

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A TEMPORARY CHANGE 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 9337 submitted by

HOWARD, GARY AND MICHAEL BROWNSON  
7081 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457.

The right to be modified, as evidenced by a PORTION of Certificate 39246, was perfected under Permit 6647 with a date of priority of DECEMBER 29, 1924. The right allows the use of LOUIS CREEK, a tributary of the SOUTH UMPQUA RIVER, for IRRIGATION OF 4.8 ACRES AND DOMESTIC. 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: NW¼ NW¼, SECTION 23, T 29 S, R 4 W, W.M.; 830 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER, SECTION 23, 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 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:

LOT 2 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )            4.8 ACRES  
SECTION 23  
TOWNSHIP 29 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 TEMPORARILY change the place of use to:

NW $\frac{1}{4}$  NE $\frac{1}{4}$             0.2 ACRE  
SW $\frac{1}{4}$  NE $\frac{1}{4}$             4.6 ACRES  
BOTH AS PROJECTED WITHIN DLC 39  
SECTION 21  
TOWNSHIP 29 SOUTH, RANGE 4 WEST, W.M.

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

SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 21, T 29 S, R 4 W, W.M.; 460 FEET EAST AND 940 FEET NORTH FROM C $\frac{1}{4}$ , SECTION 21.

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

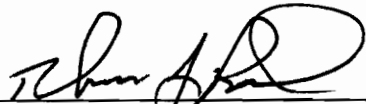
1. The changes are temporary. The changes shall be effective upon issuance of this order.

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 surface water source as the original point of diversion.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
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. The type and plans of the screen must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the general supervision of the Department of Fish and Wildlife.
8. The water right evidenced by Certificate 57906 (Permit S-45484) appurtenant to the proposed place of use, **shall not** be used during the 2003, 2004, 2005, 2006 and 2007 irrigation seasons.
9. The use of the remaining water right described by Certificate 39246 shall continue to be in accordance with the terms and conditions of Certificate 39246.

10. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

WITNESS the signature of the Water Resources

Director, affixed FEB 28 2003.

  
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Paul R. Cleary, Director