

**STATE OF OREGON**

**COUNTY OF UMATILLA**

**ORDER APPROVING 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 6775 submitted by

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AND ROBERT C. HALE  
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The FIRST 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 the IRRIGATION OF 670.61 ACRES and SUPPLEMENTAL IRRIGATION OF 349.59 ACRES.

**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 amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 9.49 CUBIC FEET PER SECOND, BEING 4.745 CFS FROM WELLS 1, 2, 4, 6 and 7, and 4.745 CFS FROM WELL 3, if available at the original wells NW¼ SW¼, SECTION 6 (WELL 2) and SW¼ SW¼, SECTION 7 (WELL 3), both located within T 3 N, R 30 E, W.M., or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

WELL 1 - NW¼ NW¼, Section 7, T 3 N, R 30 E, W.M.; 4340 FEET NORTH AND 1830 FEET WEST FROM THE S¼ CORNER, SECTION 7;

WELL 2 - NW¼ SW¼, 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 - SW¼ SW¼, SECTION 7, T 3 N, R 30 E, W.M.; 1420 FEET SOUTH AND 40 FEET EAST FROM THE W¼ CORNER, SECTION 7;

WELL 4 - SE¼ NE¼, SECTION 2, T 3 N, R 29 E, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E¼ CORNER, SECTION 2;

WELL 6 - SW¼ NE¼, SECTION 11, T 3 N, R 29 E, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E¼ CORNER, SECTION 11;

WELL 7 - NW¼ NW¼, 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:

**PERMIT G-4969 (ATTACHMENT "A")**

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE¼ NE¼	14.30 ACRES	
NW¼ NE¼	25.10 ACRES	
SW¼ NE¼	26.60 ACRES	
SE¼ NE¼	14.30 ACRES	
NE¼ SE¼	8.60 ACRES	0.50 ACRE
NW¼ SE¼	35.80 ACRES	
SW¼ SE¼	18.50 ACRES	
SE¼ SE¼	10.40 ACRES	0.20 ACRE

SECTION 1  
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE¼ NE¼	39.00 ACRES	1.00 ACRE
NW¼ NE¼	40.00 ACRES	
SW¼ NE¼	30.00 ACRES	
SE¼ NE¼	23.40 ACRES	
NE¼ SE¼	39.11 ACRES	0.89 ACRE
NW¼ SE¼	40.00 ACRES	
SW¼ SE¼	12.80 ACRES	
SE¼ SE¼	15.20 ACRES	

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

NE¼ NW¼	32.80 ACRES	
NW¼ NW¼	46.10 ACRES	
SW¼ NW¼	49.20 ACRES	
SE¼ NW¼	40.00 ACRES	
NE¼ SW¼	20.90 ACRES	16.60 ACRES
NW¼ SW¼	32.60 ACRES	23.80 ACRES
SW¼ SW¼		36.40 ACRES
SE¼ SW¼		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 $\frac{1}{4}$	6.80 ACRES	33.20 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	9.50 ACRES	48.40 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.60 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 SIX ADDITIONAL POINTS OF APPROPRIATION 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;

COPPINGER WELL 1 - SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 24, T 3 N, R 29 E, W.M.; 20 FEET NORTH AND 1570 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 24;

COPPINGER WELL 2 - SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 24, T 3 N, R 29 E, W.M.; 960 FEET NORTH AND 30 FEET WEST FROM E $\frac{1}{4}$  CORNER, SECTION 24;

COPPINGER WELL 3 - NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 23, T 3 N, R 29 E, W.M.; 3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER, SECTION 23;

BROGOITTI WELL 1 - NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 30, T 3 N, R 30 E, W.M.; 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER, SECTION 30;

BROGOITTI WELL 2 - SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 20, T 3 N, R 30 E, W.M.; 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER, SECTION 20.

The SECOND right to be modified, as evidenced by Certificate 74898, was perfected under Permit G-5215 with a date of priority of FEBRUARY 16, 1973. The right allows the use of HALE WELLS:

WELL #1, WELL #2, WELL #4, WELL #6 and WELL #7, all located within the STAGE GULCH BASIN, for IRRIGATION of 837.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 206.6 ACRES. The right is limited to 9.30 CUBIC FEET PER SECOND, if available at the original wells; SE¼ NE¼, SECTION 2 (WELL #4), NW¼ NW¼, SECTION 12 (WELL 7), T 3 N, R 29 E, W.M., or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Well 1 - NW¼ NW¼, SECTION 7, TOWNSHIP 3 NORTH, RANGE 30 EAST, W.M.; 4340 FEET NORTH AND 1830 FEET WEST FROM THE S¼ CORNER, SECTION 7;

WELL 2 - NW¼ SW¼, SECTION 6, TOWNSHIP 3 NORTH, RANGE 30 EAST, W.M.; 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER, SECTION 6;

WELL 4 - SE¼ NE¼, SECTION 2, TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.; 180 FEET NORTH AND 260 FEET WEST FROM THE E¼ CORNER, SECTION 2;

WELL 6 - SW¼ NE¼, SECTION 11, TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.; 132 FEET NORTH AND 2190 FEET WEST FROM THE E¼ CORNER, SECTION 11;

WELL 7 - NW¼ NW¼, SECTION 12, TOWNSHIP 3 NORTH, RANGE 29 EAST, 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:

Permit G-5215 (ATTACHMENT "B")

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$	35.80 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.70 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.20 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.40 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.00 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.70 ACRES	1.3 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 ACRES	
SECTION 1		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	29.30 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.00 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.30 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.10 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	26.90 ACRES	0.20 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.10 ACRES	0.90 ACRE
SECTION 2		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		40.00 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		36.40 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		24.40 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		39.00 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.70 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.70 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.20 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	26.00 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.40 ACRES	2.00 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.00 ACRE	0.10 ACRE
SECTION 11		

NE¼ NW¼	32.60 ACRES	
NW¼ NW¼	4.10 ACRES	27.60 ACRES
SW¼ NW¼	3.10 ACRES	32.80 ACRES
SE¼ NW¼	36.70 ACRES	
NE¼ SW¼	28.30 ACRES	
NW¼ SW¼	23.50 ACRES	1.90 ACRES

# SECTION 12

TOWNSHIP 3 NORTH, RANGE 29 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 located:

HALE 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 THIRD right to be modified, as evidenced by Certificate 65485, was perfected under Permit G-5215 with a date of priority of February 16, 1973. The right allows the use of TWO WELLS within the UMATILLA RIVER BASIN, for IRRIGATION of 786.8 ACRES. The right is limited to 5.94 CUBIC FEET PER SECOND (CFS); BEING 2.90 CFS FROM WELL 5 AND 3.04 CFS FROM WELL 8, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SE¼ SE¼, SECTION 11, SW¼ NW¼, SECTION 14, T 3 N, R 29 E, W.M.; WELL 5 - 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER, SECTION 11; WELL 8 - 1350 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF THE NW¼ NW¼, SECTION 14.

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:

**PERMIT G-5215 (ATTACHMENT "C")**

NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	25.8 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	30.7 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.6 ACRES

SECTION 11

NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.1 ACRE
SW $\frac{1}{4}$ SW $\frac{1}{4}$	29.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	24.4 ACRES

SECTION 12

NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.4 ACRES

SECTION 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	31.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	26.9 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	26.0 ACRES

SECTION 14

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



The applicant proposes SIX ADDITIONAL POINTS OF APPROPRIATION located:

HALE 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;

COPPINGER WELL 1 - SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 24, T 3 N, R 29 E, W.M.; 20 FEET NORTH AND 1570 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 24;

COPPINGER WELL 2 - SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 24, T 3 N, R 29 E, W.M.; 960 FEET NORTH AND 30 FEET WEST FROM E $\frac{1}{4}$  CORNER, SECTION 24;

COPPINGER WELL 3 - NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 23, T 3 N, R 29 E, W.M.; 3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER, SECTION 23;

BROGOITTI WELL 1 - NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 30, T 3 N, R 30 E, W.M.; 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER, SECTION 30;

BROGOITTI WELL 2 - SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 20, T 3 N, R 30 E, W.M.; 100 FEET NORTH AND 80 FEET EAST FROM SW CORNER, SECTION 20.

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

1. The proposed changed 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 74897, 74898 and 65485 are canceled. When satisfactory proof of the completed changes under this transfer and transfer application T-6787 are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 31, 2008.

  
for Paul R. Cleary, Director