

STATE OF OREGON

COUNTY OF BAKER

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, TRANSFER 8742 submitted by

DUANE W. BOYER  
14087 MANSFIELD LANE  
HAINES, OREGON 97833.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by a PORTION of Certificate 1481. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1897.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 37.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.93 cubic foot per second from March 1st to July 1st and 0.465 cubic foot per second from July 1st to October 1st of each year, if available at

This is an order in 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 authorized point of diversion: BULGER DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  SW $\frac{1}{4}$         16.1 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$         21.1 ACRES

SECTION 14

TOWNSHIP 7 SOUTH, RANGE 38 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 UNION County as evidenced by a PORTION of Certificate 1470. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1879.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 37.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.93 cubic foot per second from March 1st to July 1st and 0.465 cubic foot per second from July 1st to October 1st of each year, if available at the authorized point of diversion: BULGER DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$         19.3 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$         17.9 ACRES

SECTION 14

TOWNSHIP 7 SOUTH, RANGE 38 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 applicant proposes to TEMPORARILY change the place of use to:

CERTIFICATE 1481

NE $\frac{1}{4}$  NW $\frac{1}{4}$  19.3 ACRES

SW $\frac{1}{4}$  NE $\frac{1}{4}$  17.9 ACRES

SECTION 14

TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

CERTIFICATE 1470

NE $\frac{1}{4}$  SW $\frac{1}{4}$  16.1 ACRES

NW $\frac{1}{4}$  SE $\frac{1}{4}$  21.1 ACRES

SECTION 14

TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

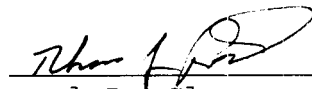
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. This change is temporary. This 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, 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. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

WITNESS the signature of the Water Resources

Director, affixed 5/11/2001.

  
for Paul R. Cleary, Director