

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING TEMPORARY CHANGES 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 8193 submitted by

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ALICEL, OREGON 97811.

The first right to be modified, as evidenced by a portion of Certificate 32356, was perfected under Permit 27541 with a date of priority of JUNE 19, 1961. The right allows the use of an UNNAMED SLOUGH and the GRANDE RONDE RIVER, a tributary of the SNAKE RIVER, for IRRIGATION of 44.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.45 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ (Grande Ronde River) and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Unnamed Slough), SECTION 4, T 2 S, R 39 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-FORTIETH 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 for each acre irrigated during the irrigation season of each year, provided further that the right to use is limited to the period when the flow of the Lower Grande Ronde River is more than 300 cfs at USGS Gage 3325 and more than 420 cfs at the USGS Gage 3330.

The second right to be modified, as evidenced by a portion of Certificate 40821, was perfected under Permit 29200 with a priority date of JUNE 27, 1963. The right allows the use of the GRANDE RONDE RIVER and RUCKMAN'S RESERVOIR CONSTRUCTED UNDER PERMIT R-3883, tributaries of the SNAKE RIVER, for IRRIGATION of 47.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.14 cubic feet per second, if available at the authorized points of diversion: NE¼ SE¼, SE¼ SW¼, SECTION 33, T 1 S, R 39 E, WM; RIVER - 1470 FEET NORTH AND 950 FEET WEST; RESERVOIR - 600 FEET NORTH AND 2890 FEET WEST, BOTH FROM THE SE CORNER, SECTION 33, or its equivalent in case of rotation, measured at the points of diversion from the sources.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre from direct flow or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-3883; provided further that the right to use direct flow is limited to the period when the flow of the Lower Grande Ronde River is more than 300 cfs at USGS Gage 3325 and more than 420 cfs at the Oregon-Washington border.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

CERTIFICATE	
<u>32356</u>	<u>40821</u>
SW¼ SE¼	11.4 ACRES
SECTION 33	
TOWNSHIP 1 SOUTH, RANGE 39 EAST, W.M.	
NW¼ NE¼	36.3 ACRES
SW¼ NE¼	35.2 ACRES
NW¼ SE¼	9.3 ACRES
SECTION 4	
TOWNSHIP 2 SOUTH, RANGE 39 EAST, W.M.	

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to TEMPORARILY change the place of use to:

CERTIFICATE

32356

40821

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.3 ACRES 11.6 ACRES
SECTION 32
TOWNSHIP 1 SOUTH, RANGE 39 EAST, W.M.

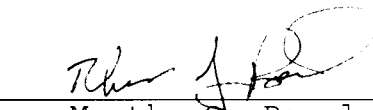
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.2 ACRES
SECTION 5
TOWNSHIP 2 SOUTH, RANGE 39 EAST, W.M.

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

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 1999, 2000, 2001, 2002 and 2003 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2003 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 32356 and 40821 shall continue to be in accordance with the terms and conditions of Certificates 32356 and 40821.

WITNESS the signature of the Water Resources Director,

affixed MAR 17 1999.



For Martha O. Pagel, Director

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.