

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, TEMPORARY TRANSFER 8225 submitted by

DUANE BOYER
ROUTE 1 BOX 108
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 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 55.2 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 from March 1 to July 1, and 0.69 cubic foot per second from July 1 to October 1 of each year; the total to be diverted during each irrigation season not to exceed 138.0 acre feet, 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 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 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 55.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.38 cubic feet per second from March 1 to July 1, and 0.69 cubic foot per second from July 1 to October 1 of each year; the total to be diverted during each irrigation season not to exceed 138.0 acre feet, 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 places of use is located as follows:

CERTIFICATE			
<u>1470</u>		<u>1481</u>	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.1 ACRES		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	16.1 ACRES		
NE $\frac{1}{4}$ SW $\frac{1}{4}$		23.2 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$		32.0 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			
<u>1470</u>		<u>1481</u>	
SW $\frac{1}{4}$ NE $\frac{1}{4}$		39.1 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$		16.1 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.1 ACRES		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.1 ACRES		
SECTION 14			
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.			

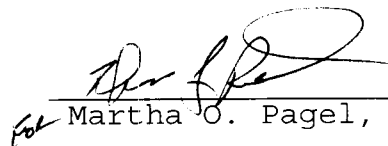
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. 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 1999 and 2000 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2000 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 right described by Certificates 1470 and 1481 shall continue to be in accordance with the terms and conditions of Certificates 1470 and 1481.

WITNESS the signature of the Water Resources Director,

affixed APR 30 1999.



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.