

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 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 9075 submitted by

L&L FARMS

822 HIGHWAY 395 S. #423

HERMISTON, OREGON 97838.

The 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 76930. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 228 and Volume 15, at Page 429 under the name of Courtney Irrigation Company. The date of priority is JANUARY 9, 1900 FOR 41.7 ACRES AND 1900 FOR 85.1 ACRES.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 126.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.59 CUBIC 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.

PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the Umatilla River.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE W $\frac{1}{4}$ CORNER, SECTION 21.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) from MARCH 1 TO NOVEMBER 1 and subject to the limitations of paragraph 32 of the Umatilla River Decree for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

<u>JANUARY 9, 1900</u>		<u>1900</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$		10.1 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		10.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		8.6 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		11.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.1 ACRES	13.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	17.0 ACRES	22.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.7 ACRES	7.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.9 ACRES	2.0 ACRES
SECTION 12		
TOWNSHIP 3 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 and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to TEMPORARILY change the place of use to:

	<u>JANUARY 9, 1900</u>	<u>1900</u>
NE¼ NW¼		31.7 ACRES
NW¼ NW¼		31.7 ACRES
SW¼ NW¼	10.0 ACRES	21.7 ACRES
SE¼ NW¼	31.7 ACRES	
SECTION 4		
TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.		

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

1. These changes are temporary. These changes 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 2002 irrigation season.

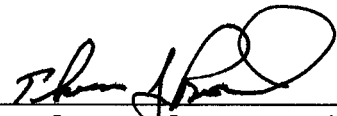
The portions of the water rights evidenced by T-6532 (Permit G-6574), Permit G-12438 and Permit 7400 appurtenant to the former place of use shall **not** be used during the 2002 irrigation season.

3. The use shall revert to the authorized place of use at the end of the 2002 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. **Prior** to using water in the proposed location, 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.
6. The use of the remaining water right described by Certificate 76930 shall continue to be in accordance with the terms and conditions of Certificate 76930.

WITNESS the signature of the Water Resources

Director, affixed JUL 17 2002.


Paul R. Cleary, Director