

Name Hale Brothers Farms
By Doug Hale
Address Route 1, Box 29-A
Echo, OR 97826

Change in add'l PoD
Date filed April 4, 1976
Date of hearing Aug. 15, 1978
Place of hearing Pendleton
Date of order 2-14-79 Vol. 31, page 630
Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued DEC 29 1989 Vol. _____, page 63802

Summary 3-11

Protested
3921

DESCRIPTION OF WATER RIGHT

Name of stream Butter Creek
Trib. of _____ County of Umatilla
Use _____
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1866-1870-1884-1896
In name of R. N. Stanfield
Butter Creek Adjudication, Vol. 31, page 272
App. No. _____ Per. No. _____ Cert. No. 38775 (T-2354)
Certificate cancelled _____
Notation made on record by JMDB OK Cert

FEES PAID

Date	Amount	Receipt No.
4-4-78	35-	1938
6-16-78	50-	4035
TOTAL . . .		
	Cert. Fee	
EAST OREGONIAN \$40.10 pd 8-14-78 ck #2532		

FEES REFUNDED

Date	Amount	Check No.
8-14-78	990	2531

EX 20-
POD 15-
PON 40.10
75.10

REMARKS

Surveyed 11/18/85

FINIS

T 7900 Dist. Temp. Transfer

Temp T 8709 ΔPOU Sp V 55 p 554

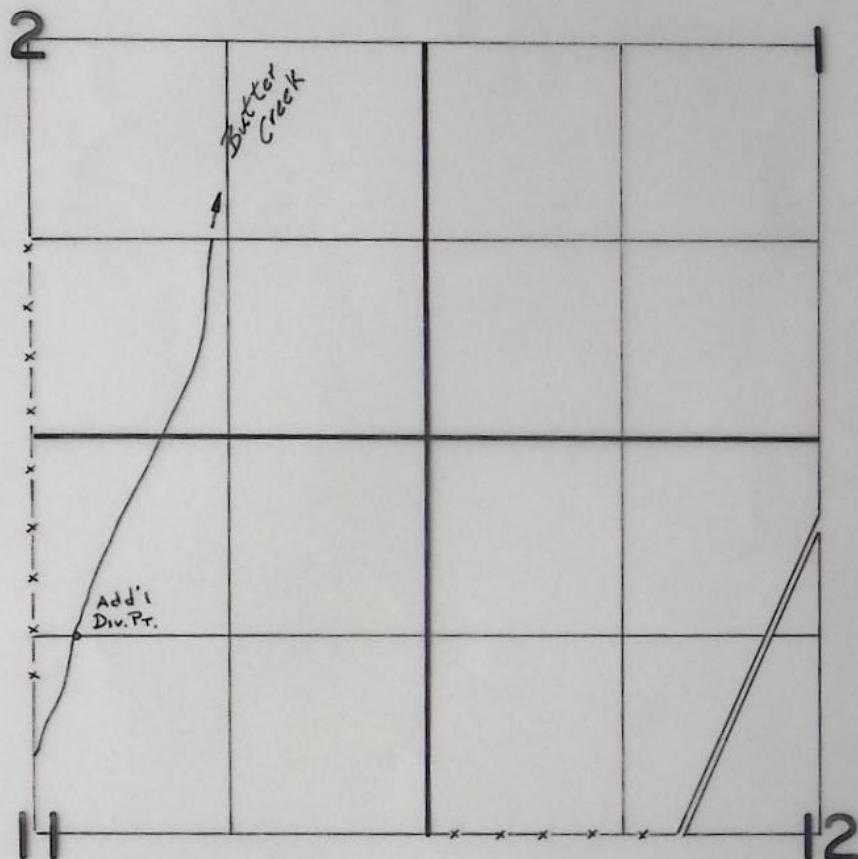
T-9060 ΔPOU

T-9350 ΔPOU/APOA (Temp) V. 57 p. 391

W.R.I.S.	
Assembled 5-17-85	
Entered _____	by _____
Verified _____	by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<i>gcy</i>	_____
<input checked="" type="checkbox"/>	Stream		<i>gcy</i>	_____
<input checked="" type="checkbox"/>	Pt. of Div.		<i>gcy</i>	_____
<input checked="" type="checkbox"/>	Calendar		<i>gcy</i>	_____
<input type="checkbox"/>	CHECKED TO RECORDS:			
<input type="checkbox"/>	Twp. & Rge.		_____	_____
<input checked="" type="checkbox"/>	Land vault		<i>wic</i>	<i>gcy</i>
<input checked="" type="checkbox"/>	Deed-sale		<i>gcy</i>	_____
<input checked="" type="checkbox"/>	Ord. of W/R		<i>wic/gcy</i>	_____
<input type="checkbox"/>	1st order		_____	_____
<input type="checkbox"/>	Order		_____	_____
<input type="checkbox"/>	Order def.		_____	_____
<input type="checkbox"/>	Power Claim		_____	_____
<input checked="" type="checkbox"/>	Abstracts		<i>gcy</i>	_____

T. 2N., R. 27E., W.M.



Add'l Div. Pt. LOCATED 1330'S. & 270'E FROM N $\frac{1}{4}$ COR. SEC. 11

FINAL PROOF SURVEY
UNDER

TRANSFER 3921
IN NAME OF

.....HALE.....BROTHERS.....FARMS.....

Surveyed 11-18..... 19.85., by V. L. Church.....

SCALE 1"=1320'

T-3921

BEFORE THE WATER RESOURCES DEPARTMENT
OF
STATE OF OREGON

COUNTY OF UMATILLA

In the Matter of a Proposed Temporary Change) ORDER
In Place of Use of Water and Additional Points of) APPROVING A
Appropriation — TRANSFER 9350) TEMPORARY TRANSFER

FINDINGS OF FACT

1. Pursuant to ORS 540.523, HALE BROTHERS FARMS, INC., PO Box 110, Hermiston, OR, 97838, submitted a transfer application to the Oregon Water Resources Department to temporarily change the place of use of water and add points of appropriation to facilitate the proposed change in place of use. The transfer application was received on February 14, 2003, and included the required fees.
2. The Department assigned the transfer application number T-9350.
3. The Department published notice of receipt of the temporary transfer application in the Department's Weekly Notice dated March 11, 2003.
4. No comments or timely protests were received in response to the published notice.
5. The first water right to be modified, as evidenced by a portion of Certificate 53666, was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County entered in the Order Record of the Water Resources Department at Volume 3, page 250. The dates of priority are 1866 for 0.216 cubic foot per second (cfs), 1870 for 0.432 cfs, 1884 for 0.216 cfs, and 1896 for 5.484 cfs.

The right allows the use of not more than 6.348 cfs from Butter Creek, tributary to the Umatilla River, for irrigation of 326.0 acres if available at the original point of diversion located in the SE¼ SW¼, Section 11, Township 2 North, Range 27 East; 970 feet North and 450 feet West from the South ¼ Corner, Section 11.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order 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 additional point of diversion authorized by Transfer 7545, from which water will be diverted for the proposed temporary change in place of use, is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 2 North, Range 27 East; 1290 feet South and 80 feet West from the NE Corner, Section 2.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT. #
IR	2N	27E	1	NE NE	100	18.00	1896.	1.
IR	2N	27E	1	NW NE	100	40.00	1896.	1.
IR	2N	27E	2	NE SE	100	11.22	1896	1.
IR	2N	27E	2	NW SE	100	6.00	1896	1.
						75.22		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT. #
IR	2N	28E	8	NE NW	1500	31.50	1896.	1.
IR	2N	28E	8	SE NW	1500	26.50	1896.	1.
IR	2N	28E	5	SW NE	900	6.00	1896	1.
IR	2N	27E	1	NE NE	200	11.22	1896	1.
						75.22		

6. The second water right to be modified, as evidenced by a portion of Certificate 53658, was perfected under Permit G-434. The date of priority is January 21, 1957.

The right allows the use of 4.0 cfs from Wells #1 and #2, tributary to Butter Creek, for irrigation of 96.75 acres and supplemental irrigation of 322.59 acres. The points of appropriation are located as follows:

Well #1 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T 2 N, R 27 E; 10 feet North and 2400 feet East from the East $\frac{1}{4}$ Corner, Section 2.

Well #2 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T 2 N, R 27 E; 100 feet South and 130 feet West from the East $\frac{1}{4}$ Corner, Section 2.

The applicant proposes to add the following points of appropriation to facilitate the proposed changes in place of use:

Hanson Well #1 -NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 2 North, Range 27 East; 10 feet South and 10 feet East from the NW Corner, Section 12.

Hale Sr. Well -NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 2 North, Range 28 East; 1040 feet South and 440 feet West from the NE Corner, Section 7.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT.#
IR	2N	27E	1	NE NE	100	11.22	01-21-1957.	2.
IR	2N	27E	1	SW NE	100	0.81	01-21-1957	2.
IR	2N	27E	1	SE NE	100	7.39	01-21-1957	2.

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT.#
IR	2N	27E	1	NE SE	100	0.30	01-21-1957	2.
IR	2N	27E	1	NW SE	100	17.22	01-21-1957	2.
IR	2N	27E	2	SW NE	100	6.70	01-21-1957	2.
IR	2N	27E	2	SE NE	100	34.20	01-21-1957	2.
IR	2N	27E	2	NE SE	100	1.20	01-21-1957	2.
IR	2N	27E	2	NW SE	100	17.60	01-21-1957	2.
IR(S)	2N	27E	1	NE NE	100	18.00	01-21-1957	1.
IR(S)	2N	27E	1	NW NE	100	40.00	01-21-1957	1.
IR(S)	2N	27E	2	NE SE	100	11.22	01-21-1957	1.
IR(S)	2N	27E	2	NW SE	100	6.00	01-21-1957	1.
						171.86		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT.#
IR	2N	28E	5	SE NE	900	28.50	01-21-1957.	2.
IR	2N	28E	8	NW NW	1501	31.50	01-21-1957.	2.
IR	2N	28E	8	SW NW	1501	31.54	01-21-1957.	2.
IR	2N	28E	8	SE NW	1500	5.10	01-21-1957.	2.
IR(S)	2N	28E	8	NE NW	1500	31.50	01-21-1957	1.
IR(S)	2N	28E	8	SE NW	1500	26.50	01-21-1957	1.
IR(S)	2N	28E	5	SW NE	900	6.00	01-21-1957	1.
IR(S)	2N	27E	1	NE NE	200	11.22	01-21-1957	1.
						171.86		

7. The third water right to be modified, as evidenced by a portion of Certificate 30742, was perfected under Permit G-1227. The date of priority is January 21, 1959.

The right allows the use of a Well, tributary to the Umatilla River, for irrigation of 54.5 acres and supplemental irrigation of 274.0 acres. The authorized point of appropriation is located as follows: Hanson Well #1 -- NW NW , Section 12, Township 2 N, Range 27 E, W.M.

The applicant proposes to add the following points of appropriation to facilitate the proposed change in place of use:

Ammon Well #2 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 2 North, Range 27 East; 100 feet South and 130 feet West from the East $\frac{1}{4}$ Corner, Section 2.

Hale Sr. Well - NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 2 North, Range 28 East; 1040 feet South and 440 feet West from the NE Corner, Section 7.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT. #
IR	2N	27E	1	SE SW	404	2.50	01-21-1959.	3.
IR	2N	27E	1	SW SE	404	13.50	01-21-1959.	3.
IR	2N	27E	2	SW SE	401	10.00	01-21-1959.	3.
IR	2N	27E	12	NW NE	400	1.50	01-21-1959.	3.
IR	2N	27E	12	NE NW	404,400	20.00	01-21-1959.	3.
IR(S)	2N	27E	2	SW SE	401	23.00	01-21-1959	4.
IR(S)	2N	27E	11	NW NE	401	21.00	01-21-1959	4.

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT. #
						91.50		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT. #
IR	2N	28E	5	NE NE	900	31.50	01-21-1959.	3.
IR	2N	28E	5	NW NE	900	13.00	01-21-1959.	3.
IR	2N	28E	5	SE NE	900	3.00	01-21-1959.	3.
IR(S)	2N	28E	5	NW NE	900	18.50	01-21-1959.	4.
IR(S)	2N	28E	5	SW NE	900	25.50	01-21-1959.	4.
						91.50		

8. The fourth water right to be modified, as evidenced by a portion of Certificate 63802, was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County entered in the Order Record of the Water Resources Department at Volume 3, page 250. The dates of priority are 1866 for 0.284 cubic foot per second (cfs), 1870 for 0.568 cfs, 1884 for 0.284 cfs, and 1896 for 7.216 cfs.

The right allows the use of not more than 8.352 cfs from Butter Creek, tributary to the Umatilla River, for domestic and livestock purposes, and irrigation of 429.0 acres if available at the original point of diversion.

The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, T 2 N, R 27 E; 1330 feet South and 270 feet East from the North $\frac{1}{4}$ Corner, Section 11.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT. #
IR	2N	27E	2	SW SE	401	23.00	1896.	4.
IR	2N	27E	11	NW NE	401	21.00	1896.	4.
IR	2N	27E	11	NE SW	1400	22.10	1896	5
IR	2N	27E	11	NE SW	1401	15.40	1896	5.
						81.50		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT. #
IR	2N	28E	5	NW NE	900	18.50	1896	4.
IR	2N	28E	5	SW NE	900	25.50	1896	4.
IR	2N	27E	1	SE SW	404	2.50	1896	5.
IR	2N	27E	1	SW SE	404	13.50	1896	5.
IR	2N	27E	12	NW NE	400	1.50	1896	5.
IR	2N	27E	12	NE NW	400/403	20.00	1896	5.
						81.50		

9. The fifth water right to be modified is evidenced by a portion of Permit 46499. The date of priority is October 16, 1978.

The right allows the use of 108.7 cfs from Butter Creek, tributary to the Umatilla River, for supplemental irrigation between September 2 and December 30 of each year. The point of diversion is located as follows: SE¼ SW¼, Section 11, T 2 N, R 27 E; 970 feet North and 450 feet West from the South ¼ Corner, Section 11.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT.#
IR(S)	2N	27E	1	NE NE	100	18.00	10-16-1978.	1.
IR(S)	2N	27E	1	NW NE	100	40.00	10-16-1978.	1.
IR(S)	2N	27E	2	NE SE	100	11.22	10-16-1978	1.
IR(S)	2N	27E	2	NW SE	100	6.00	10-16-1978.	1.
IR(S)	2N	27E	2	SW SE	401	23.00	10-16-1978	4.
IR(S)	2N	27E	11	NW NE	401	21.00	10-16-1978	4.
IR(S)	2N	27E	11	NE SW	1400	22.10	10-16-1978	5.
IR(S)	2N	27E	11	NE SW	1401	15.40	10-16-1978	5.
						156.72		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	PRIORITY	ATT.#
IR(S)	2N	27E	1	NE NE	200	11.22	10-16-1978	1.
IR(S)	2N	27E	1	SE SW	404	2.50	10-16-1978	5.
IR(S)	2N	27E	1	SW SE	404	13.50	10-16-1978	5.
IR(S)	2N	27E	12	NW NE	400	1.50	10-16-1978	5.
IR(S)	2N	27E	12	NE NW	400/403	20.00	10-16-1978	5.
IR(S)	2N	28E	5	NW NE	900	18.50	10-16-1978	4.
IR(S)	2N	28E	5	SW NE	900	25.50	10-16-1978	4.
IR(S)	2N	28E	8	NE NW	1500	31.50	10-16-1978	1.
IR(S)	2N	28E	8	SE NW	1500	26.50	10-16-1978	1.
IR(S)	2N	28E	8	SW NE	900	6.00	10-16-1978	1.
						156.72		

CONCLUSIONS OF LAW

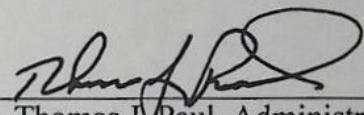
1. The temporary transfer application submitted by Hale Brothers Farms, Inc. included the information required by ORS 540.520(2).
2. The temporary transfer application submitted by Hale Brothers Farms, Inc was accompanied by the appropriate fees as set forth in ORS 536.050.
3. The proposed transfer complies with the requirements of ORS 540.523.
4. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.520(2) and ORS 540.523 resulting in no injury to other water rights.

ORDER

It is hereby ORDERED:

1. The proposed changes to the existing water rights may be made provided the following conditions are met by the water user:
 - a. The change is temporary. The change shall be effective for the 2003 irrigation season upon issuance of this order
 - b. The former place of use shall **not** be irrigated as part of this water right during the 2003 irrigation season.
 - c. The water user shall not use water authorized under Permit 51017 on any lands described by this transfer in the NE ¼ of Section 5, T2N, R28E (described on the application map as Circle #86), during the 2003 irrigation season. Nor shall the water use authorized under Permit 51017 for those same lands be subject to transfer during the 2003 irrigation season.
 - d. The water user shall not use water authorized under Permit 46499 on any lands described by this transfer (being either the authorized place of use or proposed place of use)
 - e. The use shall revert to the authorized place of use at the end of the 2003 irrigation season.
 - f. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the lands described by the change in place of use. Water use from wells in the Butter Creek and Stage Gulch Critical Ground Water Areas subject to allocation under OAR Chapter 690, Division 507 shall not exceed any limitations imposed by administrative rule.

Dated APR 10 2003



Thomas J. Paul, Administrator
Field Services Division

STATE OF OREGON
COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

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 8709 submitted by:

HALE BROTHERS FARMS, INC.
P.O. BOX 110
HERMISTON, OREGON 97838.

I.

The first water right to be modified, as evidenced by a portion of Transfer 7545, was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County entered in the Order Record of the Water Resources Department at Volume 3, page 250. The dates of priority are 1866 for 0.216 cubic foot per second (cfs), 1870 for 0.432 cfs, 1884 for 0.216 cfs, and 1896 for 5.484 cfs.

The right allows the use of not more than 6.348 cfs from Butter Creek, tributary to the Umatilla River, for irrigation of 326.0 acres if available at the original point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 2 North, Range 27 East; 970 feet North and 450 feet West from the South $\frac{1}{4}$ Corner, Section 11.

The additional point of diversion authorized by Transfer 7545, from which water will be diverted for the proposed temporary change in place of use, is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 2 North, Range 27 East; 1290 feet South and 80 feet West from the NE Corner, Section 2.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	2N	27E	2	NE SE	100	9.36	HALE BROS.	1.
IR	2N	27E	2	NW SE	100	6.00	HALE BROS.	1.
						15.36		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	3N	28E	31	NE SW		9.36	HALE BROS.	1.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order 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

IR	3N	28E	31	SW SE		6.00	HALE BROS.	1.
						15.36		

II.

The second water right to be modified, as evidenced by a portion of Certificate 53658, was perfected under Permit G-434. The date of priority is January 21, 1957.

The right allows the use of 4.0 cfs from Wells #1 and #2, tributary to Butter Creek, for irrigation of 96.75 acres and supplemental irrigation of 322.59 acres. The points of appropriation are located as follows:

Well #1 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T 2 N, R 27 E; 10 feet North and 2400 feet East from the East $\frac{1}{4}$ Corner, Section 2.

Well #2 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T 2 N, R 27 E; 100 feet South and 130 feet West from the East $\frac{1}{4}$ Corner, Section 2.

The applicant proposes to add the following points of appropriation to facilitate the proposed change in place of use:

Hanson Well - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 2 North, Range 27 East; 10 feet South and 10 feet East from the NW Corner, Section 12.

Hale Sr. Well - NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 2 North, Range 28 East; 1040 feet South and 440 feet West from the NE Corner, Section 7.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT.#
IR	2N	27E	1	NE NE	100	11.22	HALE BROS.	2.
IR	2N	27E	1	SW NE	100	0.81	HALE BROS.	2.
IR	2N	27E	1	SE NE	100	7.39	HALE BROS.	2.
IR	2N	27E	1	NE SE	100	0.30	HALE BROS.	2.
IR	2N	27E	1	NW SE	100	17.22	HALE BROS.	2.
IR	2N	27E	2	SW NE	100	6.70	HALE BROS.	2.
IR	2N	27E	2	SE NE	100	34.20	HALE BROS.	2.
IR	2N	27E	2	NE SE	100	1.20	HALE BROS.	2.
IR	2N	27E	2	NW SE	100	17.60	HALE BROS.	2.
						96.64		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT.#
IR	2N	28E	8	NW SW	1701	31.40	HALE BROS.	2.
IR	2N	28E	8	SW SW	1701	31.40	HALE BROS.	2.
IR	2N	28E	17	NE NW	1700	1.00	HALE BROS.	2.
IR	2N	28E	17	NW NW	1702	31.40	HALE BROS.	2.
IR	2N	28E	17	SW NW	1702	1.44	HALE BROS.	2.
						96.64		

III.

The third water right to be modified, as evidenced by a portion of Certificate 30742, was perfected under Permit G-1227. The date of priority is January 21, 1959.

The right allows the use of a Well, tributary to the Umatilla River, for irrigation of 54.5 acres and supplemental irrigation of 274.0 acres. The authorized point of appropriation is located as follows: NW¼ NW¼, Section 12, Township 2 N, Range 27 E, W.M.

The applicant proposes to add the following points of appropriation to facilitate the proposed change in place of use:

Ammon Well #2 - NE¼ SE¼, Section 2, Township 2 North, Range 27 East; 100 feet South and 130 feet West from the East ¼ Corner, Section 2.

Hale Sr. Well - NE¼ NE¼, Section 7, Township 2 North, Range 28 East; 1040 feet South and 440 feet West from the NE Corner, Section 7.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	2N	27E	1	SE SW	404	2.50	HALE BROS.	3.
IR	2N	27E	1	SW SE	404	13.50	HALE BROS.	3.
IR	2N	27E	2	SW SE	401	10.00	HALE BROS.	3.
IR	2N	27E	12	NW NE	400	1.50	HALE BROS.	3.
IR	2N	27E	12	NE NW	404,400	20.00	HALE BROS.	3.
						47.50		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	2N	28E	6	NW NE	1000	13.54	HALE BROS.	3.
IR	2N	28E	17	SW NW	1702	29.96	HALE BROS.	3.
IR	2N	28E	17	SE NW	1700	4.00	HALE BROS.	3.
						47.50		

IV.

The fourth water right to be modified, as evidenced by a portion of Certificate 63802, was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County entered in the Order Record of the Water Resources Department at Volume 3, page 250. The dates of priority are 1866 for 0.284 cubic foot per second (cfs), 1870 for 0.568 cfs, 1884 for 0.284 cfs, and 1896 for 7.216 cfs.

The right allows the use of not more than 8.352 cfs from Butter Creek, tributary to the Umatilla River, for domestic and livestock purposes, and irrigation of 429.0 acres if available at the original point of diversion.

The point of diversion is located in the SW¼ NE¼, Section 11, T 2 N, R 27 E; 1330 feet South and 270 feet East from the North ¼ Corner, Section 11.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	2N	27E	2	SW SE	401	25.60	HALE BROS.	4.
IR	2N	27E	11	NW NE	401	16.46	HALE BROS.	4.
IR	2N	27E	11	SW NE	401	18.00	HALE BROS.	4.
IR	2N	27E	11	NE SW	1401/1400	40.00	HALE BROS.	4.
						100.06		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	2N	28E	6	NW NE	1000	10.36	HALE BROS.	4.
IR	3N	28E	31	NE SW	8900	24.90	HALE BROS.	4.
IR	3N	28E	31	NW SW	8900	7.80	HALE BROS.	4.
IR	3N	28E	31	SW SW	8900	8.60	HALE BROS.	4.
IR	3N	28E	31	SE SW	8900	36.70	HALE BROS.	4.
IR	3N	28E	31	NW SE	8900	2.10	HALE BROS.	4.
IR	3N	28E	31	SW SE	8900	9.60	HALE BROS.	4.
						100.06		

V.

The fifth water right to be modified, is evidenced by a portion of Permit 46499. The date of priority is October 16, 1978.

The right allows the use of 108.7 cfs from Butter Creek, tributary to the Umatilla River, for supplemental irrigation between September 2 and December 30 of each year. The point of diversion is located as follows: SE¼ SW¼, Section 11, T 2 N, R 27 E; 970 feet North and 450 feet West from the South ¼ Corner, Section 11.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT.#
IR(S)	2N	27E	2	NE SE	100	9.36	HALE BROS.	1.
IR(S)	2N	27E	2	NW SE	100	6.00	HALE BROS.	1.
IR(S)	2N	27E	2	SW SE	401	25.60	HALE BROS.	4.
IR(S)	2N	27E	11	NW NE	401	16.46	HALE BROS.	4.
IR(S)	2N	27E	11	SW NE	401	18.00	HALE BROS.	4.
IR(S)	2N	27E	11	NE SW	1401/1400	40.00	HALE BROS.	4.
						115.42		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT.#
IR(S)	3N	28E	31	NE SW		9.36	HALE BROS.	1.
IR(S)	3N	28E	31	SW SE		6.00	HALE BROS.	1.
IR(S)	2N	28E	6	NW NE	1000	10.36	HALE BROS.	4.
IR(S)	3N	28E	31	NE SW	8900	24.90	HALE BROS.	4.
IR(S)	3N	28E	31	NW SW	8900	7.80	HALE BROS.	4.
IR(S)	3N	28E	31	SW SW	8900	8.60	HALE BROS.	4.
IR(S)	3N	28E	31	SE SW	8900	36.70	HALE BROS.	4.
IR(S)	3N	28E	31	NW SE	8900	2.10	HALE BROS.	4.
IR(S)	3N	28E	31	SW SE	8900	9.60	HALE BROS.	4.
						115.42		

VI.

The sixth water right to be modified, as evidenced by a portion of Certificate 53658, was perfected under Permit G-434. The date of priority is January 21, 1957.

The right allows the use of 4.0 cfs from Wells #1 and #2, tributary to Butter Creek, for , irrigation of 96.75 acres and supplemental irrigation of 322.59 acres. The points of appropriation are located as follows:

Well #1 – SE¼ NW¼, Section 1, T 2 N, R 27 E; 10 feet North and 2400 feet East from the East ¼ Corner, Section 2.

Well #2 – NE¼ SE¼, Section 2, T 2 N, R 27 E; 100 feet South and 130 feet West from the East ¼ Corner, Section 2.

The applicant proposes these additional points of appropriation to facilitate the proposed change in place of use:

Hanson Well - NW¼ NW¼, Section 12, Township 2 North, Range 27 East; 10 feet South and 10 feet East from the NW Corner, Section 12.

Hale Sr. Well - NE¼ NE¼, Section 7, Township 2 North, Range 28 East; 1040 feet South and 440 feet West from the NE Corner, Section 7.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT.#
IR(S)	2N	27E	2	NE SE	100	9.36	HALE BROS.	1.
IR(S)	2N	27E	2	NW SE	100	6.00	HALE BROS.	1.
						15.36		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT.#
IR(S)	3N	28E	31	NE SW		9.36	HALE BROS.	1.
IR(S)	3N	28E	31	SW SE		6.00	HALE BROS.	1.
						15.36		

VII.

The seventh water right to be modified, as evidenced by a portion of Certificate 30742, was perfected under Permit G-1227. The date of priority is January 21, 1959.

The right allows the use of a Well, tributary to the Umatilla River, for irrigation of 54.5 acres and supplemental irrigation of 274.0 acres. The authorized point of appropriation is located as follows: NW¼ NW¼, Section 12, Township 2 N, Range 27 E, W.M.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT.#
IR(S)	2N	27E	2	SW SE	401	25.60	HALE BROS.	4.
IR(S)	2N	27E	11	NW NE	401	16.46	HALE BROS.	4.
						42.06		

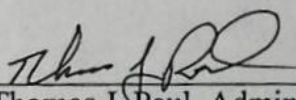
The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT.#
IR(S)	2N	28E	6	NW NE	1000	10.36	HALE BROS.	4.
IR(S)	3N	28E	31	NE SW	8900	23.90	HALE BROS.	4.
IR(S)	3N	28E	31	NW SW	8900	7.80	HALE BROS.	4.
						42.06		

THIS CHANGE TO AN EXISTING WATER RIGHT 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 2001 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2001 irrigation season.
4. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the lands described by the change in place of use. Water use from wells in the Butter Creek and Stage Gulch Critical Ground Water Areas subject to allocation under OAR Chapter 690, Division 507 shall not exceed any limitations imposed by administrative rule.

Dated JUN 06 2001



Thomas J. Paul, Administrator
Field Services Division

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
HALE BROTHERS FARMS FOR APPROVAL OF)
OF A CHANGE IN POINT OF DIVERSION OF)
WATER FROM BUTTER CREEK)

ORDER APPROVING
TRANSFER NO. 3921

On April 4, 1978, an application was filed in the office of the Water Resources Director by Hale Brothers Farms, by Doug Hale, for approval of an additional point of diversion from Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38775, Volume 30, State Record of Water Right Certificates, in the name of Joy Anderson, et al, describes a right for the use of not to exceed 8.352 cubic feet per second from Butter Creek for domestic, stock and irrigation of a certain 429.0 acres, being: 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 37.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1; 28.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2; 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11; and 10.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 31.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 2 North, Range 27 East, W.M., with dates of priority of 1866 for 0.284 cubic foot per second, 1870 for 0.568 cubic foot per second, 1884 for 0.284 cubic foot per second and 1896 for 7.216 cubic feet per second.

Water for said right is diverted from a point located 970 feet North and 450 feet West from the South Quarter Corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 1400 feet South and 300 feet East from the North Quarter Corner of Section 11, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 2 North, Range 27 East, W.M., for irrigation of said 429.0 acres.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon for a period of three weeks in the issues of June 23 and 30, and July 7, 1978.

On August 3, 1978, a protest was filed by John Madison against approval

v31, p630

of the subject application for an additional point of diversion.

The matter of the application and the protest against it was brought to hearing before Mr. James W. Carver, Jr., Water Resources Department, on February 8, 1979, in Pendleton, Oregon, pursuant to the Water Resources Director's notice of hearing dated December 19, 1978. During the course of the hearing, the protestant stated that it was not his intent to continue the protest to the point of denial of the application, with the understanding that an order of the Water Resources Director that might be entered in approval of the application would carry the requirement that the diversion works at the new point of diversion be equipped with a totalizing meter.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed additional point of diversion can be established without injury to existing rights if the diversion works at the new, additional point of diversion include a suitable measuring device prior to diversion of water thereby.

No other objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion from Butter Creek, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include an in line flow meter or other suitable device for measuring the water to which the applicant is entitled;

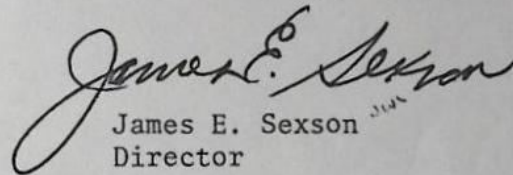
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Joy E. Anderson, et al, and recorded at page 38775, Volume 30, State Record of

Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 14th day of February, 1979.


James E. Sexson
Director

U31, PG32

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOY E. & ELIZABETH R. ANDERSON
 MAYNARD F. & OLGA AABY
 CLARENCE LOUIS & ELINOR IRENE HANSON
 ALMA MAE SONNENBERG

of
 to the use of the waters of Echo , State of Oregon , has a right
 Butter Creek

a tributary of Umatilla River for the purpose of
 irrigation of 429.0 acres, domestic and stock use
 and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Umatilla County, and the said decree entered of record at Salem, in the Order Record of
 the STATE ENGINEER, in Volume 3 , at page 250 ; that the priority of the right thereby
 confirmed dates from 1866 for 0.284 cubic foot per second, 1870 for 0.568 cubic
 foot per second, 1884 for 0.284 cubic foot per second, and 1895 for 7.216 cubic
 feet per second
 that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed
 8.352 cubic feet per second, and shall be subject to all other conditions and
 limitations contained in said decree.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as
 follows:

40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 37.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 2.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 1

28.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 40.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 2

40.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 40.0 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 $\frac{1}{4}$
 40.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 11

10.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 40.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 31.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 12

T. 2 N., R. 27 E., W. M.

Certificate of water right issued to R. N. Stanfield and recorded at page 2692,
 Volume 3, State Record of Water Right Certificates, confirms the right to the use
 of water for irrigation of 755 acres. A change in point of diversion of water
 appurtenant to 326 acres was approved by order of the State Engineer entered
 August 2, 1972. This certificate is issued to confirm the remaining right to the
 use of water for irrigation and supersedes the certificate heretofore issued to
 R. N. Stanfield.

And said right shall be subject to all other conditions and limitations contained in said decree.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
 of use herein described.

WITNESS the signature of the State Engineer, affixed

this date January 11 , 1973 .

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30 , page 38775

T-3921

V. 11

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

Equity Law } No. _____

STATE OF OREGON, } ss
County of Umatilla

I, Beverly Krosting being first duly
sworn, depose and say that I am the principal clerk of the publisher of the East
Oregonian, a newspaper of general circulation, as defined by ORS 193.010
and 193.020; printed and published at Pendleton in the aforesaid county and
state; that the EO-850 Water Right Transfer

a printed copy of which is hereto annexed, was published in the entire issue
of said newspaper for 3 successive and consecutive insertions in
the following issues:

June 23 30th & July 7, 1978

Beverly Krosting

Subscribed and sworn to before me this 7th day of

July, 1978

Patricia A. Carpenter
Notary Public of Oregon

EO-850
NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3921
Notice is given hereby that an
application has been filed in the of-
fice of the Water Resources Direc-
tor by Hale Brothers Farms, by
Doug Hale, for approval of an ad-
ditional point of diversion from
Butler Creek, pursuant to the pro-
visions of ORS 540.510 to 540.530.
The certificate recorded at page
38775, Volume 30, State Record of
Water Right Certificates, in the
name of Joy Anderson, et. al.,
describes a right for the use of not
to exceed 8.352 cubic foot per se-
cond from Butler Creek for
domestic, stock and irrigation of a
certain 429.0 ac, being: 40.0 ac in
SW1/4 SW1/4, 37.5 ac in SE1/4 SW1/4,
2.5 ac in SW1/4 SE1/4, Sec 1; 28.0 ac
in SW1/4 SE1/4, 40.0 ac in SE1/4
SE1/4, Sec 2; 40.0 ac in NE1/4 NE1/4,
40.0 ac in NW1/4 NE1/4, 40.0 ac in
SW1/4 NE1/4, 40.0 ac in SE1/4 NE1/4,
40.0 ac in NE1/4 SW1/4, Sec 11; 10.0
ac in NE1/4 NW1/4, 40.0 ac in NW1/4
NW1/4, 31.0 ac in SW1/4 NW1/4, Sec
12, T 2N, R 27E, WM, with dates of
priority of 1866 for 0.284 cfs, 1870
for 0.568 cfs, 1884 for 0.284 cfs and
1896 for 7.216 cfs.
Water for the said right is
diverted from a point located 970 ft
N & 450 ft W from the SW Corner of
Sec 11, being within the SE1/4 SW1/4
of Sec 11, T 2N, R 27E, WM.
The applicant herein, owner of
the lands above described, pro-
poses to establish an additional
point of diversion, without loss of
priority, at a point located 1400 ft S
& 300 ft E from the NW Corner of
Sec 11, being within the SW1/4
NE1/4 of Sec 11, T 2N, R 27E, WM,
for irrigation of said 429.0 ac.
All persons interested are
notified hereby that a hearing will
be held at the county courthouse at
Pendleton, Oregon, on August 15,
1978, at 9:30 a.m. All objections to
the proposed change, if any there
are, will be heard at said time and
place. Any and all objections shall
be prepared in writing: one copy
to be served on Hale Bros. Farms,
Rt 1, Box 29A, Echo, OR 97826; and
one copy filed with the Water
Resources Department, Salem,
OR 97310, together with a \$10 filing
fee, at least 10 days prior to the
date set for hearing. IF NO OB-
JECTIONS ARE FILED, THE
APPLICATION MAY BE
APPROVED BY THE WATER
RESOURCES DIRECTOR WITH-
OUT A HEARING. Administra-
tive rules pertaining to the filing of
a protest will be furnished by the
Water Resources Department
upon request.
567-2359
tion, many extras, \$4800.

MY COMMISSION EXPIRES
SEPT. 8, 1980

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

Equity
Law

No. _____

STATE OF OREGON, }
County of Umatilla }

I, Beverly Krosting being first duly
sworn, depose and say that I am the principal clerk of the publisher of the East
Oregonian, a newspaper of general circulation, as defined by ORS 193.010
and 193.020; printed and published at Pendleton in the aforesaid county and
state; that the EO-850 Water Right Transfer

a printed copy of which is hereto annexed, was published in the entire issue
of said newspaper for 3 successive and consecutive insertions in
the following issues:

ok June 23 30th & July 7, 19 78

Beverly Krosting

Subscribed and sworn to before me this 7th day of

July 19 78

Patricia A. Carpenter

Notary Public of Oregon

MY COMMISSION EXPIRES
SEPT. 8, 1980

EO-850
NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3921
Notice is given hereby that an
application has been filed in the of-
fice of the Water Resources Direc-
tor by Hale Brothers Farms, by
Doug Hale, for approval of an ad-
ditional point of diversion from
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visions of ORS 540.510 to 540.530.
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domestic, stock and irrigation of a
certain 429.0 ac, being: 40.0 ac in
SW 1/4 SW 1/4, 37.5 ac in SE 1/4 SW 1/4,
2.5 ac in SW 1/4 SE 1/4, Sec 1; 28.0 ac
in SW 1/4 SE 1/4, 40.0 ac in SE 1/4
SE 1/4, Sec 2; 40.0 ac in NE 1/4 NE 1/4,
40.0 ac in NW 1/4 NE 1/4, 40.0 ac in
SW 1/4 NE 1/4, 40.0 ac in SE 1/4 NE 1/4,
40.0 ac in NE 1/4 SW 1/4, Sec 11; 10.0
ac in NE 1/4 NW 1/4, 40.0 ac in NW 1/4
NW 1/4, 31.0 ac in SW 1/4 NW 1/4, Sec
12, T 2N, R 27E, WM, with dates of
priority of 1866 for 0.284 cfs, 1870
for 0.568 cfs, 1884 for 0.284 cfs and
1896 for 7.216 cfs.
Water for the said right is
diverted from a point located 970 ft
N & 450 ft W from the S 1/4 Corner of
Sec 11, being within the SE 1/4 SW 1/4
of Sec 11, T 2N, R 27E, WM.
The applicant herein, owner of
the lands above described, pro-
poses to establish an additional
point of diversion, without les-

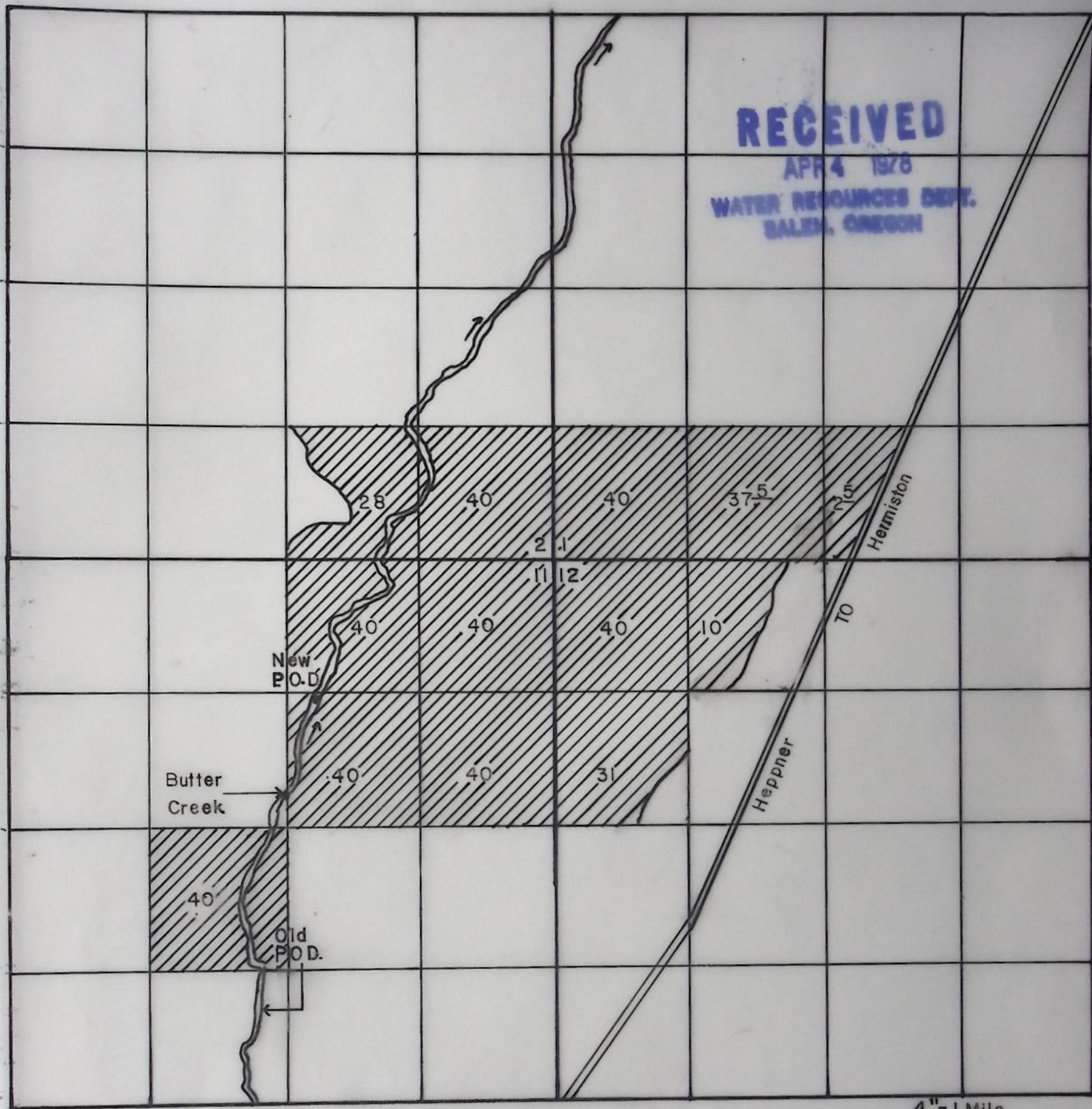
RECEIVED
JUL 12 1978
WATER RESOURCES DEPT.
SALEM, OREGON

T. 2N

R. 27E

T-3921

RECEIVED
APR 4 1978
WATER RESOURCES DEPT.
SALEM, OREGON



4" = 1 Mile

OLD P.O.D.
970' N. 450' W. FROM THE S $\frac{1}{4}$ CR. SEC. 11

NEW P.O.D.
1400' S. 300' E. FROM THE N $\frac{1}{4}$ CR. SEC. 11

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOY E. & ELIZABETH R. ANDERSON
 MAYNARD F. & OLGA AABY
 CLARENCE LOUIS & ELINOR IRENE HANSON
 ALMA MAE SONNENBERG

of Echo, State of Oregon, has a right
 to the use of the waters of Butter Creek

a tributary of Umatilla River for the purpose of
 irrigation of 429.0 acres, domestic and stock use
 and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Umatilla County, and the said decree entered of record at Salem, in the Order Record of
 the STATE ENGINEER, in Volume 3, at page 250; that the priority of the right thereby
 confirmed dates from 1866 for 0.284 cubic foot per second, 1870 for 0.568 cubic
 foot per second, 1884 for 0.284 cubic foot per second, and 1895 for 7.216 cubic
 feet per second
 that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed
 8.352 cubic feet per second, and shall be subject to all other conditions and
 limitations contained in said decree.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as
 follows:

40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 37.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 2.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 1

28.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 40.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 2

40.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 40.0 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 $\frac{1}{4}$
 40.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 11

10.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 40.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 31.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 12

T. 2 N., R. 27 E., W. M.

Certificate of water right issued to R. N. Stanfield and recorded at page 2692,
 Volume 3, State Record of Water Right Certificates, confirms the right to the use
 of water for irrigation of 755 acres. A change in point of diversion of water
 appurtenant to 326 acres was approved by order of the State Engineer entered
 August 2, 1972. This certificate is issued to confirm the remaining right to the
 use of water for irrigation and supersedes the certificate heretofore issued to
 R. N. Stanfield.

And said right shall be subject to all other conditions and limitations contained in said decree.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
 of use herein described.

WITNESS the signature of the State Engineer, affixed

this date January 11, 1973

CHRIS L. WHEELER
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38775

T-3921

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That AMMON BROTHERS, INC.

of **P. O. Box 52, Jefferson**, State of **Oregon**, has a right
to the use of the waters of **Butter Creek**

a tributary of **Umatilla River** for the purpose of
irrigation of **326.0 acres, domestic, and stock**

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume **3**, at page **250**; that the priority of the right thereby
confirmed dates from **1866 for 0.216 cubic foot per second, 1870 for 0.432 cubic**
foot per second, 1884 for 0.216 cubic foot per second, and 1896 for 5.484 cubic
foot per second

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed **6.348 cubic feet per**
second and shall be subject to all other conditions and limitations contained
in said decree.

The point of diversion is located in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T. 2 N., R. 27 E., W. M.,**
50 feet South and 350 feet West from E $\frac{1}{2}$ Corner, Section 2.

A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

1866

2.20 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 1

8.42 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
0.47 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 2

T. 2 N., R. 27 E., W. M.

1870

7.31 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 1

14.87 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 2

T. 2 N., R. 27 E., W. M.

1884

0.86 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$

4.78 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 1

3.25 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

2.20 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 2

T. 2 N., R. 27 E., W. M.

1896

18.00 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

40.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

39.00 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

5.00 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

39.14 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

40.00 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

40.00 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

25.71 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$

17.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 1

2.80 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

9.46 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

5.53 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 2

T. 2 N., R. 27 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered August 2, 1972, and together with the certificate recorded at page 38775, Volume 30, supersedes certificate of water right heretofore issued to R. N. Stanfield and recorded at page 2692, Volume 3, State Record of Water Right Certificates.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date May 24, 1974.

Chris L. Wheeler

State Engineer