

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE
AND ADDITIONAL POINTS 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 6787 submitted by

RICK L. HALE, DOUGLAS L. HALE,
AND ROBERT C. HALE
P.O. BOX 110
HERMISTON, OREGON 97838.

The FIRST right to be modified, as evidenced by a portion of Certificate 74896, was perfected under Permit G-2415 with a date of priority of APRIL 8, 1963. The right allow the use of water from WELLS 1, 2, 4, 6 and 7, within the STAGE GULCH BASIN, for the IRRIGATION OF 349.59 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 2.08 CUBIC FEET PER SECOND, if available at the original well; NW¼ SW¼, SECTION 7, T 3 N, R 30 E, W.M., or its equivalent in case of rotation, measured at the well.

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 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, T 3 N, R 30 E, W.M.; 4340 FEET NORTH AND 1830 FEET WEST FROM THE S $\frac{1}{4}$ CORNER, SECTION 7;

WELL 2 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 6, T 3 N, R 30 E, W.M.; 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER, SECTION 6;

WELL 4 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T 3 N, R 29 E, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 2;

WELL 6 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 3 N, R 29 E, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 11;

WELL 7 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, T 3 N, R 29 E, W.M.; 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER, SECTION 12.

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

The authorized place of use is as follows: (ATTACHMENT "D")

PERMIT G-2415

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.50 ACRE

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.20 ACRE

SECTION 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.00 ACRE

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.89 ACRE

SECTION 12

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 16.60 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23.80 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.40 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.50 ACRES

SECTION 6

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.80 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 41.30 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.00 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33.20 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 48.40 ACRES

SECTION 7

TOWNSHIP 3 NORTH, RANGE 30 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 AN ADDITIONAL POINT OF APPROPRIATION to existing Permit G-2415 located:

HALE WELL 5 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, T 3 N, R 29 E, W.M.;
60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER, SECTION 11.

The SECOND right to be modified, again, as evidenced by a portion of Certificate 74896, was perfected under Permit G-2415 with a date of priority of APRIL 8, 1963. The right allow the use of water from WELLS 1, 2, 4, 6 and 7, within the STAGE GULCH BASIN, for the IRRIGATION OF 61.3 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.37 CUBIC FOOT PER SECOND, if available at the original well; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 7, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL 1 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, T 3 N, R 30 E, W.M.; 4340 FEET
NORTH AND 1830 FEET WEST FROM THE S $\frac{1}{4}$ CORNER, SECTION 7;

WELL 2 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 6, T 3 N, R 30 E, W.M.; 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER, SECTION 6;

WELL 4 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T 3 N, R 29 E, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 2;

WELL 6 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 3 N, R 29 E, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 11;

WELL 7 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, T 3 N, R 29 E, W.M.; 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER, SECTION 12.

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

The third right to be modified, as evidenced by a portion of Certificate 74897, was perfected under Permit G-4969 with a date of priority of JUNE 8, 1971. The right allow the use of water from WELLS 1, 2, 3, 4, 6 and 7, within the STAGE GULCH BASIN, for SUPPLEMENTAL IRRIGATION OF 61.3 ACRES. The right is limited to an amount actually beneficially used and shall not exceed 0.57 CUBIC FOOT PER SECOND, if available at the original wells; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 6 (WELL 2) and SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 7 (WELL 3), or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

WELL 1 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, T 3 N, R 30 E, W.M.; 4340 FEET FEET NORTH AND 1830 FEET WEST FROM THE S $\frac{1}{4}$ CORNER, SECTION 7;

WELL 2 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 6, T 3 N, R 30 E, W.M.; 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER, SECTION 6;

WELL 3 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 7, T 3 N, R 30 E, W.M.; 1420 FEET SOUTH AND 40 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 7;

WELL 4 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T 3 N, R 29 E, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 2;

WELL 6 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 3 N, R 29 E, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 11;

WELL 7 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, T 3 N, R 29 E, W.M.; 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER, SECTION 12.

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

The authorized place of use is as follows: (ATTACHMENT "D")

PERMITS G-2415 (primary) & G-4969 (supplemental)

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.80 ACRE	0.80 ACRE
SECTION 1		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.00 ACRE	1.00 ACRE
SECTION 12		
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.		
	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	21.00 ACRES	21.00 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.50 ACRES	10.50 ACRES
SECTION 6		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	18.60 ACRES	18.60 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.40 ACRES	9.40 ACRES
SECTION 7		
TOWNSHIP 3 NORTH, RANGE 30 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 AN ADDITIONAL POINT OF APPROPRIATION to each existing permit located:

HALE WELL 5 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11, T 3 N, R 29 E, W.M.; 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER, SECTION 11.

The applicant also proposes to CHANGE THE PLACE OF USE to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.50 ACRE	8.50 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.00 ACRE	5.00 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.40 ACRE	33.40 ACRE
SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.40 ACRE	14.40 ACRE

SECTION 10

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The FOURTH right to be modified, again, as evidenced by a portion of Certificate 74897, was perfected under Permit G-4969 with a date of priority of JUNE 8, 1971. The right allows the use of HALE WELLS: WELL #1, WELL #2, WELL #3, WELL #4, WELL #6 and WELL #7, all located within the STAGE GULCH BASIN, for IRRIGATION of 208.7 ACRES. The right is limited to 1.94 CUBIC FEET PER SECOND, if available at the original wells; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 6 (WELL #2), SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 7 (WELL 3), or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Well 1 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 3 North, Range 30 East, W.M.; 4340 Feet North and 1830 Feet West from the S $\frac{1}{4}$ Corner, Section 7;

Well 2 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 3 North, Range 30 East, W.M.; 2010 Feet North and 1330 Feet East from the SW Corner, Section 6;

WELL 3 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 7, T 3 N, R 30 E, W.M.; 1420 FEET SOUTH AND 40 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 7;

Well 4 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 3 North, Range 29 East, W.M.; 180 Feet North and 260 Feet West from the E $\frac{1}{4}$ Corner, Section 2;

Well 6 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 3 North, Range 29 East, W.M.; 132 Feet North and 2190 Feet West from the E $\frac{1}{4}$ Corner, Section 11;

Well 7 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 3 North, Range 29 East, W.M.; 1010 Feet South and 40 Feet East from the Northwest Corner, Section 12.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 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 as follows: **(ATTACHMENT "F")**

Permit G-4969

NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.70 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.90 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.40 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	25.70 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.90 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.20 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.50 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	28.60 ACRES

SECTION 1

SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.00 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.60 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.80 ACRES

SECTION 12
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

NW¼ NW¼	7.70 ACRES
SW¼ NW¼	5.20 ACRES
NE¼ SW¼	2.50 ACRES

SECTION 6

TOWNSHIP 3 NORTH, RANGE 30 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 AN ADDITIONAL POINT OF APPROPRIATION to existing Permit G-4969 located:

WELL 5 - SE¼ SE¼, SECTION 11, T 3 N, R 29 E, W.M.; 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER, SECTION 11.

The applicant also proposes to CHANGE THE PLACE OF USE to:

SW¼ NW¼	0.30 ACRE
SE¼ NW¼	15.80 ACRES
NE¼ SW¼	35.00 ACRES
NW¼ SW¼	9.10 ACRES
SW¼ SW¼	1.10 ACRES
SE¼ SW¼	22.40 ACRES

SECTION 10

SW¼ NE¼	18.30 ACRES
SW¼ NW¼	3.40 ACRES
SE¼ NW¼	32.50 ACRES
NE¼ SW¼	38.00 ACRES
NW¼ SW¼	5.50 ACRES
SE¼ SW¼	1.70 ACRES
NW¼ SE¼	25.10 ACRES
SW¼ SE¼	0.50 ACRE

SECTION 15

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

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 combined quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully authorized by the water right.
3. **Prior** to diverting water from the new points of appropriation (wells), 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.

The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.

4. Water shall be acquired from the same aquifer as the original points of appropriation.

Certificates 74896 and 74897 are canceled. When satisfactory proof of the completed changes under this transfer and transfer application T-6775 are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 31, 2003 .



for Paul R. Cleary, Director