

STATE OF OREGON

COUNTY OF WALLOWA

ORDER APPROVING A TEMPORARY CHANGE 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 9186 submitted by

VERN AND MARTI SPAUR
68830 ALLEN CANYON LOOP ROAD
WALLOWA, OREGON 97885.

The right to be modified, as evidenced by a PORTION of Certificate 66831, was perfected under Permit 44274 with a date of priority of APRIL 18, 1979. The right allows the use of the LOSTINE RIVER, a tributary of the WALLOWA RIVER, for IRRIGATION of 51.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.08 cubic feet per second, if available at the authorized point of diversion: NW¼ SE¼, SECTION 27, T 1 S, R 43 E, W.M.; 2870 FEET SOUTH AND 220 FEET EAST FROM N¼ CORNER, SECTION 27, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.4 ACRES
SECTION 16
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:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.9 ACRES
SECTION 31
TOWNSHIP 1 NORTH, RANGE 43 EAST, W.M.

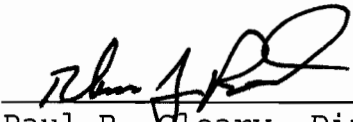
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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 2002 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2002 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 Certificate 66831 shall continue to be in accordance with the terms and conditions of Certificate 66831.
6. The water user **shall** install an in-line flow meter or other suitable device for measuring and recording the quantity of water used into and out of any natural water source used to convey water. Control gates shall also be used to regulate any water out of natural waterways. 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 AUG 02 2002 .



Paul R. Cleary, Director