

STATE OF OREGON

COUNTY OF LAKE

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

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 9503 submitted by

RICHARD C. SMITH
4453 18TH AVENUE NE
SALEM, OREGON 97303.

The right to be modified, as evidenced by a PORTION of Certificate 75867, was perfected under Permit G-10703 with a date of priority of NOVEMBER 4, 1983. The right allows the use of A WELL, in the FORT ROCK BASIN, for IRRIGATION of 10.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 cubic feet per second, if available at the original well: SE¼ SW¼, SECTION 25, T 26 S, R 18 E, W.M.; 30 FEET NORTH AND 3000 FEET WEST FROM THE SE CORNER, SECTION 25, or its equivalent in case of rotation, measured at the well.

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 3 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:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.3 ACRES
SECTION 25
TOWNSHIP 26 SOUTH, RANGE 18 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 $\frac{1}{4}$ NW $\frac{1}{4}$ 2.575 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.575 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.575 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.575 ACRES
SECTION 8
TOWNSHIP 27 SOUTH, RANGE 19 EAST, W.M.

The applicant further proposes to **TEMPORARILY** change the point of appropriation to:

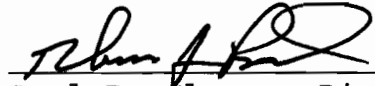
SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 8, T 27 S, R 19 E, W.M.; 1330 FEET SOUTH AND 1305 FEET EAST FROM THE NW CORNER, SECTION 8.

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

1. These changes are temporary. These changes 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 2003, 2004, 2005, 2006 and 2007 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.
4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. The use of the remaining water right described by Certificate 75867 shall continue to be in accordance with the terms and conditions of Certificate 75867.
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 JUL 24 2003.


Paul R. Cleary, Director