

STATE OF OREGON

COUNTY OF POLK

ORDER APPROVING A CHANGE IN CHARACTER OF USE,
A CHANGE IN PLACE OF USE, A CHANGE IN POINT OF DIVERSION,
AND A PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 540.510 to 540.530, after notice was given, one protest was filed and withdrawn, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9051 submitted by

THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON
9615 GRAND RONDE ROAD
GRAND RONDE, OREGON 97347-9712.

The right to be modified, as evidenced by a PORTION of Certificate 12410, was perfected under Permit 12689 with a date of priority of JUNE 15, 1937. The right allows the use of the SOUTH FORK OF THE YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 15.81 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.20 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE¼ NE¼, AS PROJECTED WITHIN KUYKENDALL DLC 57, SECTION 18, T 6 S, R 7 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 7.75 ACRES
AS PROJECTED WITHIN
KUYKENDALL DLC 57
SECTION 7

NE¼ NE¼ 6.79 ACRES
AS PROJECTED WITHIN
KUYKENDALL DLC 57
SECTION 18

NW¼ NW¼ 1.27 ACRES
AS PROJECTED WITHIN
KUYKENDALL DLC 57
SECTION 17

TOWNSHIP 6 SOUTH, RANGE 7 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 CHARACTER OF USE from IRRIGATION OF 15.81 ACRES to QUASI-MUNICIPAL USE.

The applicant proposes to change the place of use to:

W½
SECTION 30

W½
SECTION 32

ALL
SECTION 31

TOWNSHIP 5 SOUTH, RANGE 6 WEST, W.M.

ALL
SECTIONS 27 AND 28

ALL
SECTIONS 34, 35, AND 36

ALL
SECTIONS 30, 31, 32, AND 33

TOWNSHIP 5 SOUTH, RANGE 7 WEST, W.M.

ALL
SECTION 25

ALL
SECTIONS 33, 34, 35, AND 36

ALL
SECTIONS 29, 30, 31, AND 32

TOWNSHIP 5 SOUTH, RANGE 8 WEST, W.M.

W $\frac{1}{2}$
SECTION 5

ALL
SECTIONS 19, 20, 21, AND 22

ALL
SECTIONS 6 AND 7

ALL
SECTIONS 27, 28, AND 29

W $\frac{1}{2}$
SECTION 8

ALL
SECTIONS 32, 33, AND 34

ALL
SECTIONS 15, 16, 17, AND 18

TOWNSHIP 6 SOUTH, RANGE 6 WEST, W.M.

ALL
SECTIONS 1, 2, 3, 4, 5, AND 6

ALL
SECTIONS 16, 17, AND 18

ALL
SECTIONS 7, 8, 9, 10, AND 11

ALL
SECTIONS 21, 22, 23, AND 24

ALL
SECTIONS 12, 13, 14, AND 15

ALL
SECTIONS 25, 26, 27, AND 28

TOWNSHIP 6 SOUTH, RANGE 7 WEST, W.M.

ALL
SECTIONS 1, 2, AND 3

E½ NE¼
NE¼ SE¼
SECTION 6

N½
N½ S½
SECTION 4

ALL
SECTIONS 10, 11, 12, AND 13

N½
N½ S½
SECTION 5

ALL
SECTIONS 14 AND 15

TOWNSHIP 6 SOUTH, RANGE 8 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW¼ NW¼, AS PROJECTED WITHIN KUYKENDALL DLC 57,
SECTION 17, T 6 S, R 7 W, W.M.; SOUTH 61° 42' 20" WEST 2703 FEET
FROM THE SE CORNER OF KUYKENDALL DLC 57.

An affidavit was received from The Confederated Tribes of the
Grand Ronde Community in Oregon, owner of certain land and the
water right appurtenant to it. A portion of the water right has
been abandoned and is requested to be cancelled.

The portion is described by Certificate 12410, State Record of
Water Right Certificates. The date of priority is June 15, 1937.
The water use was for irrigation of 13.19 acres from the South
Yamhill River, a tributary of the Yamhill River. The amount used
was 0.16 cubic foot per second.

The abandoned portion is located as follows:

SE¼ SE¼ 4.25 ACRES
AS PROJECTED WITHIN
KUYKENDALL DLC 57
SECTION 7

NE¼ NE¼ 6.71 ACRES
AS PROJECTED WITHIN
KUYKENDALL DLC 57
SECTION 18

NW¼ NW¼ 2.23 ACRES
AS PROJECTED WITHIN
KUYKENDALL DLC 57
SECTION 17

TOWNSHIP 6 SOUTH, RANGE 7 WEST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

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

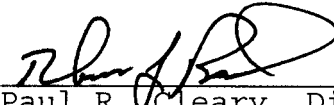
1. The proposed changes shall be completed on or before October 1, 2008.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow 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. The use of water for quasi-municipal use shall be limited to 0.20 cubic foot per second and shall not exceed 39.52 acre feet during the irrigation season of each year.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. 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.

The portion of the water right evidenced by Certificate 12410 requested to be cancelled is cancelled.

Certificate 12410 is cancelled. 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, affixed MAR 20 2003.


For Paul R. Cleary, Director