

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

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 9451 submitted by

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The FIRST right to be modified, as evidenced by a PORTION of Certificate 64748, was perfected under Permit 32243 with a date of priority of APRIL 14, 1967. The right allows the use of WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 12.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.16 cubic feet per second, if available at the authorized point of diversion: NW¼ SW¼, AS PROJECTED WITHIN DLC 58, SECTION 4, T 6 S, R 3 W, W.M.; 4700 FEET NORTH AND 1290 FEET EAST FROM THE SE CORNER OF DLC 58, 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 SECOND right to be modified, as evidenced by a PORTION of Permit 43379, with a date of priority of MAY 11, 1977. The right allows the use of WILLAMETTE BASIN PROJECT RESERVOIRS, a tributary of the WILLAMETTE RIVER, for SUPPLEMENTAL IRRIGATION of 12.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a diversion of 2½ acre-feet of stored water only for each acre irrigated, if available at the authorized point of diversion: NW¼ SW¼, SECTION 4, T 6 S, R 3 W, W.M.; 4700 FEET NORTH AND 1290 FEET EAST FROM THE SE CORNER OF GAY DLC 58, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation is limited to an amount actually beneficially used and shall not exceed a diversion of 2½ acre-feet of stored water only for each acre irrigated during the irrigation season of each year and is subject to the terms and conditions of contract No. 8-07-10-W0144 or a satisfactory replacement between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

The authorized place of use is located as follows:

PRIMARY AND SUPPLEMENTAL

NW¼ NW¼ 2.8 ACRES

SW¼ NW¼ 9.7 ACRES

SECTION 33

TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

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

NW¼ NE¼ 6.0 ACRES

SW¼ NE¼ 6.5 ACRES

SECTION 33

TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

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

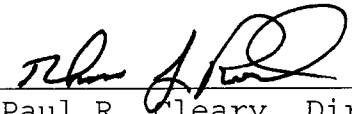
1. The change is temporary. The change shall be effective upon issuance of this order.
2. The former place of use **shall not** be irrigated as part of this water right during the 2003, 2004, 2005, 2006 and 2007 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water right described by Certificate 64748 and Permit 43379 shall continue to be in accordance with the terms and conditions of Certificate 64748 and Permit 43379.
6. 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.

7. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

WITNESS the signature of the Water Resources

Director, affixed AUG 18 2003 .



Paul R. Cleary, Director