

STATE OF OREGON

COUNTY OF MALHEUR

ORDER APPROVING A CHANGE IN USE AND PLACE OF USE

Pursuant to ORS 540.510 to 540.530, 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 7623 submitted by

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889 SW THIRD AVENUE
ONTARIO, OREGON 97914.

The right to be modified, as evidenced by a portion of Certificate 40574, was perfected under Permit 33946 with a date of priority of OCTOBER 25, 1968. The right allows the use of the MALHEUR RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 1030.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 25.75 cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, SECTION 10, T 18 S, R 46 E, WM; 510 FEET SOUTH AND 600 FEET FROM THE NE CORNER, SECTION 10, 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 3.0 acre-feet 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:

SW¼ SW¼	39.8 ACRES	NW¼ NE¼	25.2 ACRES
SE¼ SW¼	29.8 ACRES	SW¼ NE¼	30.6 ACRES
SW¼ SE¼	0.8 ACRE	NE¼ NW¼	39.2 ACRES
SECTION 23		SE¼ NW¼	38.2 ACRES
		SW¼ SW¼	15.4 ACRES
		SE¼ SW¼	18.2 ACRES
		SECTION 26	
TOWNSHIP 17 SOUTH, RANGE 46 EAST, W.M.			

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.8 ACRES
SECTION 29

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 18.7 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.0 ACRES
SECTION 34

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.4 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.6 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.4 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 23.4 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 14.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.2 ACRES

SECTION 35

SECTION 32

TOWNSHIP 17 SOUTH, RANGE 46 EAST, W.M.

LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 2.0 ACRES
SECTION 2

LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 6.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 16.2 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.2 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.2 ACRE

SECTION 4

LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 29.4 ACRES
LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 40.5 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.3 ACRE

LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 40.8 ACRES
LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 40.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.8 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 13.6 ACRES

SECTION 3

TOWNSHIP 18 SOUTH, RANGE 46 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 change the USE and PLACE OF USE of water from irrigation to FLOW AUGMENTATION FOR FISH ENHANCEMENT in the channel of the Malheur River from the authorized point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 10, T 18 S, R 46 E, WM; 510 FEET SOUTH AND 600 FEET FROM THE NE CORNER, SECTION 10 to the confluence with the Snake River in LOT 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 28, T 17 S, R 47 E, WM; and in the channel of the Snake River from the confluence to the Oregon-Washington border in LOT 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION 15, T 6 N, R 47 E, WM.

The receiving water right holder is:

U.S. Department of the Interior
Bureau of Reclamation, Pacific Northwest Region
1150 North Curtis Road
Boise, Idaho 83704

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1998.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. The quantity of water used for flow augmentation shall not exceed a rate of 25.75 cfs and a volume of 3090 acre-feet during each year.
4. The Water User shall work with the Department to develop and implement a strategy for monitoring the flows used for flow augmentation.

Certificate 40574 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed FEB 25 1997 .



Martha O. Pagel, Director