

Source: Wood #2 Well, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	28	SW SE	1660 feet South & 20 feet East from the Center of Section 28

5. The portions of the SUPPLEMENTAL water rights layered with primary water right Certificate #52677 to be transferred are as follows:

Certificate: 52678 in the name of J.R. Simplot Company

Use: SUPPLEMENTAL IRRIGATION of 66.8 acres (perfected under Permit G-8298)

Priority Date: March 22, 1978

Quantity: 366 gallons per minute

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Well #4, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	1660 feet South & 20 feet East from the Center of Section 28

Certificate: 52679 in the name of J.R. Simplot Company (perfected under Per. G-9009)

Use: SUPPLEMENTAL IRRIGATION of 66.8 acres

Priority Date: April 23, 1980

Quantity: 375 gallons per minute

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Well #6, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	Well #6 - 400 feet North & 200 feet East from S¼ corner Section 26

Certificate: 52680 in the name of J.R. Simplot Company (perfected under Per. 39381)

Use: SUPPLEMENTAL IRRIGATION of 66.8 acres

Priority Date: October 7, 1975

Quantity: 1.10 cfs

Rate/Duty: 1/40th cfs per acre, 4.5 acre-feet per acre per irrigation season

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	33	NW NE	240 feet South & 2260 feet West from NE corner Section 33

Authorized Place of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#52677(IR)	C#52678(IS)	C#52679(IS)	C#52680(IS)
4 N	28 E	WM	28	NE SE	5.2	5.2	5.2	5.2
4 N	28 E	WM	28	NW SE	15.0	15.0	15.0	15.0
4 N	28 E	WM	28	SW SE	18.4	18.4	18.4	18.4
4 N	28 E	WM	28	SE SE	28.2	28.2	28.2	28.2
TOTALS					66.8	66.8	66.8	66.8

6. Application T-6783 proposes to change the place of use for the above described rights to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#52677(IR)	C#52678(IS)	C#52679(IS)	C#52680(IS)
3 N	28 E	WM	4	NE NW	2.2	2.2	2.2	2.2
3 N	28 E	WM	4	NW NW	1.4	1.4	1.4	1.4
3 N	28 E	WM	4	SW NW	5.6	5.6	5.6	5.6
3 N	28 E	WM	4	SE NW	22.4	22.4	22.4	22.4
3 N	28 E	WM	4	NE SW	2.8	2.8	2.8	2.8
3 N	28 E	WM	4	SW SW	32.4	32.4	32.4	32.4
TOTALS					66.8*	66.8*	66.8*	66.8*

Note: * Existing water right Permit 53063 is requested to be diminished to supplemental irrigation for the incoming Simplot rights.

7. Application T-6783 also proposes to change the point of diversion for the supplemental water right Certificate 52680 upstream approximately ¾ mile to points located:

Proposed Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	27	SE SE	POD #1 – 140 feet North & 710 feet West from the SE Corner, Section 27
4 N	28 E	WM	34	NE NW	POD #2 – 800 feet South & 650 feet West from the N¼ Corner, Section 34

8. The entirety of the SECOND PRIMARY right to be transferred is as follows:

Certificate: 68760 in the name of J.R. Simplot Company (perfected under Per. 37853)
Use: PRIMARY IRRIGATION of 29.7 acres
Priority Date: May 7, 1974
Quantity: 0.58 cubic foot per second
Rate/Duty: 1/40th cfs per acre, 4.5 acre-feet per acre per irrigation season
Source: Umatilla River, a tributary of the Columbia River

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Change in POD	Survey Coordinates
4 N	28 E	WM	34	NW NW	DELETE	POD #1 – 750 feet South & 50 feet East from the NW Corner, Section 34
4 N	28 E	WM	27	SE SE	RETAIN	POD #2 – 140 feet North & 710 feet West from the SE Corner, Section 27

9. The portions of the SUPPLEMENTAL water rights layered with primary water right Certificate #68760 to be transferred are as follows:

Certificate: 52678 in the name of J.R. Simplot Company (perfected under Permit G-8298)

Use: SUPPLEMENTAL IRRIGATION of 24.4 acres

Priority Date: March 22, 1978

Quantity: 134 gallons per minute

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Well #4, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	600 feet North & 220 feet East from the S¼ corner, Section 26

Certificate: 52679 in the name of J.R. Simplot Company (perfected under Per. G-9009)

Use: SUPPLEMENTAL IRRIGATION of 24.4 acres

Priority Date: April 23, 1980

Quantity: 137 gallons per minute

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Well #6, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	Well #6 - 400 feet North & 200 feet East from the S¼ corner, Section 26

Certificate: 76249 (T-5779 & T-6416, supersedes C#67322) in the name of J.R. Simplot Company

Use: SUPPLEMENTAL IRRIGATION of 29.5 acres

Priority Date: December 2, 1975

Quantity: 0.37 cubic feet per second

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Three wells within the Umatilla River Basin. The source of water allowed herein is limited to the alluvium water bearing aquifer overlying the basalt formation estimated to be 200 feet below land surface.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	28	NW SE	Well #1R - 2120 feet North & 2400 feet West from the SE Corner, Section 28
4 N	28 E	WM	28	SW SE	Well #2R - 1650 ft. West from the SE Corner, Section 28
4 N	28 E	WM	27	SW SW	Well #3 (WRD #2) - 1030 ft. North & 360 ft. East from the SW Corner, Section 27

Authorized Places of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#68760(IR)	C#52678(IS)	C#52679(IS)	C#76249(IS)
4 N	28 E	WM	27	SW SW	0.2	0.2	0.2	--
4 N	28 E	WM	27	SE SW	2.8	2.7	2.7	2.8
4 N	28 E	WM	34	NE NW	9.8	6.5	6.5	9.8
4 N	28 E	WM	34	NW NW	16.9	15.0	15.0	16.9
TOTALS					29.7	24.4	24.4	29.5

10. Application T-6783 proposes to change the place of use for the above described rights to:

Proposed Place of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#68760(IR)	C#52678(IS)	C#52679(IS)	C#76249(IS)
4 N	28 E	WM	27	SW SW	2.3	2.3	2.3	2.3
4 N	28 E	WM	27	SE SW	8.9	3.6	3.6	8.9
4 N	28 E	WM	34	NE NW	0.3	0.3	0.3	0.1
4 N	28 E	WM	34	NW NW	18.2	12.9	12.9	18.2
TOTALS					29.7	24.4	24.4	29.5

11. Application T-6783 also proposes to add additional points of diversion for water right Certificate 68760 to points located:

Proposed Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	27	SE SE	POD #1 – 140 feet North & 710 feet West from the SE Corner, Section 27
4 N	28 E	WM	34	NE NW	POD #2 – 800 feet South & 650 feet West from the N¼ Corner, Section 34

12. The entirety of the THIRD PRIMARY right to be transferred is as follows:

Certificate: 68761 in the name of J.R. Simplot Company (perfected under Per. 32631)

Use: PRIMARY IRRIGATION of 15.0 acres

Priority Date: May 25, 1967

Quantity: 0.20 cubic foot per second
Rate/Duty: 1/40th cfs per acre, 4.5 acre-feet per acre per irrigation season
Source: Umatilla River, tributary to Columbia River

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Change in POD	Survey Coordinates
4 N	28 E	WM	34	NW NW	DELETE	POD #1 - 750 feet South & 50 feet East from the NW Corner, Section 34
4 N	28 E	WM	27	SE SE	RETAIN	POD #2 - 140 feet North & 710 feet West from the SE Corner, Section 27

13. The portions of the SUPPLEMENTAL water rights layered with primary water right Certificate #68761 to be transferred are as follows:

Certificate: 52678 in the name of J.R. Simplot Company (perfected under Per. G-8298)
Use: SUPPLEMENTAL IRRIGATION of 8.1 acres
Priority Date: March 22, 1978
Quantity: 44 gallons per minute
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season
Source: Well #4, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	600 feet North & 220 feet East from the S¼ corner, Section 26

Certificate: 52679 in the name of J.R. Simplot Company (perfected under Per. G-9009)
Use: SUPPLEMENTAL IRRIGATION of 8.1 acres
Priority Date: April 23, 1980
Quantity: 45 gallons per minute
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season
Source: Well #6, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	400 feet North & 200 feet East from the S¼ corner, Section 26

Certificate: 76249 (T-5779 & T-6416, supersedes C#67322) in the name of J.R. Simplot Company
Use: SUPPLEMENTAL IRRIGATION of 6.5 acres
Priority Date: December 2, 1975
Quantity: 0.081 cubic feet per second
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Three wells within the Umatilla River Basin. The source of water allowed herein is limited to the alluvium water bearing aquifer overlying the basalt formation estimated to be 200 feet below land surface.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	28	NW SE	Well #1R - 2120 feet North & 2400 feet West from the SE Corner, Section 28
4 N	28 E	WM	28	SW SE	Well # 2R - 1650 feet West from the SE Corner, Section 28
4 N	28 E	WM	27	SW SW	Well #3 - (WRD #2) 1030 feet North and 360 feet East from the SW Corner, Section 27

Authorized Place of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#68761(IR)	C#52678(IS)	C#52679(IS)	C#76249(IS)
4 N	28 E	WM	34	NE NW	13.8	6.9	6.9	5.4
4 N	28 E	WM	34	NW NW	1.2	1.2	1.2	1.1
TOTALS					15.0	8.1	8.1	6.5

14. Application T-6783 proposes to change the place of use for the above described rights to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#68761(IR)	C#52678(IS)	C#52679(IS)	C#76249(IS)
4 N	28 E	WM	26	SW SW	15.0	8.1	8.1	6.5
TOTALS					15.0	8.1	8.1	6.5

15. Application T-6783 also proposes to add additional points of diversion for water right Certificate 68761 at place of use described in table above to points located:

Proposed Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	27	SE SE	POD #1 – 140 feet North & 710 feet West from the SE Corner, Section 27
4 N	28 E	WM	34	NE NW	POD #2 – 800 feet South & 650 feet West from the N¼ Corner, Section 34

16. The entirety of the FOURTH PRIMARY right to be transferred is as follows:

Certificate: 68762 in the name of J.R. Simplot Company (perfected under Per. 18659)
Use: PRIMARY IRRIGATION of 15.2 acres
Priority Date: March 23, 1949
Quantity: 0.29 cubic foot per second

Rate/Duty: 1/40th cfs per acre, limited to a diversion of 4.0 acre-feet per acre for each acre irrigated during the irrigation season

Source: Umatilla River, tributary to Columbia River

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Change in POD	Survey Coordinates
4 N	28 E	WM	27	SE SE	RETAIN	140 feet North & 710 feet West from the SE Corner, Section 27
4 N	28 E	WM	33	NW NE	DELETE	405 feet South & 800 feet East from the N¼ Corner, Section 33
4 N	28 E	WM	34	NW NW	DELETE	750 feet South & 50 feet East from the NW Corner, Section 34

17. The portions of the SUPPLEMENTAL water rights layered with primary water right Certificate #68762 to be transferred are as follows:

Certificate: 52678 in the name of J.R. Simplot Company (perfected under Per. G-8298)

Use: SUPPLEMENTAL IRRIGATION of 12.4 acres

Priority Date: March 22, 1978

Quantity: 68.0 gallons per minute

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Well #4, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	600 feet North & 220 feet East from the S¼ corner, Section 26

Certificate: 52679 in the name of J.R. Simplot Company (perfected under Per. G-9009)

Use: SUPPLEMENTAL IRRIGATION of 12.4 acres

Priority Date: April 23, 1980

Quantity: 70.0 gallons per minute

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Well #6, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	400 feet North & 200 feet East from the S¼ corner, Section 26

Authorized Places of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage		
					C#68762(IR)	C#52678(IS)	C#52679(IS)
4 N	28 E	WM	28	SW SE	4.0	3.9	3.9
4 N	28 E	WM	33	NW NE	11.2	8.5	8.5
TOTALS					15.2	12.4	12.4

18. Application T-6783 proposes to change the place of use for the above described rights to:

Proposed Places of Use:

Twp	Rng	Mer	Sec	Q - Q	Acreage		
					C# 68762(IR)	C# 52678(IS)	C#52679(IS)
4 N	28 E	WM	27	SE SW	2.7	2.7	2.7
3 N	28 E	WM	4	NE SW	8.6*	8.6*	8.6*
3 N	28 E	WM	4	NW SW	3.9*	1.1*	1.1*
				TOTALS	15.2	12.4	12.4

Note: * Existing water right Permit 53063 is requested to be diminished to supplemental irrigation for the incoming Simplot rights.

19. Application T-6783 also proposes to add additional points of diversion for water right Certificate 68762 at place of use described in table above to points located:

Proposed Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	27	SE SE	POD #1 - 140 feet North & 710 feet West from the SE Corner, Section 27
4 N	28 E	WM	34	NE NW	POD #2 - 800 feet South & 650 feet West from the N¼ Corner, Section 34

20. The entirety of the FIFTH PRIMARY right to be transferred is as follows:

Certificate: 68763 in the name of J.R. Simplot Company (perfected under Per. 30078)

Use: PRIMARY IRRIGATION of 72.5 acres

Priority Date: October 1, 1964

Quantity: 1.14 cubic feet per second

Rate/Duty: 1/40th cfs per acre, 4.5 acre-feet per acre per irrigation season

Source: Umatilla River, tributary to Columbia River

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Change in POD	Survey Coordinates
4 N	28 E	WM	27	SE SE	RETAIN	140 feet North & 710 feet West from the SE Corner, Section 27
4 N	28 E	WM	34	NE NE	DELETE	2490 feet North & 1050 feet West from the W¼ Corner, Section 35
4 N	28 E	WM	34	NW NE	DELETE	2040 feet North & 2240 feet West from the W¼ Corner, Section 35
4 N	28 E	WM	35	NE NE	DELETE	2610 feet North & 1050 feet West from the W¼ Corner, Section 36
4 N	28E	WM	35	NE NW	DELETE	2580 feet North & 1680 feet East from the W¼ Corner, Section 35
4 N	28 E	WM	35	NW NW	DELETE	1920 feet North & 630 feet East from the W¼ Corner, Section 35
4 N	28 E	WM	36	NE NW	DELETE	1650 feet North & 2380 feet East from the W¼ Corner, Section 36

21. The portions of the SUPPLEMENTAL water rights layered with primary water right Certificate #68763 to be transferred are as follows:

Certificate: 52678 in the name of J.R. Simplot Company (perfected under Per. G-8298)
Use: SUPPLEMENTAL IRRIGATION of 61.9 acres
Priority Date: March 22, 1978
Quantity: 340 gallons per minute
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season
Source: Well #4, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	600 feet North & 220 feet East from the S¼ corner, Section 26

Certificate: 52679 in the name of J.R. Simplot Company (perfected under Per. G-9009)
Use: SUPPLEMENTAL IRRIGATION of 61.9 acres
Priority Date: April 23, 1980
Quantity: 347 gallons per minute
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season
Source: Well #6, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	400 feet North & 200 feet East from the S¼ corner, Section 26

Certificate: 76249 (T-5779 & T-6416, supersedes C#67322) in the name of J.R. Simplot Company
Use: SUPPLEMENTAL IRRIGATION of 52.5 acres
Priority Date: December 2, 1975
Quantity: 0.66 cubic foot per second
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season
Source: Three wells within the Umatilla River Basin. The source of water allowed herein is limited to the alluvium water bearing aquifer overlying the basalt formation estimated to be 200 feet below land surface.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	28	NW SE	Well #1R – 2120 feet North & 2400 feet West from the SE Corner, Section 28
4 N	28 E	WM	28	SW SE	Well #2R – 1650 feet West from the SE Corner, Section 28
4 N	28 E	WM	27	SW SW	Well #3 – (WRD #2) 1030 feet North and 360 feet East from SW Corner, Section 27

Authorized Place of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#68763(IR)	C#52678(IS)	C#52679(IS)	C#76249(IS)
4 N	28 E	WM	26	SW SW	11.2	11.2	11.2	7.3
4 N	28 E	WM	26	SE SW	10.6	9.1	9.1	--
4 N	28 E	WM	27	SW SE	13.4	12.8	12.8	13.3
4 N	28 E	WM	27	SE SE	12.5	11.2	11.2	11.2
4 N	28 E	WM	34	NE NE	3.6	2.0	2.0	2.7
4 N	28 E	WM	34	NW NE	11.0	7.7	7.7	8.0
4 N	28 E	WM	35	NE NW	0.2	--	--	--
4 N	28 E	WM	35	NW NW	10.0	7.9	7.9	10.0
TOTALS					72.5	61.9	61.9	52.5

22. Application T-6783 proposes to change the place of use for the above described rights to:

Proposed Place of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#68763(IR)	C#52678(IS)	C#52679(IS)	C#76249(IS)
4 N	28 E	WM	26	SW SW	2.8	2.8	2.8	--
4 N	28 E	WM	27	SE SW	1.3	0.3	0.3	--
4 N	28 E	WM	27	SW SE	15.0	15.0	15.0	15.0
4 N	28 E	WM	27	SE SE	19.6	19.6	19.6	19.6
4 N	28 E	WM	34	NE NE	4.4	4.4	4.4	4.4
4 N	28 E	WM	34	NW NE	10.7	10.7	10.7	4.9
4 N	28 E	WM	34	NE NW	10.1	0.5	0.5	--
4 N	28 E	WM	35	NW NW	8.6	8.6	8.6	8.6
TOTALS					72.5	61.9	61.9	52.5

23. Application T-6783 also proposes to add additional points of diversion for water right Certificate 68763 located:

Proposed Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	27	SE SE	POD #1 - 140 feet North & 710 feet West from the SE Corner, Section 27
4 N	28 E	WM	34	NE NW	POD #2 - 800 feet South & 650 feet West from the N¼ Corner, Section 34

24. The entirety of the SIXTH PRIMARY right to be transferred is as follows:

Certificate: 52678 in the name of J.R. Simplot Company (perfected under Per. G-8298)
Use: PRIMARY IRRIGATION of 18.2 acres

Priority Date: March 22, 1978

Quantity: 100 gallons per minute

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Well #4, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	600 feet North & 220 feet East from the S¼ corner, Section 26

25. The portion of the SUPPLEMENTAL water right layered with primary water right Certificate #52678 to be transferred is as follows:

Certificate: 52679 in the name of J.R. Simplot Company (perfected under Per. G-9009)

Use: SUPPLEMENTAL IRRIGATION of 18.2 acres

Priority Date: April 23, 1980

Quantity: 102 gallons per minute

Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season

Source: Well #6, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	26	SW SE	400 feet North & 200 feet East from the S¼ corner, Section 26

Authorized Place of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage	
					C#52678 (IR)	C#52679 (IS)
4 N	28 E	WM	26	SW SW	11.4	11.4
4 N	28 E	WM	26	SE SW	1.8	1.8
4 N	28 E	WM	27	SE SE	2.4	2.4
4 N	28 E	WM	34	NE NE	0.4	0.4
4 N	28 E	WM	34	NW NE	1.1	1.1
4 N	28 E	WM	34	NE NW	0.6	0.6
4 N	28 E	WM	35	NW NW	0.5	0.5
TOTALS					18.2	18.2

26. Application T-6783 proposes to change the place of use for the above described rights to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Acreage	
					C#52678(IR)	C#52679 (IS)
3 N	28 E	WM	4	NE NW	12.8*	12.8*
3 N	28 E	WM	4	NW NW	5.4	5.4
TOTALS					18.2	18.2

Note: * Existing water right Permit 53063 is requested to be diminished to supplemental irrigation for the incoming Simplot rights.

27. The entirety of the SEVENTH PRIMARY right to be transferred is as follows:

Certificate: 76249 (supersedes C#67322) in the name of J.R. Simplot Company
Use: PRIMARY IRRIGATION of 37.9 acres
Priority Date: December 2, 1975
Quantity: 0.47 cubic feet per second
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season
Source: Three wells within the Umatilla River Basin. The source of water allowed herein is limited to the alluvium water bearing aquifer overlying the basalt formation estimated to be 200 feet below land surface.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28 E	WM	28	NW SE	Well #1R - 2120 feet North & 2400 feet West from the SE Corner, Section 28
4 N	28 E	WM	28	SW SE	Well #2R - 1650 feet West from the SE Corner, Section 28
4 N	28 E	WM	27	SW SW	Well #3 - (WRD #2) 1030 feet North & 360 feet East from the SW Corner, Section 27

28. The portions of the SUPPLEMENTAL water rights layered with primary water right Certificate #76249 to be transferred are as follows:

Certificate: 52678 in the name of J.R. Simplot Company (perfected under Per. G-8298)
Use: SUPPLEMENTAL IRRIGATION of 26.2 acres
Priority Date: March 22, 1978
Quantity: 144 gallons per minute
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season
Source: Well #4, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28E	WM	26	SW SE	600 feet North & 220 feet East from the S¼ corner, Section 26

Certificate: 52679 in the name of J.R. Simplot Company (perfected under Per. G-9009)
Use: SUPPLEMENTAL IRRIGATION of 26.2 acres
Priority Date: April 23, 1980
Quantity: 147 gallons per minute
Rate/Duty: 1/80th cfs per acre, 3.0 acre-feet per acre per irrigation season
Source: Well #6, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	28E	WM	26	SW SE	400 feet North & 200 feet East from the S¼ corner, Section 26

Authorized Place of Use: Primary (IR) and Supplemental (IS)

Twp	Rng	Mer	Sec	Q - Q	Acreage		
					C#76249 (IR)	C# 52678 (IS)	C# 52679 (IS)
4 N	28 E	WM	26	SW SW	0.4	0.3	0.3
4 N	28 E	WM	27	SW SW	5.8	1.1	1.1
4 N	28 E	WM	27	SE SW	15.3	14.6	14.6
4 N	28 E	WM	27	SW SE	8.3	6.2	6.2
4 N	28 E	WM	27	SE SE	4.4	1.2	1.2
4 N	28 E	WM	34	NE NE	0.3	0.3	0.3
4 N	28 E	WM	34	NW NE	2.5	2.5	2.5
4 N	28 E	WM	35	NW NW	0.9	--	--
TOTALS					37.9	26.2	26.2

29. Application T-6783 proposes to change the place of use for the above described rights to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Acreage		
					C#76249(IR)	C#52678(IS)	C# 52679(IS)
3 N	28 E	WM	4	NE NW	12.1*	12.1*	12.1*
3 N	28 E	WM	4	SE NW	3.5*	3.5*	3.5*
4 N	28 E	WM	26	SW SW	3.2	3.2	3.2
4 N	28 E	WM	26	SE SW	11.4	--	--
4 N	28 E	WM	35	NE NW	0.5	0.2	0.2
4 N	28 E	WM	35	NW NW	7.2	7.2	7.2
TOTALS					37.9	26.2	26.2

Note: * Existing water right Permit 53063 is requested to be diminished to supplemental irrigation for the incoming Simplot rights.

30. Notice of the application for transfer was published on July 21, 1992 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.

31. On December 20, 2006, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-6783 to the applicant. The cover letter that accompanied the draft Preliminary Determination set forth a deadline of January 22, 2007, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination, seek a recommendation from Oregon

Department of Fish and Wildlife on whether the Department should consent to injury of an instream water right and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

32. At the time of filing, the applicant submitted evidence that water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
33. Further review of Transfer Application T-6783 revealed that a portion of the "FROM" lands has changed ownership and a water conveyance agreement was recorded agreeing to allow Simplot to transfer off the rights. On November 8, 2007, the Department received a copy of the water conveyance agreement that authorizes the applicant to transfer off the rights as described above. This Preliminary Determination therefore, is issued to correctly reflect the actual lands now authorized by recorded document. This Preliminary Determination also includes an ODFW requested fish screen condition that was inadvertently left out of the December 20, 2006, draft Preliminary Determination.
34. Pumps, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
35. The reach of the river between the existing authorized points of diversion and the proposed new points of diversion are within the reach of the Umatilla River described in instream water right certificate 59837, and streamflows within the reach are frequently below the levels allocated under the instream water right. The proposed changes to upstream points of diversion will result in a reduction of flows in the reach.
36. Instream water right certificate 59837, established pursuant to ORS 537.346 at the request of the Oregon Department of Fish and Wildlife, is for flows to be maintained in the Umatilla River from McKay Creek (Section 8, T 2 N, R 32 E, W.M.) to the mouth of Umatilla River at River Mile 0.0 (Section 18, T 5 N, R 28 E, W.M.). The date of priority of the right is November 3, 1983.
37. Streamflows in the reach of the Umatilla River covered by the instream water right are measured at the gage 14031490 at UMMO, Umatilla River above Butter Creek (below Maxwell Canal) near Hermiston, Oregon. Draft hydrologic data for this station is on file with the Water Resources Department in Pendleton, Oregon. Streamflows for the upper end of this reach are measured at the gage 14031050 at UMDO, Umatilla River @ I-84 nr. Stanfield, Oregon. Provisional data for the period of record is June 1993 to current year. Also information exists for the upper end of the instream reach at the gage 14026000 at YOKO, Umatilla River @ Yoakum, Oregon. Summary data for the period of record is 1903 to current year and is published in USGS Open-File Report 90-1. The stretch of river between these two gages is considered a "gaining reach", where inflow into the system is considered in accumulation and accounting records during the irrigation season. The following table provides a comparison of monthly Umatilla River streamflow at the gage on the Umatilla River at Yoakum, the gage on the Umatilla River above Butter Creek, near

Hermiston, Oregon during low flow, 80 percent exceedence flows below Pendleton and the instream water right:

Month	Streamflow - Umatilla River blw Maxwell Canal (monthly mean) WY1996	80 Percent Exceedence Flow (cfs)	Streamflow at Yoakum (monthly mean) WY1990	Instream Water Right Certificate 59837 (cfs)	
				1 st Half	2 nd Half
January	945	-221	347	250	250
February	3736	0.15	581	250	250
March	1294	112	975	250	250
April	1623	411	781	250	250
May	645	72.2	832	250	250
June	106	-210	629	250	250
July	30.2	-139	321	120	120
August	22.2	-114	254	85	85
September	110	-250	157	85	250
October	175	-275	137	300	300
November	703	-280	93.7	300	250
December	986	-236	124	250	250

38. The data displayed in the table shown above in the 80 percent exceedence column and data at the gage 14031490 (UMMO) Umatilla River above Butter Creek suggest that flows in this reach are deficient during the irrigation season.
39. Certificate 59837 is deficient annually during a portion of the irrigation season. The instream right is junior to the rights proposed for transfer change in points of diversion and place of use and would further reduce flows in a portion of the reach described in the instream water right.
40. No water rights other than the instream water right with authorized diversions from the affected reach of the Umatilla River have been identified.
41. The proposed changes would not result in enlargement of the rights.
42. An instream water right exists for the reach of the river in which the authorized points of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, instream water right Certificate 59837 would be injured as a result of the proposed change in point of diversion. However, the request proposing changes in places of use would not injure other water rights

Determination and Proposed Action


The request to change the point of diversions of water as proposed in application T-6783 cannot be effected without injury to an existing instream water right. Thus, the application appears **NOT** to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR

690-380-5000. Pursuant to ORS 540.530, the application will be denied unless the Oregon Department of Fish and Wildlife recommends that the Department consent to injury of instream water right 59837, pursuant to OAR 690-380-5050, or protests are filed pursuant to OAR 690-380-4030.

If the transfer is approved notwithstanding the Department's preliminary determination that the transfer will result in injury, the change and subsequent use of water shall be subject to the following conditions:

1. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 52677, 52678, 52679, 52680, 68760, 68761, 68762, 68763 and 72649, and any related decree.*
2. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline (October 1, 2009) for completion of the changes and full beneficial use of the water.*
3. *The quantity of water diverted at the new points of diversion and shall not exceed the quantity of water lawfully available at the original points of diversion.*
4. *The former places of use of the transferred water shall no longer receive water as part of these rights.*
5. *Water Right Certificates 52677, 52678, 52679, 52680, 68760, 68761, 68762, 68763 and 72649 will be cancelled. Certificates will be issued to confirm those portions of the rights not involved in the transfer.*
6. *Existing water right Permit 53063 is requested to be diminished to supplemental irrigation for the incoming Simplot rights as described in Findings #6, 18, 26 and 29.*
7. *Prior to diverting water, the water user shall install and maintain a headgate, an in-line flowmeter, weir, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
8. *The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new points of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.*

Dated at Salem, Oregon this 3 day of January, 2009.



for Phillip C. Ward, Director

This Preliminary Determination was prepared by Ken Dowden. If you have any questions about the information in this document, you may reach me at (541) 278-5456 or e-mail at Ken.D.DOWDEN@wrд.state.or.us.