

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE,
AND POINTS OF DIVERSION

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, TRANSFER 8177 submitted by

MICHAEL D. McCARTY
23946 McCARTY RANCH LANE
ECHO, OREGON 97826.

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 2676. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1878.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 1.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the authorized points of diversion: McCARTY AND THOMSON DITCHES, 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, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season, January 1 to September 1, of each year.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 ACRE

SECTION 14
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

The second 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 67877. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1903.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 6.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 cubic foot per second, if available at the authorized points of diversion: MIDDLE, LOWER, AND UPPER DITCHES, 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, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.2 ACRES
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SECTION 15

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE
SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.5 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.8 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 ACRE

SECTION 22
TOWNSHIP 2 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 and is subject to all other conditions and limitations contained in the decree.

The third 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 2675. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1903.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 1.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized point of diversion, 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, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 ACRE

SECTION 15

TOWNSHIP 22 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 and is subject to all other conditions and limitations contained in the decree.

The fourth 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 74795. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1904.

The right allows the use of BUTTER CREEK and SPRINGS, a tributary of the UMATILLA RIVER, for IRRIGATION of 0.2 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.004 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 27, T 2 N, R 27 E, WM; POD 1 - 340 FEET NORTH AND 170 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 27, 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, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRE
SECTION 15
TOWNSHIP 2 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 and is subject to all other conditions and limitations contained in the decree.

The fifth right to be modified, as evidenced by a PORTION of Certificate 68349, was perfected under Permit U-425 with a date of priority of MARCH 4, 1952. The right allows the use of a WELL, in the BUTTER CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 3.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the original well; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, T 2 N, R 27 E, WM, 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 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 $\frac{1}{4}$	0.4 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 ACRE

SECTION 14

SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 ACRE

SECTION 15

TOWNSHIP 2 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 sixth right to be modified, as evidenced by a PORTION of Certificate 38847, was perfected under Permit G-3558 with a date of priority of JANUARY 13, 1967. The right allows the use of a WELL, in the BUTTER CREEK BASIN, for IRRIGATION of 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the original well; NW¼ NW¼, SECTION 22, T 2 N, R 27 E, WM; 730 FEET SOUTH AND 930 FEET EAST FROM THE NW CORNER, SECTION 27, 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, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and the right allowed herein shall not authorize appropriation from the aquifer supplying those well described in the State Engineer's Ground Water Report No. 11 as "Deep Wells in Basalt" unless appropriation are permitted in the final order of the State Engineer declaring that aquifer a critical ground water area.

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

The authorized place of use is as follows:

SE¼ SE¼ 1.2 ACRES
SECTION 15

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.8 ACRE
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.8 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.2 ACRE

SECTION 22

TOWNSHIP 2 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 seventh right to be modified, as evidenced by a portion of Certificate 38876, was perfected under Permit 34247 with a date of priority of MARCH 21, 1969. The right allows the use of WASTE WATER, a tributary of BUTTER CREEK, for SUPPLEMENTAL IRRIGATION of 1.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 ACRES cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 15; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, T 2 N, R 27 E, WM; 1 - 1330 FEET NORTH AND 2610 FEET WEST; 2 - 1350 FEET NORTH AND 30 FEET WEST; 3 - 10 FEET NORTH AND 10 FEET EAST; ALL FROM THE SE CORNER, SECTION 15, 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 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, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing from the same land and shall not exceed the limitation allowed herein and shall also be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of the waste water.

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 $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 ACRE

SECTION 15

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 eighth right to be modified, as evidenced by a PORTION of Certificate 67878, was perfected under Permit G-7145 with a date of priority of NOVEMBER 15, 1976. The right allows the use of a WELL, in the BUTTER CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 8.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 15, T 2 N, R 27 E, WM; 1380 FEET NORTH AND 210 FEET WEST FROM THE SE CORNER, SECTION 15, 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 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 $\frac{1}{4}$	0.4 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 ACRE

SECTION 14

SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.2 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.2 ACRES

SECTION 15

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 ACRES

SECTION 22

TOWNSHIP 2 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 ninth right to be modified, as evidenced by Permit 46499 with a date of priority of OCTOBER 16, 1968. The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of 10.8 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 0.21 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 27, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 2 N, R 27 E, WM; DIVERSION O - 340 FEET NORTH AND 170 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 27; DIVERSION P - 20 FEET NORTH AND 40 FEET WEST FROM THE W $\frac{1}{4}$ CORNER, SECTION 27, 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 place of use is located as follows:

Mike McCarty owner James A. McCarty decree Certificate 2675	M.S. Corrigan Decree Certificate 22981
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRE	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.9 ACRE	SECTION 15
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.8 ACRE	Ed Johnson, Owner
SECTION 15	C.P. Bowman Decree
Elizabeth McCarty Decree Certificate 2676	Certificate 2653
	Transfer 3491
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.4 ACRE	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.7 ACRE	SECTION 15
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.8 ACRE	
SECTION 14	

NE¼ NE¼	1.0 ACRE
SW¼ NE¼	0.5 ACRE
SE¼ NE¼	2.4 ACRES
SW¼ NW¼	0.6 ACRE
SE¼ NW¼	0.8 ACRE
NE¼ SW¼	0.4 ACRE

SECTION 22

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 2676

NE¼ SE¼ 1.9 ACRES

CERTIFICATE 67877

SW¼ SE¼ 1.0 ACRE
SE¼ SE¼ 5.9 ACRES

CERTIFICATE 2675

SE¼ SE¼ 1.8 ACRES

CERTIFICATE 74795

NE¼ SE¼ 0.2 ACRE

CERTIFICATE 68349

NE¼ SE¼ 1.9 ACRES
SE¼ SE¼ 1.8 ACRES

CERTIFICATE 38847

SW¼ SE¼ 1.0 ACRE
SE¼ SE¼ 4.0 ACRES

CERTIFICATE 38876

SE¼ SE¼ 1.8 ACRES

CERTIFICATE 67878

NE¼ SE¼ 2.1 ACRES
SW¼ SE¼ 0.9 ACRE
SE¼ SE¼ 5.5 ACRES

PERMIT 46499

NE¼ SE¼ 2.1 ACRES
SW¼ SE¼ 1.0 ACRE
SE¼ SE¼ 7.7 ACRES

SECTION 14

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

