $\frac{1}{4}$  27.6 ACRES  
SECTION 34

NW $\frac{1}{4}$  NW $\frac{1}{4}$  23.4 ACRES  
SECTION 35

TOWNSHIP 17 SOUTH, RANGE 46 EAST, W.M.

CERTIFICATE 74023

NE $\frac{1}{4}$  NE $\frac{1}{4}$  12.4 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  32.3 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  12.6 ACRES

SECTION 34

TOWNSHIP 17 SOUTH, RANGE 46 EAST, W.M.

CERTIFICATE 76944

SW $\frac{1}{4}$  NE $\frac{1}{4}$  7.7 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES  
SECTION 34

SW $\frac{1}{4}$  NW $\frac{1}{4}$  23.0 ACRES  
SECTION 35

TOWNSHIP 17 SOUTH, RANGE 46 EAST, W.M.

CERTIFICATE 76948

NE $\frac{1}{4}$  SW $\frac{1}{4}$  5.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  11.8 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  7.0 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  10.6 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES  
SECTION 28

NE $\frac{1}{4}$  SE $\frac{1}{4}$  9.2 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  37.4 ACRES  
SECTION 29

NE $\frac{1}{4}$  NE $\frac{1}{4}$  2.0 ACRES  
SECTION 32

NE $\frac{1}{4}$  NE $\frac{1}{4}$  26.8 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  32.0 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  14.6 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  7.6 ACRES

SECTION 33

TOWNSHIP 17 SOUTH, RANGE 46 EAST, W.M.

CERTIFICATES 74021 & 74022

NE¼ NE¼ 13.2 ACRES

SECTION 33

NE¼ NW¼ 27.4 ACRES

SECTION 34

TOWNSHIP 17 SOUTH, RANGE 46 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 2003 irrigation season.
3. The proposed place of use shall revert to the authorized place of use at the end of the 2003 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. The use of the remaining water right described by Certificates 75566, 74023, 76944, 76948, 74021 and 74022 shall continue to be used in accordance with the terms and conditions of Certificates 75566, 74023, 76944, 76948, 74021 and 74022.
6. When required by the Department, 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.

WITNESS the signature of the Water Resources

**AUG 26 2003**

Director, affixed \_\_\_\_\_.

  
for Paul R. Cleary, Director