

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 7240 submitted by

POVERTY ACRES, INC.
ROUTE 2, BOX 2743
HERMISTON, OREGON 97838.

The first right to be modified, as evidenced by Certificate 54562, was perfected under Permit G-5985 with a date of priority of DECEMBER 31, 1973. The right allows the use of WOLFE WELL 1, in the UMATILLA BASIN, for IRRIGATION OF 259.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.25 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, T 5 N, R 28 E, WM; 1000 FEET NORTH AND 600 FEET WEST FROM THE CENTER $\frac{1}{4}$, SECTION 25, 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 second right to be modified, as evidenced by Certificate 54563, was perfected under Permit G-8588 with a date of priority of APRIL 12, 1979. The right allows the use of WOLFE WELL 3, in the UMATILLA BASIN, for IRRIGATION OF 210.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.63 cubic foot per second, if available at the original well;

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 25, T 5 N, R 28 E, WM; 920 FEET SOUTH AND 760 FEET WEST FROM THE CENTER $\frac{1}{4}$, SECTION 25, 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>54562</u>	<u>54563</u>
NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.2 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.9 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.8 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.8 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.5 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.7 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.0 ACRES	21.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	12.2 ACRES	22.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		36.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		36.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	12.4 ACRES	19.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		33.4 ACRES

SECTION 25

NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.4 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.9 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	13.0 ACRES	19.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		22.4 ACRES

SECTION 26

TOWNSHIP 5 NORTH, RANGE 28 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 add additional points of appropriation so that both water rights may be irrigated from any or all of the four wells. The wells are located as follows:

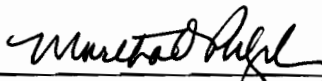
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 25, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.; WELL 1 - 1000 FEET NORTH AND 600 FEET WEST FROM THE CENTER $\frac{1}{4}$, SECTION 25; WELL 3 - 920 FEET SOUTH AND 760 FEET WEST FROM THE CENTER $\frac{1}{4}$, SECTION 25; WELL 5 - 1750 FEET NORTH AND 30 FEET EAST FROM THE SOUTHWEST CORNER, SECTION 25; WELL 6 - 1150 FEET NORTH AND 1250 FEET EAST FROM THE SOUTHWEST CORNER, SECTION 25.

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

1. The proposed change shall be completed on or before October 1, 1998.
2. The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.
3. When required by the Department the water user shall install an in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same aquifer as the original points of appropriation.

Certificates 54562 and 54563 are canceled. When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed AUG 14 1997 .



Martha O. Pagel, Director