

STATE OF OREGON

COUNTY OF BENTON

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 8679 submitted by

TOM AND JUDY WARDEN
29785 SMITH LOOP
CORVALLIS, OREGON 97333.

The first right to be modified, as evidenced by Certificate 33243, was perfected under Permit 19188 with a date of priority of FEBRUARY 17, 1950. The right allows the use of MUDDY CREEK, a tributary of MARYS RIVER, for IRRIGATION OF 60.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.75 cubic foot per second, if available at the authorized point of diversion: NW¼ SE¼ AS PROJECTED WITHIN BARCLAY DLC 42, SECTION 4, T 14 S, R 5 W, W.M.; 1075 FEET SOUTH AND 3125 FEET WEST FROM THE SE CORNER, STARK DLC 70, 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:

SW¼ NW¼ 5.2 ACRES
AS PROJECTED WITHIN STARK DLC 70
NW¼ SW¼ 21.8 ACRES
SW¼ SW¼ 6.0 ACRES
BOTH AS PROJECTED WITHIN BARCLAY DLC 42
SECTION 3

SE¼ NE¼ 8.0 ACRES
AS PROJECTED WITHIN STARK DLC 70
E½ NE¼ SE¼ 13.0 ACRES
E½ SE¼ SE¼ 6.0 ACRES
BOTH AS PROJECTED WITHIN BARCLAY DLC 42
SECTION 4
TOWNSHIP 14 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 second right to be modified, as evidenced by a portion of Certificate 33242, was perfected under Permit 30302 with a date of priority of MARCH 15, 1965. The right allows the use of MUDDY CREEK, a tributary of MARYS RIVER, for IRRIGATION OF 22.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 cubic foot per second, if available at the authorized point of diversion: NW¼ SE¼ AS PROJECTED WITHIN BARCLAY DLC 42,

SECTION 4, T 14 S, R 5 W, W.M.; 1075 FEET SOUTH AND 3125 FEET WEST FROM THE SE CORNER, STARK DLC 70, 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 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 2.5 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:

SW¼ NW¼ 22.2 ACRES
AS PROJECTED WITHIN STARK DLC 70
SECTION 3
TOWNSHIP 14 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 TEMPORARILY change the place of use to:

PERMIT 30302

SE¼ NW¼ 20.0 ACRES
SW¼ NE¼ 2.2 ACRES
SECTION 29
TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

PERMIT 19188

NW¼ NE¼ 4.2 ACRES
SW¼ NE¼ 31.8 ACRES
SE¼ NE¼ 24.0 ACRES

SECTION 29

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

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

SW¼ NW¼, SECTION 29, T 12 S, R 5 W, W.M.; 62 FEET NORTH AND 618 FEET EAST FROM THE SW CORNER OF SW¼ NW¼, SECTION 29.

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

1. This change is temporary. This 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 2001 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2001 irrigation season.
4. Prior to water use, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water available at the authorized point of diversion (old) and the proposed point of diversion (new). 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 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.
6. 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 March 13, 2001.


for Paul R. Cleary, Director