

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 7626 submitted by

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

The right to be modified, as evidenced by a portion of Certificate 40570, was perfected under Permit 30621 with a date of priority of OCTOBER 8, 1965. The right allows the use of the MALHEUR RIVER, a tributary of the SNAKE RIVER, for IRRIGATION 3141.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 37.88 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 10, T 18 S, R 46 E, WM; 510 FEET SOUTH AND 600 FEET WEST 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:

SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.5 ACRES	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.2 ACRES	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES
SECTION 20		SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	18.4 ACRES	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.4 ACRES	SECTION 22	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.7 ACRES	SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.4 ACRES
SECTION 21		NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0 ACRES
		SECTION 26	

NE¼ NE¼ 39.2 ACRES
 NW¼ NE¼ 39.2 ACRES
 SW¼ NE¼ 38.6 ACRES
 SE¼ NE¼ 38.4 ACRES
 NE¼ NW¼ 39.2 ACRES
 NW¼ NW¼ 37.6 ACRES
 SW¼ NW¼ 37.8 ACRES
 SE¼ NW¼ 38.6 ACRES
 NE¼ SW¼ 32.4 ACRES
 SW¼ SW¼ 28.8 ACRES
 SW¼ SW¼ 39.4 ACRES
 SE¼ SW¼ 39.6 ACRES
 NE¼ SE¼ 30.4 ACRES
 NW¼ SE¼ 31.2 ACRES
 SW¼ SE¼ 39.4 ACRES
 SE¼ SE¼ 35.6 ACRES

SECTION 27

NE¼ NE¼ 25.6 ACRES
 NW¼ NE¼ 29.8 ACRES
 SW¼ NE¼ 29.4 ACRES
 SE¼ NE¼ 36.4 ACRES
 NE¼ NW¼ 18.4 ACRES
 NW¼ NW¼ 32.2 ACRES
 SW¼ NW¼ 39.8 ACRES
 SE¼ NW¼ 34.6 ACRES
 NE¼ SW¼ 37.2 ACRES
 NW¼ SW¼ 35.6 ACRES
 SW¼ SW¼ 39.2 ACRES
 SE¼ SW¼ 40.0 ACRES
 NE¼ SE¼ 30.8 ACRES
 NW¼ SE¼ 35.0 ACRES
 SW¼ SE¼ 40.0 ACRES
 SE¼ SE¼ 39.2 ACRES

SECTION 28

NE¼ NE¼ 39.7 ACRES
 NW¼ NE¼ 39.4 ACRES
 SW¼ NE¼ 39.2 ACRES
 SE¼ NE¼ 40.0 ACRES
 NE¼ SE¼ 32.6 ACRES
 NW¼ SE¼ 38.2 ACRES
 SW¼ SE¼ 38.8 ACRES
 SE¼ SE¼ 36.4 ACRES

SECTION 29

NE¼ NE¼ 38.4 ACRES
 NW¼ NE¼ 31.0 ACRES
 SW¼ NE¼ 33.0 ACRES
 SE¼ NE¼ 24.6 ACRES
 NE¼ NW¼ 24.4 ACRES
 NW¼ NW¼ 12.8 ACRES

SW¼ NW¼ 39.4 ACRES
 SE¼ NW¼ 39.6 ACRES
 NE¼ SW¼ 39.4 ACRES
 NW¼ SW¼ 39.2 ACRES
 SW¼ SW¼ 39.2 ACRES
 SE¼ SW¼ 39.4 ACRES
 NE¼ SE¼ 39.6 ACRES
 NW¼ SE¼ 39.3 ACRES
 SW¼ SE¼ 39.6 ACRES
 SE¼ SE¼ 39.6 ACRES

SECTION 33

NE¼ NE¼ 40.0 ACRES
 NW¼ NE¼ 40.0 ACRES
 SW¼ NE¼ 40.0 ACRES
 SE¼ NE¼ 40.0 ACRES
 NE¼ NW¼ 40.0 ACRES
 NW¼ NW¼ 39.0 ACRES
 NW¼ NW¼ 21.2 ACRES
 SE¼ NW¼ 34.0 ACRES
 NW¼ SE¼ 26.8 ACRES
 SW¼ SE¼ 35.6 ACRES

SECTION 34

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

LOT 1 (NE¼ NE¼) 40.8 ACRES
 LOT 2 (NW¼ NE¼) 40.3 ACRES
 SW¼ NE¼ 39.5 ACRES
 SE¼ NE¼ 40.0 ACRES

LOT 3 (NE¼ NW¼) 40.3 ACRES
 LOT 4 (NW¼ NW¼) 21.0 ACRES
 SE¼ NW¼ 28.2 ACRES
 NE¼ SW¼ 19.0 ACRES
 NE¼ SE¼ 20.6 ACRES
 NW¼ SE¼ 31.0 ACRES

SECTION 4

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 NE¼ NE¼, 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 (NE¼ SW¼), 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 (SE¼ SE¼), 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 37.88 cfs and a volume of 9423.3 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 40570 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