

STATE OF OREGON

COUNTY OF MALHEUR

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE  
AND POINT OF DIVERSION

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 8353 submitted by

OREGON PARKS AND RECREATION DEPARTMENT  
1705 MAIN STREET, SUITE 101  
BAKER CITY, OREGON 97814.

The right to be modified, as evidenced by a PORTION of Certificate 75566, was perfected under Permit 31231 with a date of priority of JUNE 27, 1966. The right allows the use of the SNAKE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 45.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.92 cubic foot per second, if available at the authorized point of diversion: LOT 1 (NE¼ NW¼), SECTION 21, T 17 S, R 47 E, W.M.; 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.

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 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.6 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	27.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	7.2 ACRES

SECTION 22

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 applicant proposes to TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.1 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.2 ACRES

SECTION 32

NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	22.1 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.0 ACRE
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.8 ACRES

SECTION 33

TOWNSHIP 14 SOUTH, RANGE 45 EAST, W.M.

The applicant further proposes to TEMPORARILY change the point of diversion to:

NE¼ SW¼, NW¼ SW¼, SECTION 33, T 14 S, R 45 E, W.M.; 160 FEET SOUTH AND 1810 FEET EAST; 1130 FEET SOUTH AND 760 FEET EAST; BOTH FROM THE W¼ CORNER, SECTION 33.

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

1. This change is temporary. This 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, 2003, 2004, 2005 and 2006 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2006 irrigation season.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The use of the remaining water right described by Certificate 75566 shall continue to be in accordance with the terms and conditions of Certificate 75566.
7. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

8. 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.

WITNESS the signature of the Water Resources

Director, affixed AUG 27 2002.

  
Paul R. Cleary, Director