

STATE OF OREGON

COUNTY OF LINN

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

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 7161 submitted by

JOHN SCHUKIS
25991 POWERLINE ROAD
HALSEY, OREGON 97348.

The right to be modified, as evidenced by a portion of Certificate 76399, was perfected under Permit 17510 with a date of priority of FEBRUARY 9, 1939. The right allows the use of the MCKENZIE RIVER AND LITTLE MUDDY CREEK, tributaries of the WILLAMETTE RIVER, for IRRIGATION 25.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.31 cubic foot per second, if available at the authorized point of diversion:
MCKENZIE RIVER - NE¼ NE¼, AS PROJECTED WITHIN SPORES DLC 38, SECTION 9, T 17 S, R 3 W, W.M.; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF MANSFIELD DLC 79, SECTION 5, T 17 S, R 3 W, W.M.; LITTLE MUDDY CREEK - SE¼ SE¼, SECTION 14, T 14 S,

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.

R 4 W, W.M.; 1770 FEET SOUTH AND 300 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 14, 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 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 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:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 ACRES
SECTION 14
TOWNSHIP 14 SOUTH, RANGE 4 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

The applicant proposes to change the place of use to:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.0 ACRES
SECTION 13
TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.

The applicant proposes to change the point of diversion on Little Muddy Creek to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T 14 S, R 4 W, W.M.; 1800 FEET SOUTH AND 30 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 13.

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 completed on or before October 1, 2002.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water sources as the original points of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 76399 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 08 2001.


Paul R. Cleary, Director