

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE
AND AN ADDITIONAL POINT OF APPROPRIATION

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 8291 submitted by

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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 63802. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priorities are 1866 for 0.038 CFS, 1870 for 0.077 CFS, 1884 for 0.038 CFS, and 1896 for 0.972 CFS.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 57.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.125 cubic foot per second, if available at the authorized points of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T 2 N, R 27 E, WM; 1330 FEET SOUTH AND 270 FEET EAST FROM THE N $\frac{1}{4}$ CORNER, SECTION 11; 970 FEET NORTH AND 450 FEET WEST FROM THE S $\frac{1}{4}$ CORNER, SECTION 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. the petition for reconsideration must be filed within 60 days after the date this order is served.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, shall be 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 7.3 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.5 ACRES

SECTION 1

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.0 ACRES

SECTION 2

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES

SECTION 11

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 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 an Order of the Water Resources Director, entered November 26, 1997, at Special Order Volume 51, Page 1302, approving TRANSFER 7545. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priorities are 1866 for 0.059 CFS, 1870 for 0.118 CFS, 1884 for 0.059 CFS, and 1896 for 3.983 CFS.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 89.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.737 cubic foot per second, if available at the original points of diversion: SE¼ SW¼, SECTION 11, T 2 N, R 27 E, WM; 970 FEET NORTH AND 450 WEST FROM THE S¼ CORNER, SECTION 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized points of diversion are located as follows:

NE¼ NE¼, NE¼ SE¼, SECTION 2, SE¼ SW¼, SECTION 11, T 2 N, R 27 E, WM; 1290 FEET SOUTH AND 80 FEET WEST FROM THE NE¼ CORNER, SECTION 2; 2920 FEET SOUTH AND 500 FEET WEST FROM THE NE CORNER, SECTION 2; 50 FEET SOUTH AND 350 FEET WEST FROM THE E¼ CORNER, SECTION 2; 970 FEET NORTH AND 450 WEST FROM THE S¼ CORNER, SECTION 11

The authorized place of use is located as follows:

| | | | |
|---------|------------|---------|-----------|
| SW¼ NE¼ | 39.0 ACRES | NE¼ SE¼ | 8.0 ACRES |
| SE¼ NE¼ | 5.0 ACRES | NW¼ SE¼ | 6.0 ACRES |
| SE¼ NW¼ | 31.2 ACRES | | SECTION 2 |
| | SECTION 1 | | |

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

The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district 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.

Water shall be acquired from the same surface water source as the original point of diversion.

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, as evidenced by a PORTION of Certificate 53658, was perfected under Permit G-434 with a date of priority of JANUARY 21, 1957. The right allows the use of WELLS 1 and 2, in the BUTTER CREEK BASIN, for IRRIGATION of 92.0 ACRES and SUPPLEMENTAL IRRIGATION of 89.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.728 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1; NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 2; T 2 N, R 27 E, WM; 1 - 10 FEET NORTH AND 2400 FEET EAST; 2 - 100 FEET SOUTH AND 130 FEET WEST; BOTH FROM THE E $\frac{1}{4}$ CORNER, SECTION 2, 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 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:

PRIMARY WELLS 1 AND 2

| | | | |
|-----------------------------------|-------------|-----------------------------------|-------------|
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 7.48 ACRES | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 6.70 ACRES |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 0.81 ACRE | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 33.30 ACRES |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 7.39 ACRES | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 1.20 ACRES |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 0.30 ACRE | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 17.60 ACRES |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 17.22 ACRES | | SECTION 2 |
| | SECTION 1 | | |

SUPPLEMENTAL WELL 1

| | | | |
|-----------------------------------|-------------|-----------------------------------|------------|
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 39.00 ACRES | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 8.00 ACRES |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 5.00 ACRES | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 6.00 ACRES |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 31.20 ACRES | | SECTION 2 |
| | SECTION 1 | | |

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 fourth right to be modified, as evidenced by a PORTION of Certificate 30742, was perfected under Permit G-1227 with a date of priority of JANUARY 21, 1959. The right allows the use of a WELL, in the UMATILLA RIVER BASIN, for IRRIGATION of 26.0 ACRES and SUPPLEMENTAL IRRIGATION of 17.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.332 cubic foot per second, if available at the original well; NW $\frac{1}{4}$ NW, SECTION 12, 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:

| | <u>PRIMARY</u> | <u>SUPPLEMENTAL</u> |
|-----------------------------------|---------------------------------------|---------------------|
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 2.5 ACRES | 7.3 ACRES |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 13.5 ACRES | 2.5 ACRES |
| | SECTION 1 | |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 10.0 ACRES | 8.0 ACRES |
| | SECTION 2 | |
| | 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 applicant proposes to reduce a portion of the right under Certificate 53658 from primary irrigation to supplemental irrigation.

The applicant proposes to change the place of use to:

| | | |
|-----------------------------------|---------------------------------------|--|
| | <u>CERTIFICATE 63802</u> | |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 8.7 ACRES | |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 31.3 ACRES | |
| | SECTION 5 | |
| | TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M. | |

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.4 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.4 ACRES
SECTION 31
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

TRANSFER 7545

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.5 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.5 ACRES
SECTION 5
TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.9 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.6 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.5 ACRES
SECTION 31
TOWNSHIP 3 NORTH RANGE 28 EAST, W.M.

CERTIFICATE 53658

PRIMARY

REDUCED TO SUPPLEMENTAL

| | | | |
|-----------------------------------|------------|-----------------------------------|------------|
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 31.3 ACRES | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 8.7 ACRES |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 20.7 ACRES | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 31.3 ACRES |

SECTION 5
TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

SUPPLEMENTAL

NW¼ SW¼ 10.5 ACRES
SW¼ SW¼ 22.5 ACRES

SECTION 5
TOWNSHIP 2 NORTH,
RANGE 28 EAST, W.M.

NE¼ SW¼ 33.7 ACRES
NW¼ SW¼ 7.9 ACRES
SW¼ SW¼ 2.6 ACRES
SE¼ SW¼ 2.0 ACRES
NW¼ SE¼ 8.5 ACRES
SW¼ SE¼ 1.5 ACRES

SECTION 31
TOWNSHIP 3 NORTH,
RANGE 28 EAST, W.M.

CERTIFICATE 30742

PRIMARY SUPPLEMENTAL

| | | |
|---------|------------|------------|
| SW¼ SW¼ | 5.2 ACRES | |
| SE¼ SW¼ | 20.8 ACRES | 11.4 ACRES |
| SW¼ SE¼ | | 6.4 ACRES |

SECTION 31
TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

The applicant also proposes to TEMPORARILY add an additional point of appropriation as follows:

NE¼ NE¼, SECTION 7, T 2 N, R 27 E WM; 1040 FEET SOUTH
AND 440 FEET WEST FROM THE NE CORNER, SECTION 7.

The applicant requests this temporary transfer be for the remainder of the 1999 irrigation season.

The Butter Creek Irrigation District has requested cancellation of the District Temporary Transfer 8151, to make way for this temporary transfer. This temporary transfer application is primarily to add an additional point of appropriation and to continue the irrigation described by District Temporary Transfer 8151.

Satisfactory proof of the completed changes approved by Transfer 7545 has been received and approved.

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

1. The change is temporary. The change 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 1999 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 1999 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. The use of the remaining water rights described by Certificates 63802, 53658, 30742, and Transfer 7545 shall continue to be in accordance with the terms and conditions of Certificates 63802, 53658, 30742, and Transfer 7545.

District Temporary Transfer 8151, in the name of Butter Creek Irrigation District, is RESCINDED and of no further force or effect.

WITNESS the signature of the Water Resources Director,

affixed **JUN 23 1999** .



Martha O. Pagel, Director