

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 7625 submitted by

JACK F. AND JANET H. DUNCAN AND JOHN D. AND L. PATRICIA HANSEN  
89 SW THIRD AVENUE  
ONTARIO, OREGON 97914.

The right to be modified, as evidenced by a portion of Certificate 40572, was perfected under Permit 33944 with a date of priority of OCTOBER 25, 1968. The right allows the use of the SNAKE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 858.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 21.46 cubic foot per second, if available at the authorized point of diversion: LOT 1 (NE¼ NW¼), SECTION 21, T 17 S, R 47 E, WM; 350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER, SECTION 21, 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 4.0 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 SE¼	8.2 ACRES	SW¼ SW¼	20.4 ACRES
SECTION 1		SECTION 3	
SW¼ NE¼	0.1 ACRE	SW¼ SW¼	2.4 ACRES
SW¼ NW¼	4.2 ACRES	SE¼ SW¼	4.8 ACRES
SE¼ NW¼	11.4 ACRES	SW¼ SE¼	8.8 ACRES
NW¼ SW¼	20.0 ACRES	SE¼ SE¼	23.6 ACRES
SW¼ SW¼	0.2 ACRE	SECTION 4	
SECTION 2			

NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.6 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0 ACRES	SECTION 15	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES	NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.4 ACRES	NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.8 ACRES	NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	25.6 ACRES	SECTION 16	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	38.7 ACRES		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.0 ACRES	SE $\frac{1}{4}$ NE $\frac{1}{4}$	20.4 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.8 ACRES	NE $\frac{1}{4}$ SE $\frac{1}{4}$	18.4 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES	SECTION 20	
SECTION 9			
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	30.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.0 ACRES	NW $\frac{1}{4}$ SW $\frac{1}{4}$	9.4 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.6 ACRES	SECTION 21	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 ACRES		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	29.8 ACRES		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.5 ACRES		
NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.6 ACRES		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.8 ACRES		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.0 ACRES		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	29.3 ACRES		

SECTION 10

TOWNSHIP 17 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 applicants propose to change the USE and PLACE OF USE of 225.5 acres of irrigation to FLOW AUGMENTATION FOR FISH ENHANCEMENT in the channel of the Snake River from the authorized point of diversion in Lot 1 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 21, T 17 S, R 47 E, WM 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 applicants also propose to change the place of use of 632.9 acres of irrigation to:

SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.2 ACRES	NE $\frac{1}{4}$ NW $\frac{1}{4}$	6.5 ACRES
SECTION 20		NW $\frac{1}{4}$ NW $\frac{1}{4}$	37.6 ACRES
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.8 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	18.4 ACRES	SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.6 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.4 ACRES	SECTION 27	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.7 ACRES		
SECTION 21			

NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.6 ACRES	NE $\frac{1}{4}$ NE $\frac{1}{4}$	18.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	29.8 ACRES	SE $\frac{1}{4}$ NE $\frac{1}{4}$	17.1 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.4 ACRES	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	36.4 ACRES	SECTION 29	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.4 ACRES		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	32.2 ACRES		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.8 ACRES		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.6 ACRES		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	23.7 ACRES		
NW $\frac{1}{4}$ SW $\frac{1}{4}$	17.1 ACRES		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.0 ACRES		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.2 ACRES		

SECTION 28

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

The receiving water right holder for the portion of the right to be used for flow augmentation fish enhancement 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 5.64 cfs and a volume of 902.0 acre-feet during the period March 1 to October 31 of each year.
4. The quantity of water used for irrigation shall not exceed a rate of 15.82 cfs and a volume of 2531.6 acre-feet during the irrigation season, March 1 to October 31, of each year.
5. The Water User shall work with the Department to develop and implement a strategy for monitoring the flows used for flow augmentation.

Certificate 40572 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                    .

  
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Martha O. Pagel, Director