

STATE OF OREGON

COUNTY OF MORROW

ORDER APPROVING A CHANGE IN PLACE OF USE
AND PARTIAL CANCELLATION OF A WATER RIGHT

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 9291 submitted by

MAX E. HELLBERG
81300 WEST SIXTH ROAD
IRRIGON, OREGON 97844.

The right to be modified, as evidenced by a PORTION of Certificate 58870, was perfected under Permit G-8356 with a date of priority of OCTOBER 5, 1978. The right allows the use of A WELL, within the COLUMBIA RIVER BASIN, for IRRIGATION OF 35.86 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.447 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 26, T 5 N, R 26 E, W.M.; 1610 FEET SOUTH AND 70 FEET WEST FROM THE N $\frac{1}{4}$ CORNER, SECTION 26, or its equivalent in case of rotation, measured at the well.

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 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 $\frac{1}{4}$ NE $\frac{1}{4}$	18.40 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.43 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.03 ACRES

SECTION 26

TOWNSHIP 5 NORTH, RANGE 26 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 to:

NW $\frac{1}{4}$ NE $\frac{1}{4}$	19.00 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.86 ACRES

SECTION 26

TOWNSHIP 5 NORTH, RANGE 26 EAST, W.M.

PARTIAL CANCELLATIONS OF THE RIGHT EVIDENCED BY CERTIFICATE 58870

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

On July 18, 2002, the Water Resources Department received a voluntary cancellation affidavit from Max Hellberg (as seen in T-9133), the legal owner of the land in which the water right is appurtenant to. The affidavit states that a portion of the water right has been abandoned, requests said portion be canceled and authorizes the cancellation of a portion of the certificate. The abandoned water right is:

A portion of the right described by Certificate 58870, State Record of Water Right Certificates. The abandoned water right is for the use of 0.036 cubic foot per second from a well within the Columbia River basin. The date of priority is October 5, 1978. The abandoned portion of this right is for the irrigation of 2.89 acres.

On March 5, 2003, the Water Resources Department received a voluntary cancellation affidavit from the County of Morrow, signed by Judge Tallman. The County of Morrow affirms that they are the legal owners of the land in which the water right is appurtenant to. The affidavit further states that a portion of the water right has been abandoned and authorizes the cancellation of a portion of the certificate. The abandoned water right is:

A portion of the right described by Certificate 58870, State Record of Water Right Certificates. The abandoned water right is for the use of 0.126 cubic foot per second from a well within the Columbia River basin. The date of priority is October 5, 1978. The abandoned portion of this right is for the irrigation of 10.05 acres.

On March 10, 2003, the Water Resources Department received a voluntary cancellation affidavit from the State of Oregon, Department of Transportation, signed by Deolinda Jones, Right of Way Manager, ODOT. The Department of Transportation affirms that they are the legal owners of the land in which the water right is appurtenant to. The affidavit further states that a portion of the water right has been abandoned and authorizes the

cancellation of a portion of the certificate. The abandoned water right is:

A portion of the right described by Certificate 58870, State Record of Water Right Certificates. The abandoned water right is for the use of 0.175 cubic foot per second from a well within the Columbia River basin. The date of priority is October 5, 1978. The abandoned portion of this right is for the irrigation of 14.0 acres.

On May 12, 2003, the Water Resources Department received a voluntary cancellation affidavit from the CIT Group, out of Oklahoma City, signed by an authorized agent for the repossessed land. This company affirms that they are the legal owners of the land in which the water right is appurtenant to. The affidavit further states that a portion of the water right has been abandoned and authorizes the cancellation of a portion of the certificate. The abandoned water right is:

A portion of the right described by Certificate 58870, State Record of Water Right Certificates. The abandoned water right is for the use of 0.0126 cubic foot per second from a well within the Columbia River basin. The date of priority is October 5, 1978. The abandoned portion of this right is for the irrigation of 1.0 acre.

The abandoned portions of Certificate 58870 as described above are located:

(Tax Lot 203)NE¼ NW¼	0.57 ACRES	(Hellberg)
(Tax Lot 203)SE¼ NW¼	2.32 ACRES	(Hellberg)
(Tax Lot 202)SE¼ NW¼	1.00 ACRE	(CIT GROUP)
(Tax Lot 206)SE¼ NW¼	10.05 ACRES	(County of Morrow)
(Tax Lot 205)SE¼ NW¼	4.00 ACRES	(ODOT)
(Tax Lot 207)SE¼ NW¼	10.00 ACRES	(ODOT)

SECTION 26

TOWNSHIP 5 NORTH, RANGE 26 EAST, W.M.

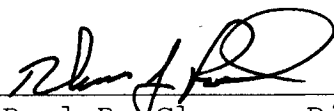
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2004.
2. 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.
3. The former place of use shall no longer be irrigated as part of this water right.

Certificate 58870 is canceled. 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 31, 2003.



For Paul R. Cleary, Director