

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A CHANGE IN PLACE OF USE AND 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 7724 submitted by

GEORGE STASTNY  
9870 SW BAYOU DRIVE  
McMINNVILLE, OREGON 97128.

The right to be modified, as evidenced by a portion of Certificate 62084, was perfected under Permit 45983 with a date of priority of MAY 1, 1981. The right allows the use of DEER CREEK, a tributary of the YAMHILL RIVER, for IRRIGATION of 1.0 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.01 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within DLC 53, SECTION 30, T 5 S, R 5 W, WM; 1500 FEET NORTH AND 550 FEET WEST FROM THE SE CORNER, SECTION 30, 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 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 2 $\frac{1}{2}$  acre-feet for each acre irrigated during the irrigation season of each year.

Notice: Under the provisions of OAR-137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

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 $\frac{1}{4}$  1.0 ACRE  
as projected within DLC 53  
SECTION 30  
TOWNSHIP 5 SOUTH, RANGE 5 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:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  0.3 ACRE  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  0.7 ACRE  
as projected within PAYNE DLC 53  
SECTION 29  
TOWNSHIP 5 SOUTH, RANGE 5 WEST, W.M.

The applicant also proposes to change the point of diversion to:

NE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within PAYNE DLC 53, SECTION 29,  
T 5 S, R 5 W, WM; 250 FEET SOUTH AND 2560 FEET EAST FROM THE W $\frac{1}{4}$   
CORNER, SECTION 29.

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, 2001.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point 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 source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 62084 is canceled. 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,  
OCT 04 1999  
affixed \_\_\_\_\_.

  
\_\_\_\_\_  
For Martha O. Pagel, Director