

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND A CHANGE IN PLACE OF USE

Pursuant to ORS 537.348 and 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 9382 submitted by

RICHARD AND JUDITH ANN KIRKHAM
9225 STEEL BRIDGE ROAD
SHERIDAN, OREGON 97378.

The right to be modified, as evidenced by a portion of Certificate 48075, was perfected under Permit 40025 with a date of priority of APRIL 23, 1975. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 16.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.2025 cubic foot per second, if available at the authorized point of diversion: SE¼ NW¼, AS PROJECTED WITHIN HAGGARD DLC 94, SECTION 6, T 6 S, R 6 W, W.M.; 1 - 3300 FEET NORTH AND 2100 FEET EAST FROM THE SW CORNER OF SECTION 6, 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-EIGHTIETH 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 2½ 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:

SE¼ SW¼ 14.9 ACRES
AS PROJECTED WITHIN HAGGARD DLC 94
SECTION 6

NE¼ NW¼ 1.3 ACRES
AS PROJECTED WITHIN HAGGARD DLC 94
SECTION 7

TOWNSHIP 6 SOUTH, RANGE 6 WEST, 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 and is subject to the existing minimum flow policies established by the Water Policy Review Board.

The applicant proposes to change the character of use of 0.2025 cubic foot per second to INSTREAM USE FOR ENHANCEMENT OF STREAM FLOW FOR FISH, WILDLIFE, AND WATER QUALITY in the South Yamhill River during the time period of JUNE 1 TO SEPTEMBER 9 of each year.

The applicant proposes to change the place of use to a stream reach on the South Yamhill River from the authorized point of diversion: SE¼ NW¼, AS PROJECTED WITHIN HAGGARD DLC 94, SECTION 6, T 6 S, R 6 W, W.M.; 1 - 3300 FEET NORTH AND 2100 FEET EAST FROM THE SW CORNER OF SECTION 6; to the mouth of the South Yamhill River located in the SW¼ NE¼, SECTION 14, T 4 S, R 4 W, W.M.

The applicant proposes to add 0.2025 cubic foot per second to Instream Water Right Certificate 59484 during the time period of JUNE 1 TO SEPTEMBER 9 of each year.

The applicant proposes to replace a portion of Instream Water Right Certificate 59461 during the time period of JUNE 1 TO SEPTEMBER 9 of each year.

The director's findings under OAR 690-77-075(2) are affirmative.

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

1. The proposed changes shall be effective upon the date of this order.
2. This instream water right shall be additional to an existing instream water right on the South Yamhill River evidenced by Certificate 59484, during the time period of JUNE 1 TO SEPTEMBER 9 of each year.
3. This instream water right shall replace a portion of an existing instream water right on the South Yamhill River, evidenced by Certificate 59461, during the time period of JUNE 1 TO SEPTEMBER 9 of each year.
4. The former place of use shall no longer be irrigated as a part of this water right.

An instream flow of 0.2025 cubic foot per second will be maintained during the time period JUNE 1 TO SEPTEMBER 9 of each year, in the South Yamhill River, a tributary of the Yamhill River, from the authorized point of diversion in the SE¼ NW¼, AS PROJECTED WITHIN HAGGARD DLC 94, SECTION 6, T 6 S, R 6 W, W.M.; 1 - 3300 FEET NORTH AND 2100 FEET EAST FROM THE SW CORNER OF SECTION 6; to the mouth of the South Yamhill River in the SW¼ NE¼, SECTION 14, T 4 S, R 4 W, W.M., with a priority date of April 23, 1975.

Certificate 48075 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. A new certificate confirming this instream water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed JUL 01 2003.


Paul R. Cleary, Director