

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING TEMPORARY CHANGES 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 8413 submitted by

LUDWIG HITZ
12784 ELLIOTT PRAIRIE ROAD NE
WOODBURN, OREGON 97071.

The right to be modified, as evidenced by a portion of Certificate 20079, was perfected under Permit 18562 with a date of priority of AUGUST 2, 1948. The right allows the use of an UNNAMED STREAM, a tributary of BUTTE CREEK, for IRRIGATION of 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the authorized point of diversion: SE¼ NW¼, SECTION 22, T 5 S, R 1 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is a final order in other than contested case. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order 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 of this order or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under an 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 NW¼ 5.0 ACRES
SECTION 22
TOWNSHIP 5 SOUTH, RANGE 1 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:

LOT 1 (NE¼ NW¼) 5.0 ACRES
SECTION 22
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

The applicant proposes to change the point of diversion to a shallow, hydraulically connected well located as follows:

LOT 1 (NE¼ NW¼), SECTION 22, T 5 S, R 1 W, WM; 250 FEET NORTH AND 1280 FEET EAST FROM THE NE CORNER, TOWNSEND DLC.

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

1. The change is temporary. The 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 2000, 2001, 2002, and 2003 irrigation seasons.
3. The former place of use shall not be irrigated as part of Ground Water Registration Certificate 1036 during the 2000, 2001, 2002, and 2003 irrigation seasons.
4. The use shall revert to the authorized place of use at the end of the 2003 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. The use of the remaining water right described by Certificate 20079 shall continue to be in accordance with the terms and conditions of Certificate 20079.

WITNESS the signature of the Water Resources Director,

affixed **MAR 08 2000** .



For Martha O. Pagel, Director