

STATE OF OREGON

COUNTY OF MARION

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 9026 submitted by

BRYAN SCHURTER
10115 KAUFMAN ROAD NE
SILVERTON, OREGON 97381.

The right to be modified, as evidenced by a PORTION of Certificate 27084, was perfected under Permit 54660 with a date of priority of JANUARY 22, 1957. The right allows the use of the PUDDING RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION of 3.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.045 cubic foot per second, if available at the authorized point of diversion: SE¼ SE¼ AS PROJECTED WITHIN SHAW DLC 50, SECTION 7, T 7 S, R 1 W, W.M., 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 authorized place of use is located as follows:

SE¼ SE¼ 3.5 ACRES
ALL AS PROJECTED WITHIN SHAW DLC 50
SECTION 7
TOWNSHIP 7 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 TEMPORARILY change the place of use to:

SE¼ SE¼ 0.5 ACRE
AS PROJECTED WITHIN DLC 49
SECTION 7

NE¼ NE¼ 3.0 ACRES
AS PROJECTED WITHIN DLC 49
SECTION 18
TOWNSHIP 7 SOUTH, RANGE 1 WEST, W.M.

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

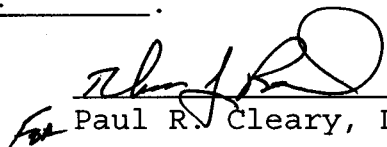
1. The change is temporary. The change shall be effective upon issuance of this order.

2. The former place of use **shall not** be irrigated as part of this water right during the 2002, 2003, 2004 and 2005 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2005 irrigation season.
4. **Prior** to the diverting of water, 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.
5. The portion of the supplemental water rights evidenced by Certificates 28467 and 30819 (Permits S-26268 and S-26860) appurtenant to the authorized place of use and not being moved by this order, **shall not** be used during the 2002, 2003, 2004 and 2005 irrigation seasons.

The portion of the water right evidenced by Certificate 76256 (Permit G-11120) appurtenant to the proposed place of use, **shall not** be used during the 2002, 2003, 2004 and 2005 irrigation seasons.

6. The use of the remaining water right described by Certificate 27084 shall continue to be in accordance with the terms and conditions of Certificate 27084.
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.

WITNESS the signature of the Water Resources
Director, affixed APR 11 2002.



Paul R. Cleary, Director