

STATE OF OREGON

COUNTY OF WALLOWA

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 8789 submitted by

GEORGE R. HORTON
68279 ALLEN CANYON LOOP
WALLOWA, OREGON 97885.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WALLOWA County as evidenced by a PORTION of Certificate 2938. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Pages 143-144. The date of priority is JUNE 17, 1893 FOR TRACT NO. 1.

The right allows the use of EAST FORK OF BEAR CREEK, a tributary of the WALLOWA RIVER, for IRRIGATION OF 44.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.1 cubic feet per second, if available at the authorized point of diversion: NW¼ SW¼, SECTION 32, T 1 S, R 43 E, W.M.; ALLEN WATER DITCH -

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.

1880 FEET NORTH AND 1120 FEET EAST FROM THE SW CORNER, SECTION 32, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid is limited to an amount actually beneficially used for said purposes and shall not exceed $1\frac{1}{2}$ acre feet per acre during any period of 30 days prior to July 31st of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season.

The authorized place of use is located as follows:

(TL 1601) NW $\frac{1}{4}$ NW $\frac{1}{4}$ 22.0 ACRES

(TL 1601) NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.0 ACRES

SECTION 5

TOWNSHIP 1 SOUTH, RANGE 43 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 as evidenced by a PORTION of Certificate 65175, was perfected under Permit 38052 with a date of priority of MAY 7, 1973. The right allows the use of the LOSTINE RIVER, a tributary of the WALLOWA RIVER, for SUPPLEMENTAL IRRIGATION OF 22.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.51 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 27, T 1 S, R 43 E, W.M.; 2870 FEET SOUTH AND 220 FEET EAST FROM THE N $\frac{1}{4}$ CORNER, SECTION 27, 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 any 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 3.5 acre-feet for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

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

The authorized place of use is located as follows:

(TL 1601) NW¼ SW¼ 22.0 ACRES
SECTION 5
TOWNSHIP 1 SOUTH, RANGE 43 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 THIRD right to be modified as evidenced by a PORTION of Certificate 4930, was perfected under Permit 3271 with a date of priority of MAY 29, 1916. The right allows the use of the MINAM LAKE RESERVOIR TO BE CONSTRUCTED UNDER PERMIT R-396, CERTIFICATE 4937, a tributary of MINAM LAKE, for SUPPLEMENTAL IRRIGATION OF 6.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 cubic feet per second, if available at the authorized point of diversion: SECTION 30, T 4 S, R 44 E, W.M.; NORTH END OF MINAM LAKE, 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 any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is located as follows:

(TL 1601) NW¼ NW¼ 6.4 ACRES
SECTION 5
TOWNSHIP 1 SOUTH, RANGE 43 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 2938

(TL 1601) NW¼ NW¼ 22.0 ACRES
(TL 1601) NW¼ SW¼ 22.0 ACRES
SECTION 5
TOWNSHIP 1 SOUTH, RANGE 43 EAST, W.M.

CERTIFICATE 65175

(TL 1601) NW¼ NW¼ 22.0 ACRES (SUPPLEMENTAL)
SECTION 5
TOWNSHIP 1 SOUTH, RANGE 43 EAST, W.M.

CERTIFICATE 4930

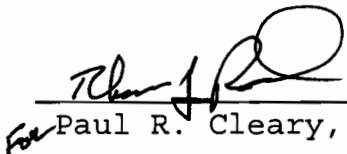
(TL 1601) NW¼ SW¼ 6.4 ACRES (SUPPLEMENTAL)
SECTION 5
TOWNSHIP 1 SOUTH, RANGE 43 EAST, W.M.

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 2001, 2002, 2003 and 2004 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2004 irrigation season.
4. The portion of the water right evidenced by Certificate 2938 (supplemental irrigation from springs) appurtenant to some of the lands subject to transfer, **shall not** be used during the 2001, 2002, 2003 and 2004 irrigation seasons.
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.
6. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
7. The use of the remaining water rights described by Certificates 2938, 65175 and 4930 shall continue to be in accordance with the terms and conditions of Certificates 2938, 65175 and 4930.

WITNESS the signature of the Water Resources Director,
affixed **JUN 28 2001** .



For Paul R. Cleary, Director