

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING AN EMERGENCY USE DROUGHT
TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 536.750 and OAR 690-19-0055, after finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY DROUGHT TRANSFER 9502 submitted by

WILLIAM AND SANDRA MCGINN
49026 HIGHWAY 30
NORTH POWDER, OREGON 97754.

The right to be modified, as evidenced by a portion of Certificate 8394, was perfected under Permit 789 with a date of priority of JULY 24, 1911. The right allows the use of SUMMIT LAKE RESERVOIR AND VAN PATTON LAKE RESERVOIR, a tributary of NORTH POWDER RIVER, for IRRIGATION OF 102.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.0 acre-foot per acre for each acre irrigated during the irrigation season of each year, if available at the authorized points of diversion: SEC 35, T 6S, R 38E, W.M., SEC 32 T 6 S, R 39E, W.M., 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 use hereunder shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES

SECTION 3

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.5 ACRES

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.5 ACRES

SECTION 4

TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

The applicant proposes to **TEMPORARILY** change the place of use to:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.5 ACRES

SECTION 35

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28.5 ACRES

SECTION 36

TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 ACRES

SECTION 1

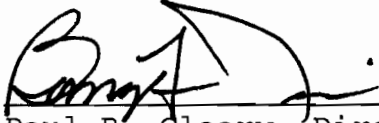
TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.

THIS CHANGE 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 proposed place of use shall revert to the authorized place of use at the end of the 2003 irrigation season or the end of the Governor's declared drought, whichever occurs first.
3. Water used under Certificate 8394, together with the amount secured under any other right existing for the same lands, at the original location together with water used at the proposed location **shall not exceed 4.0 acre-foot** per acre for each acre irrigated during the irrigation season of each year.
4. The portions of the water right evidenced by Certificates 65136, 72429 and Permit S-50717 appurtenant to the authorized place of use ("FROM" lands) **shall not** be exercised during the 2003 irrigation season.
5. The approval of this temporary transfer may be revoked if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.
6. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under the transfer.
7. 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 JUL 24 2003_____.

for _____
Paul R. Cleary, Director